

Beacon Fen Energy Park – Development Consent Order

Application reference: EN010151

Submitted by: LCJ Mountain Farms Ltd (Interested Party Ref: F8D0BCE95)

On behalf of: LCJ Mountain Farms Ltd and, if permitted, Leslie Christopher John Mountain and Patricia Lynne Mountain (F5A76C031)

Document: Deadline 4 – Response to ISH3 (Agenda Item 4 – Land Use; Agenda Item 6 – Cumulative Effects): clarification of engagement record, ALC evidence and cumulative risk

Deadline: Deadline 4 (D4) – 21 November 2025

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Executive Summary

This Deadline 4 note is submitted by LCJ Mountain Farms Ltd (“LCJMF”) to assist the Examining Authority (“ExA”) following Issue Specific Hearing 3 (ISH3). It addresses the following related themes:

1. Clarification of the Applicant’s claimed “65 hours” of engagement with LCJMF (Sections 1–4)

- At ISH1 and ISH3 the Applicant’s solicitor stated that the Applicant had spent “65 hours talking to LCJMF”, relying on an internal LCJMF time-recording spreadsheet which LCJMF had voluntarily supplied to illustrate burden.
- That spreadsheet (ExD4.1) records 65 hours 16 minutes of LCJMF’s **own time**, not the Applicant’s. When broken down:
 - approximately 26 hours 25 minutes of LCJMF time is associated with Low Carbon / Ardent / Wardell Armstrong combined;
 - 7 hours of that is time explicitly logged as unsuccessful attempts to obtain meetings or information in August 2023, immediately after LCJMF first learned – via a general newsletter – that a 3.2 km 400 kV cable was proposed through the centre of its farm; and
 - **only three short online meetings (around 30 minutes each) have taken place with the Applicant over more than 2½ years.**
- LCJMF invites the ExA to note that the “65 hours” figure is not evidence of extensive dialogue by the Applicant but a record of the burden on LCJMF as a small family farm hosting approximately one-third of the onshore cable length between the solar arrays and Bicker Fen substation.

2. Quality of engagement and the Mishcon / Ardent correspondence (Section 5)

- On 21 December 2023, LCJMF’s solicitors (Mishcon de Reya) wrote to Ardent (ExD4.4) raising seven specific questions on routing, point of connection, use of public land, TEC capacity, BESS configuration and cumulative impact. LCJMF submits these were exactly the kind of formative, alternatives-based issues which EN-1 (2023) and EN-3 expect to be explored with affected parties.
- Ardent’s reply of 23 January 2024 (ExD4.5) largely signposts to generic PEIR/ES documentation, does not engage substantively with LCJMF’s local alternatives, and seeks to confine any meeting to “land access / agency issues” only.
- In LCJMF’s submission, this pattern – set against the scale of the impact (3.2 km of cable through the core of a single farm), layered on top of Viking Link’s previous material disturbances less than three years ago and LCJMF’s prior offers of circa 516 acres (Nov 2021) and 618 acres (Aug 2023) – falls short of the “effective” and influential consultation envisaged by PA 2008 ss42–44 and EN-1 §4.4.3.

3. Use of contemporaneous technical evidence, Appendix 3.1 and cumulative effects (Sections 6–8)

- **Agricultural land classification and Appendix 3.1:** LCJMF reiterates that the Applicant’s reliance on national ALC mapping understates the extent of lower grade BMV land and non-BMV land in the area. The AGR3 site-specific ALC survey (Soil Environment Services, 03.11.2021 – ExD4.8) shows the 200-acre AGR3 site, directly relevant to the LCJM Nov 21, LCJM Aug 23 and LCJM Hybrid cable corridor, as 96% Grade 3a. This aligns with LCJMF’s 30-year farming records but is not reflected in the Applicant’s national dataset. LCJMF also notes that the LCJMF Hybrid route (the yellow dashed line in previous submission REP2-051, ExD2.11) deliberately tracks **just outside the darkest Grade 1 band** (ExD4.9b). Even on the Applicant’s own mapping, the LCJMF Hybrid cable route therefore improves the EN-1 / EN-3 position by better avoiding higher-grade Best and Most Versatile land compared with the chosen Option 1. ES Appendix 3.1 Cable Route Corridor Appraisal

(Doc Ref 6.3.9) itself records no clear preference between the main options on soil quality and prefers Option 1 on the basis that it is the shortest, most direct route, affecting the least total area of agricultural land in kilometres. LCJMF submits that, once the AGR3 ALC survey and farm-specific evidence at Bicker are taken into account, the LCJMF Hybrid, not Option 1, in fact better minimises interaction with higher grade BMV land on LCJMF's holding. LCJMF further notes that the "Additional Alternative Cable Route Corridor" dismissed in Appendix 3.1 is a Little-Hale-Drove / Option-3-type alignment, not the LCJMF Hybrid as now fixed by the yellow dotted line in Rep2-051, page 15, (ExD2.11), so the Applicant has never actually appraised the LCJMF Hybrid in the like-for-like manner now requested by the ExA.

- **Cumulative effects – cluster scale:** In November 2021, when LCJMF offered circa 516 acres for a solar + BESS scheme, Low Carbon declined, expressly citing "**proximity to numerous other solar schemes (and therefore project risk through cumulative impact)**" (email from James Turley, 27.11.2021 – ExD4.6). By contrast, ES Chapter 18 [APP-069] now concludes that cumulative effects of a 400 MW solar + up to 600 MW BESS NSIP in essentially the same geography are acceptable. TEC Register extracts for Bicker Fen (ExD4.10) show committed capacity rising from c.100 MW in January 2021, to c.900 MW in October 2022, to over 2 GW of associated solar/BESS by August 2024 – an increase of more than 2,000%. LCJMF finds it difficult to reconcile that trajectory with the earlier view that there was already "project risk through cumulative impact".
- **Cumulative effects – field scale at Starvalls and LWS 4722:** At Starvalls Field (TF 1941 4286), NDVI imagery (ExD4.11), post-construction soil surveys (ExD4.12) and photographs of ponding (ExD4.13) show that the reinstated Viking Link cable corridor continues to suffer degraded soil structure, crop stress and altered drainage. Beacon Fen now proposes to cross the same alignment. LCJMF submits that this represents a material cumulative risk to high-quality agricultural land that has not been fully recognised in the ES soils and cumulative assessments. LCJMF also notes a mismatch between the high-level treatment of Local Wildlife Sites in Appendix 3.1 (which relies on minimising interactions and potential trenchless techniques such as HDD) and the reality of approximately 1.19 km of construction access and cable working in close proximity to LWS 4722 on LCJMF land under Option 1, with no HDD proposed at that location. LCJMF submits that the Appendix 3.1 appraisal did not have the benefit of LCJMF's farm-specific evidence and has not transparently captured the cumulative soil and LWS interactions on LCJMF land (including at Starvalls Field and along LWS 4722).

4. Burden on the affected business and requested clarifications (Section 9)

- LCJMF is a small family farming business. The 65-hour figure (to 07.02.25 only) represents significant disruption and is additional to professional fees incurred in developing proportionate alternatives such as the LCJMF Hybrid. Participation in hearings often requires LCJMF's Director to join from Sydney at around 03:00 local time.
- LCJMF respectfully asks the ExA to:
 - record the true nature of the "65 hours" figure;
 - treat the Applicant's use of that figure with caution in assessing consultation;
 - ensure that the 2021 AGR3 ALC survey (ExD4.8), the LCJMF Hybrid route, the 2021 cumulative-risk correspondence, the ES Appendix 3.1 appraisal and the cumulative soil evidence at Starvalls Field (including the LWS 4722 configuration) are taken into account in the planning balance; and
 - invite targeted written clarification from the Applicant on the points set out in Section 9, including specific clarification on ES Appendix 3.1 and a like-for-like Option 1 vs LCJMF Hybrid comparison using LCJMF's Core-12 metrics.

The purpose of this note is not to rehearse matters already before the Examination, but to correct the record, anchor LCJMF's concerns in contemporaneous documents (including ES Appendix 3.1), and assist the ExA in testing whether the statutory consultation and EN-1 / EN-3 expectations have in practice been met for this key Category 3 landowner.

Separately at D4, LCJMF has submitted a short note titled *"Matrix Comparator Clarification (LCJMF Hybrid) and Targeted Rule 17 Request"* to fix the LCJMF comparator [yellow dotted line in REP2-051, page 15 (ExD2.11)] for the Applicant's matrix and explain the proposed "Core-12" comparison.

Main Section of D4. Written Representations

1. ISH3 – Clarification of Applicant’s Claimed “65 Hours” of Engagement

1.1. This note is submitted by LCJ Mountain Farms Ltd (“LCJMF”) following ISH3 in order to correct the record regarding the Applicant’s engagement with LCJMF.

1.2. At the end of Agenda Item 4 (“Land Use”) at ISH3 – and previously at ISH1 – the Applicant’s solicitor referred to “65 hours” spent “talking to LCJMF”, citing a time-recording spreadsheet that LCJMF had voluntarily provided. That characterisation is inaccurate and risks giving the Examining Authority (“ExA”) a misleading impression of the extent and quality of engagement with this affected party.

1.3. LCJMF’s land is not a marginal interface. On LCJMF’s own measurements, approximately 3.2 km of 400 kV export cable is proposed to run east–west through the middle of the farm – around one-third of the cable length between the solar arrays and Bicker Fen substation. LCJMF has also, since November 2021, offered substantial landholdings to assist the Applicant (around 516 acres in November 2021 and around 618 acres in August 2023) and has repeatedly proposed the LCJMF Hybrid cable route. Against that backdrop and that scale of impact, LCJMF considers that the quality and extent of engagement matters.

1.4. LCJMF therefore asks the ExA to note what the spreadsheet in fact records, and to treat the “65 hours” figure with appropriate caution when assessing the Applicant’s engagement and the reasonableness of LCJMF’s position.

2. What the LCJMF Timesheet Actually Records

2.1. LCJMF prepared a time-recording spreadsheet to track the burden of the project on the farm business and family. An unredacted version is enclosed as ExD4.1.

2.2. The spreadsheet covers the period from 18 May 2023 to 7 February 2025 only and:

- records time spent by LCJMF individuals (principally Matthew Mountain, Leslie Christopher John Mountain and Patricia Lynne Mountain, and the farm manager) in minutes;
- identifies the counterparty organisation for each entry (e.g. Low Carbon, Ardent, Wardell Armstrong, Mishcon de Reya, Brown & Co, etc.); and
- aggregates those minutes at the bottom of the table.

2.3. The totals row shows:

- 65 hours 16 minutes (3,916 minutes) of LCJMF time in total; and
- a separate entry of 420 minutes labelled “mins – failed attempts at meeting”, representing time LCJMF spent trying and failing to secure meetings or information from the Applicant / Ardent.

2.4. For clarity: the 65 hours 16 minutes is **not** “65 hours of the Applicant talking to LCJMF”. It is an internal LCJMF record of the cumulative time that LCJMF has had to spend dealing with this project and its advisers.

2.5. The 420 minutes (7 hours) of “failed attempts at meeting” all fall within the short window between 15 August 2023 and 28 August 2023, immediately after LCJMF first became aware—via a general newsletter, rather than direct, targeted contact—that a 3.2 km 400 kV cable was proposed through its farm. At precisely the point when LCJMF was trying to engage with the Applicant at the formative design stage, its attempts to obtain basic information and a meeting went unanswered.

2.6. The log is a manual, internal tool and is inevitably incomplete. It does not capture every interruption, phone call, site conversation or hour of lost farm work, and it does not record time spent by LCJMF’s professional advisers (land agents and solicitors) on the project. It is simply LCJMF’s best-endavours snapshot of the burden on the family

business itself. LCJMF is concerned that the Applicant might seek to rely selectively on the “65 hours” figure as if it were a full and final account of all time and cost impacts. It is not.

3. Actual Engagement with the Applicant and Its Representatives

3.1. If the spreadsheet is broken down by the “Org” column (ExD4.1), the picture is as follows:

- Approximately 26 hours 25 minutes (1,585 minutes) of LCJMF time is recorded **against** Low Carbon, Ardent and Wardell Armstrong combined – i.e. the Applicant, its land agent and its consultant. Much of this is **one-way communication from** LCJMF to those organisations. It includes, for example, the entry dated 06.03.24, when survey teams entered fields that had just been sprayed with glyphosate (Roundup) without warning, exposing LCJMF to potential liability.
- Of that total, 420 minutes (7 hours) is explicitly flagged as time spent on unsuccessful attempts to obtain meetings or information (entries with “No” in the response column and rolled up in the “mins – failed attempts at meeting” note), concentrated in the 15.08.23–28.08.23 period immediately after LCJMF discovered via a general newsletter that a 3.2 km cable was proposed through its land.

3.2. By contrast, approximately 39 hours of the 65-hour total relates to LCJMF’s own internal work and liaison with its advisers, including:

- instructing and liaising with solicitors (Mishcon de Reya) and land agents (Brown & Co);
- completing the Applicant’s land interest questionnaires and responding to document requests; and
- preparing written representations, plans and evidence for the DCO process.

3.3. LCJMF **has in fact only had three online meetings (each of around 30 minutes)** with the Applicant since November 2021, as shown in ExD4.2:

- 31.01.24.
- 08.09.25; and
- 31.10.25.

On 31.01.24 Ardent also sought to reduce the agenda (ExD4.2), which LCJMF found disappointing given the scale of what is proposed.

3.4. Alongside this, there have been a small number of direct emails (mainly responses) since 19.11.24, one of which enclosed the voluntary agreement offer dated 18.01.25 (ExD4.3).

3.5. LCJMF first learned of the detailed cable route via a generic newsletter, not via direct, targeted engagement, despite the Applicant:

- having known the LCJMF landholding and family for many years; and
- having been offered circa 516 acres of land in November 2021 and circa 618 acres in August 2023 as part of earlier discussions about routing and site options.

3.6. In LCJMF’s submission, the combination of:

- a 3.2 km continuous stretch of 400 kV cable through the core of a single farm (around a third of the route);
- prior offers of very substantial landholdings to assist the Applicant; and
- LCJMF first learning of the alignment from a newsletter, followed by a run of unanswered meeting requests in August 2023,

is striking. For a Category 3 landowner in this position, LCJMF found it both surprising and disappointing that it was not approached directly and early, with meaningful engagement on alignment and alternatives before the route was effectively settled.

3.7. In LCJMF's submission, this pattern illustrates a failure to consult meaningfully at the formative design stage, contrary to the consultation duties in PA 2008 ss42–44 and the expectation in EN-1 (2023) §4.4.3 **that consultation should be effective and should inform and influence the evolution of the proposal, rather than simply justify a chosen route. It also risks giving the impression of a promoter relying on the availability of compulsory acquisition powers instead of maximising voluntary, collaborative solutions with an obviously key landowner.**

3.8. That impression is reinforced by the Applicant's own Voluntary Negotiation Status Plan (Document 9.12, Ref. EN010151-000605). On that plan, LCJMF appears as the only affected party recorded as having heads of terms "in discussion" but "not likely to be agreed prior to close of examination", notwithstanding the 3.2 km length of cable across LCJMF's titles and LCJMF's sustained efforts to engage (ExD4.7). Against the background of only three short online meetings and a handful of emails over some 2½ years, LCJMF finds it difficult to reconcile this status with the Applicant's suggestion that there has been extensive and effective engagement with this landowner.

4. Burden on an Affected Landowner

4.1. LCJMF is a small family farming business. The 65-hour figure to 07.02.25 represents a very substantial burden, particularly given:

- the need to instruct and coordinate multiple professional advisers (legal and land agency); and
- the time difference between the UK and Sydney, Australia, where Matthew Mountain is currently based.

4.2. In practice, participation in ISHs and responding to ExA requests often requires Matthew to be awake and online at around 03:00 Sydney time, reflecting the seriousness with which LCJMF is engaging in the process and the effort being made to assist the ExA.

4.3. LCJMF has already incurred significant professional fees (legal and land agent) in order to respond constructively to the scheme and to develop proportionate alternatives (such as the LCJMF Hybrid). Those professional costs are not captured in ExD4.1, which records only LCJMF's own time.

4.4. LCJMF considers that those costs, together with the time burden evidenced in ExD4.1, should be properly recorded for:

(a) consideration in any voluntary settlement of the proposed cable easement (including LCJMF's counter-offer that the Applicant meets its reasonable professional fees); and

(b) the benefit of the District Valuer, should compulsory acquisition be pursued.

5. Quality of Engagement – Mishcon Letter of 21 December 2023 and Ardent's Reply

5.1. On 21 December 2023, LCJMF's solicitors, Mishcon de Reya, wrote formally to Ardent on LCJMF's behalf (ExD4.4). The letter:

- **corrected** Ardent's earlier assertion that "no response/refusal has been received" to its correspondence; and
- set out seven specific technical and routing questions, including:
 - why the onshore connection could not tee off the existing 400 kV line to Bicker;

- why an alternative north–south alignment could not be used, and whether routing north across Lincolnshire County Council land had been considered, across fields with less agricultural specialisation, due in part to soil type;
- why the project appeared as 600 MW on the TEC Register when correspondence described it as 400 MW (i.e. seeking to explore the difference between the PV generation of 400 MW and BESS size of 600 MW and the potential for additional PV acres for the scheme, especially in light of Beacon Fen South falling away);
- whether the cable could follow Little Hale Fen Road;
- whether and where BESS was to be incorporated; and
- how Low Carbon had addressed cumulative impact concerns previously cited as a reason not to pursue a BESS/solar scheme on LCJMF land.

5.2. LCJMF respectfully submits that these were not “land-agency” points; they went to the heart of **routing, capacity, cumulative impact and reasonable alternatives** – exactly the type of issues EN-1 and EN-3 expect to be explored with affected parties at a formative stage.

5.3. Ardent’s response of 23 January 2024 (ExD4.5) did not substantively answer those questions. In summary:

- Question 1 (tee-off to the existing 400 kV line) was addressed only by stating that the point of connection is designated by National Grid Electricity Transmission under an internal technical process, without explaining why a tee-off or different configuration had been rejected, or offering to share the underlying reasoning.
- Questions 2, 3 and 5 (alternative north–south routing, use of LCC land to the north, and following Little Hale Fen Road) **were answered primarily by signposting to sections of the PEIR and the statutory consultation website, rather than engaging with the specific local suggestions put forward by LCJMF or explaining why they were not preferred.**
- Question 4 (600 MW on the TEC register vs 400 MW in correspondence) received only a partial answer: the removal of “Beacon Fen South” was cited as reducing anticipated generation to around 400 MW, but there was no clear reconciliation with the 600 MW TEC entry, nor any discussion of the implications for headroom, BESS sizing or export corridor design.
- Question 6 (whether the project would incorporate BESS and, if so, where) was answered at a very high level by stating that the project “includes a BESS up to 600 MW centrally located within the solar array site”, with reference to a mitigation layout plan, without any engagement with LCJMF’s concerns about how that BESS related to cable routing options, cumulative impact or potential local final-demand connections.
- Question 7 (how the cumulative impact concerns that previously deterred Low Carbon from using LCJMF land had been overcome) was not addressed directly; instead, the response asserted that the solar array area is “suitable” in terms of land, environmental characteristics and policy, with a general reference to the PEIR.

5.4. The email then sought to limit any offered MS Teams meeting on 25 January 2024 **strictly to “land access issues”, expressly stating that “land access/agency issues should not be conflated or made conditional in respect of the responses to queries raised in the letter”.** In LCJMF’s submission, this artificially separates land rights from design and routing choices and **effectively closes down the opportunity for meaningful discussion of alternatives, despite LCJMF being a key Category 3 landowner on a 3.2 km stretch of the cable.**

5.5. LCJMF also notes that the response leans heavily on the availability of statutory consultation materials and invites LCJMF simply to participate as a consultee “within this period”, rather than treating LCJMF as a strategic landowner whose specific alternatives and questions warrant direct dialogue. For a farm hosting around a third of the proposed cable length – and having previously offered over 500–600 acres to assist with routing and site options

– LCJMF considers this approach to fall short of the “effective” and “influential” consultation envisaged by EN-1 (2023) §4.4.3.

5.6. In LCJMF’s submission, the combination of:

- (a) a detailed, good-faith letter raising concrete alternatives and factual inconsistencies;
- (b) a high-level response that largely signposts to generic documentation and declines to discuss those alternatives in a meeting; and
- (c) the Applicant’s continued reliance on compulsory acquisition powers,

is not indicative of high-quality engagement. Rather, it tends to confirm LCJMF’s concern **that the Applicant has treated consultation as a process of justifying a chosen route, rather than one in which key landowners can genuinely influence alignment, configuration and integration with other strategic infrastructure.**

6. ISH3 – Grade 3 Land Evidence in the Cable Corridor

6.1. Under Agenda Item 4 at ISH3, the Applicant’s technical soils representative, Duncan Rose of Wardell Armstrong LLP (part of SLR), referred to nationally available desktop ALC mapping indicating that the cable route passes through approximately 15% Grade 1, 79.6% Grade 2 and 5% Grade 3 land, **and suggested that detailed surveys would not materially change this classification.**

6.2. LCJMF disagrees with that assertion. Coinciding with the November 2021 LCJMF offer (516 acres PV + BESS) is the AGR3 Agricultural Land Classification (ALC) survey conducted by Soil Environment Services, dated 03.11.2021 (ExD4.8). That survey shows the approximately 200-acre AGR3 site – directly relevant to the cable corridor zone – as 96% Grade 3a.

6.3. The Applicant’s solicitor may not have appreciated that this ALC classification was also communicated to Low Carbon in 2021 meetings leading up to the LCJMF November 2021 offer, chaired by LCJMF’s land agent (who is part of the Land Interest Group), and that it is supported by LCJMF’s 30 years of continuous farming operations and cropping records on this land.

6.4. LCJMF particularly notes that, on the Applicant’s own desktop mapping, the wider area around AGR3 is presented as predominantly Grade 2 (light green) (ExD4.9a). That makes the discrepancy between the national dataset and the site-specific survey particularly material. LCJMF submits that it is **not safe** to treat the national mapping as determinative where local evidence to the contrary exists.

6.5. Even if, arguendo, it were judged appropriate to rely on the desktop survey, the Applicant has not acknowledged that the LCJMF Hybrid cable route – as fixed by the yellow dashed line in ExD2.11 (REP2-051, p.15) and shown again in ExD4.9b – runs **exactly to the outside of the (dark green) Grade 1 land**. On the Applicant’s own mapping, that Hybrid pathway would therefore reduce the scheme’s interaction with Grade 1 land compared to the chosen configuration.

6.6. LCJMF submits that, whether one takes the site-specific AGR3 ALC survey or the Applicant’s desktop mapping as the starting point, the LCJMF Hybrid offers a better outcome under EN-1 and EN-3 in respect of BMV land than the chosen Option 1. LCJMF respectfully invites the ExA to bear this in mind when analysing the Applicant’s forthcoming Option 1 vs LCJMF Hybrid comparator matrix requested after CAH1.

6.7. LCJMF is particularly concerned by §4.3.36 of Appendix 3.1, which states that “there is no post-1988 (detailed) ALC data for any of [the] options” and therefore treats all options as “mostly” Grade 2 with limited Grade 1 and Grade 3 sections based on provisional mapping. That statement is not correct for the Bicker end of the scheme. By November 2021, a detailed, post-1988 ALC survey by Soil Environment Services for the AGR3 site (circa 200 acres)

was already in the public domain and had been communicated to Low Carbon through meetings led by LCJMF's land agent. That survey (ExD4.8) records approximately 96% of the AGR3 site as Grade 3a. LCJMF submits that, once that site-specific AGR3 ALC evidence is taken into account, it is no longer tenable to treat the LCJMF / AGR3 area as "mostly" Grade 2 for appraisal purposes. In failing to recognise the existence and implications of the AGR3 survey, Appendix 3.1 has, in LCJMF's view, overstated the extent of BMV land in this part of the corridor and understated the potential for a Hybrid route to better avoid true Grade 1–2 land.

6.8. LCJMF also invites the ExA to note that ES Appendix 3.1 Cable Route Corridor Appraisal (Doc Ref 6.3.9) explicitly records that there is "no clear preference" between the three main cable options in terms of soil quality, and that Option 1 was preferred under the *Soils & Agricultural Land* criterion solely because it is the shortest and most direct route, affecting the least total area of agricultural land in kilometres, rather than because it demonstrated any better performance on BMV land locally. When that high-level conclusion is set against the AGR3 site-specific ALC survey (ExD4.8) and LCJMF's 30-year cropping records, LCJMF submits that the Appendix 3.1 appraisal did not have the benefit of farm-specific ALC evidence at the Bicker end and therefore does not displace the evidence that the LCJMF Hybrid, not Option 1, better avoids Best and Most Versatile land on this holding.

6.9. ES Appendix 3.1 states at paragraph 1.2.1 that identification of the cable route corridor "has been an iterative process undertaken between February 2023 and December 2024, alongside preparation of the DCO application, related consultation and the supporting Environmental Impact Assessment (EIA)". LCJMF does not recognise that description in relation to its own landholding. LCJMF first became aware that a 3.2 km 400 kV cable was proposed through the centre of its farm via a general newsletter, rather than through direct engagement, and its subsequent attempts to obtain a meeting in August 2023 (amounting to 420 minutes / 7 hours of logged time between 15.08.23 and 28.08.23) went unanswered (ExD4.1).

6.10. LCJMF accepts that the Applicant will have undertaken internal design iterations. However, on LCJMF's land there is little evidence that the corridor identification process was genuinely "iterative" with the affected Category 3 landowner, or that alignment choices were informed by direct, two-way consultation during the formative stage. Rather, LCJMF was presented with what appears to have been a largely settled route and invited to respond as a consultee. LCJMF respectfully invites the ExA to bear that context in mind when considering the weight to be given to Appendix 3.1's characterisation of the process as an iterative, consultation-led exercise.

7. ISH3 – November 2021 Offer and Contemporaneous View on Cumulative Risk

7.1. Under Agenda Item 6 (Cumulative Effects) at ISH3, LCJMF would like to draw attention to contemporaneous correspondence about cumulative impact risk in the Beacon Fen / Bicker Fen solar cluster.

7.2. In November 2021, LCJMF offered Low Carbon a substantial landholding (circa 516 acres) to support a solar and BESS project in the same locality as the current Beacon Fen Energy Park.

7.3. By email dated 27 November 2021, Low Carbon's representative, James Turley, declined to proceed with that opportunity on the basis that:

"Given the acreage available and the proximity to numerous other solar schemes (and therefore project risk through cumulative impact) I would not want to take this forward to a land agreement." (ExD4.6)

7.4. LCJMF understands that statement as a clear, contemporaneous acknowledgement by the Applicant that the existing and emerging solar/BESS cluster around Bicker Fen already posed a material cumulative impact risk in 2021.

7.5. In a letter dated 21 December 2023, Mishcon de Reya (on behalf of LCJMF) asked the Applicant, at Question 7 (ExD4.4), to explain:

“...why use of our client’s land for a previous potential BESS and solar project was not progressed in 2021 by Low Carbon because of ‘the acreage available and the proximity to numerous other solar schemes (and therefore project risk through cumulative impact)’ and how Low Carbon has satisfied itself that the same issues of cumulative impact do not apply to the Project.” (ExD4.4, Question 7)

7.6. Ardent’s response of 23 January 2024 (ExD4.5) does not engage substantively with that question. It directs LCJMF to ES/PEIR material, states that land access issues should not be conflated with the responses to Mishcon’s queries, and does not explain why cumulative impact risk is now considered acceptable.

7.7. ES Chapter 18 [APP-069] concludes that, subject to mitigation, the cumulative effects of the Proposed Development are acceptable. However, LCJMF has monitored the Transmission Entry Capacity (TEC) Register for Bicker Fen 400 kV (ExD4.10). In summary:

- In January 2021 the only live projects at Bicker Fen were AGR Solar 2 and AGR Solar 3 (around 100 MW total).
- By October 2022, committed capacity at Bicker Fen had already risen to around 900 MW (including Low Carbon’s Beacon Solar project at 400 MW and Ecotricity’s Heckington scheme at 400 MW).
- By August 2024, the TEC Register shows in excess of 2 GW of solar and BESS capacity associated with Bicker Fen – a more than twenty-fold increase (over 2,000%) in just over three years.

7.8. Against that trajectory, LCJMF finds it difficult to reconcile:

- the Applicant’s 2021 view that there was already “project risk through cumulative impact” on LCJMF’s land; with
- the comparatively muted treatment of cumulative effects in ES Chapter 18 [APP-069] for a larger NSIP-scale project in essentially the same geography and with the same point of connection.

7.9. LCJMF is not asking the ExA to re-open or re-argue that 2021 project, which never became an NSIP. Rather, the point is that the Applicant’s own earlier professional judgment was that cumulative solar/BESS in this area posed a risk, yet the ES now tends to downplay that context at a time when the objective cumulative baseline has intensified, not softened.

7.10. ES Appendix 3.1 also describes an “Additional Alternative Cable Route Corridor” received from a landowner, which it characterises as following Option 1 to the railway and then running south to Little Hale Drove and along the Drove highway/verges, broadly following the latter section of Option 3. LCJMF notes that this is not the LCJM Hybrid as now fixed in ExD2.11 (REP2-051, p.15) and ExD4.9b. The LCJM Hybrid is not a Little-Hale-Drove road-based variant aligned with Option 3, but a field-edge alignment **581 m east of Car Dyke**, mainly on LCJMF titles until a short approach to Bicker Fen, deliberately placed **just outside** the darkest Grade 1 band on the Applicant’s own mapping. When Appendix 3.1 concludes that the “alternative” it assessed would not reduce environmental effects compared with Option 1 and would affect “a greater number of land interests”, it is therefore reaching conclusions about a different corridor from the LCJM Hybrid which LCJMF now relies upon. LCJMF respectfully submits that the Applicant has never actually appraised the LCJM Hybrid in the like-for-like manner now helpfully requested by the ExA after CAH1.

7.11. LCJMF also remains concerned that §5.1.10 of Appendix 3.1 mis-describes the alternative route now relied upon by LCJMF. The text characterises the “landowner alternative” as broadly following the latter section of Option 3, running alongside Car Dyke and along the line of PRow LHal/2/1, and concludes that it would “impact an increased number of land interests”. That is not an accurate description of the LCJM Hybrid as fixed in ExD2.11 (REP2-051, p.15), which is located 581 m east of Car Dyke (and 600 metres east of the footpath on the Car Dyke western bank) and is designed as a field-edge alignment on mainly LCJMF titles (ExD4.18) until the short approach to Bicker Fen. Based on LCJMF’s local land-interest knowledge, the LCJM Hybrid west of the South Forty Foot Drain introduces only two new freehold landowners (Needham and Nickols – ExD4.18) while releasing LCJMF’s co-owners Leslie and

Patricia Lynne Mountain, resulting in a net increase of one affected landowner on that section. East of the South Forty Foot Drain, a Vicarage Drove-based alignment – taking account of the existing AGR3 cable crossing arrangements – would in fact reduce the number of affected third-party landowners compared with Option 1, removing the need to involve, amongst others, Mrs Shirley Pugh, Mr Richard Booth, Bicker United Charities, Mr Andrew James and Mr Timothy Booth, the Vicarage Drove Project and Mr and Mrs Ann and Robin Firth. LCJMF therefore submits that Appendix 3.1 has neither accurately described nor fairly appraised the LCJM Hybrid from a land-interest perspective, and that a like-for-like comparison using LCJMF's Core-12 metrics is now required.

7.12. LCJMF also wishes to clarify the environmental context of Mill Drain, Willow Farm Drain and the Old Forty Foot Drain in relation to the LCJM Hybrid. As illustrated on ExD4.14 (plan extract showing the LCJM Hybrid superimposed on Figure 7.3 “Local Wildlife Sites within 2 km”), and ExD4.15, the LCJM Hybrid alignment runs broadly mid-way between:

- LWS 4489 – Mill Drain, approximately 267 metres to the south of the Hybrid centreline; and
- LWS 4520 – Willow Farm Drain, approximately 185 metres to the north of the Hybrid centreline,

before crossing LWS 4490 – Old Forty Foot Drain **perpendicularly**, rather than running longitudinally within it.

7.13. Even allowing for a generous construction corridor and appropriate stand-offs to each ditch, this is not a situation in which the route is “hemmed in” by Local Wildlife Sites; there remains ample room for a conventional field-edge cable corridor between LWS 4489 and LWS 4520 with only a perpendicular crossing of LWS 4490. In LCJMF's submission, it is therefore not well-founded to present Mill Drain (LWS 4489) and Willow Farm Drain (LWS 4520) as environmental “inhibitors” which make a Hybrid alignment in this location impracticable. Properly understood, the LCJM Hybrid would involve a perpendicular crossing of the Old Forty Foot Drain (LWS 4490) only, rather than an extended longitudinal occupation within any of these LWS. That configuration is consistent with Appendix 3.1's stated objective of “minimis[ing] interactions with Local Wildlife Sites ... where possible”, not in conflict with it.

7.14. LCJMF also notes, from its local knowledge of the highway network at Little Hale Drove and Vicarage Drove, that there are very few third-party utilities in this area due to the extremely low number of residential homes in the area and the Little Hale Drove being a dead end at the South Forty Foot Drain. The Little Hale Drove was not even a sealed road for its last 320 metres up to the South Forty Foot until 6 months ago. This is not a congested urban corridor with multiple buried services. In LCJMF's submission, any generic concern about “utilities in the highway” does not appear to be a determinative constraint on the use of roadside verges here. If the Applicant considers otherwise, LCJMF respectfully suggests that it should be asked to provide specific evidence of utility conflicts along Little Hale Drove and Vicarage Drove to justify treating those verges as effectively unavailable for cable routing. Please also remember the cable crossing carve out with AGR3 in LCJMF's leasehold agreement (ExD4.16).

7.15. Paragraph 2.1.4 of ES Appendix 3.1 states that, in accordance with section 122 of the Planning Act 2008 and the “Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land”, the Applicant's corridor appraisal **“involved consideration of all reasonable alternatives to compulsory acquisition” and “sought to select a corridor that minimises the number of affected land interests which would be subject to compulsory acquisition powers in the DCO”**.

7.16. LCJMF does not consider that those assertions are borne out, at least in respect of the Bicker end of the scheme. LCJMF has, since November 2021, repeatedly offered substantial landholdings and an alternative alignment (now fixed as the LCJMF Hybrid in ExD2.11 / ExD4.9) which would:

- shorten the route between LCJMF and the Point of Connection (PoC); and
- concentrate a significant proportion of the corridor within land under LCJMF control, thereby reducing the number of third-party Category 1–3 interests requiring compulsory acquisition powers between LCJMF and the PoC.

7.17. Despite those offers, the Applicant has proceeded on the basis of Option 1, which bisects LCJMF's holding east–west for approximately 3.2 km and then traverses a series of additional landholdings to reach Bicker Fen. The Applicant's own Voluntary Negotiation Status Plan (Document 9.12, Ref. EN010151-000605) records LCJMF as the only party with heads of terms "in discussion" but "not likely to be agreed prior to close of examination" (ExD4.7), notwithstanding LCJMF's sustained efforts to reach a proportionate voluntary settlement. In LCJMF's submission, this sits uneasily with the proposition that **"all reasonable alternatives to compulsory acquisition" have been considered and that compulsory powers are being sought only "where necessary and proportionate"**.

7.18. LCJMF therefore welcomes the ExA's request for a like-for-like Option 1 vs LCJMF Hybrid matrix. When prepared using LCJMF's Core-12 metrics (particularly Rows 8a–8c on affected parties and route length from LCJMF to the PoC), that matrix will provide the Panel with an objective basis on which to test whether Option 1 genuinely minimises the number of affected land interests, or whether the LCJMF Hybrid would in fact better fulfil the section 122 guidance in practice.

8. Starvalls Field – Cumulative Soil and Drainage Effects of Viking Link and Beacon Fen

8.1. LCJMF is particularly concerned about the cumulative soil and drainage impacts in Starvalls Field (TF 1941 4286), where the reinstated Viking Link cable corridor is now proposed to be crossed again by the Beacon Fen export route. This is not a "greenfield" corridor: it is land that has already undergone major linear excavation, trafficking and reinstatement within the last three years.

8.2. ExD4.11 (NDVI imagery, 03.10.2023) shows a clear, linear band of reduced crop vigour running across Starvalls Field which coincides with the Viking Link trench alignment after reinstatement (ExD4.17). Despite the field being back in arable production, the NDVI signal demonstrates persistent vegetation stress and lower biomass along the reinstated corridor relative to the surrounding cropped area (ExD4.11). LCJMF includes this exhibit to show that post-construction impacts on soil structure and crop performance are severely affected after reinstatement.

8.3. LCJMF will also provide:

- ExD4.12 – Soil structure monitoring report (Far 52 and Starvalls), including pre-construction and post-construction soil type, drainage and structure assessments; and
- ExD4.13 – Photographs of surface ponding and flooding on the reinstated Viking Link corridor in Starvalls following rainfall events.

8.4. The soil structure results in ExD4.12 can be summarised as follows:

- In the 2021 baseline, only the heaviest soil type (soil type 10 in Far 52) was recorded as having poor structure; the heavier soils in Starvalls (soil types 8 and 9) were well-structured. This suggested that, pre-pipeline, the whole field was generally well structured despite its heavier texture.
- In the most recent assessment, most reinstated land is now classed as having poor structure. Out of seven assessments, only two locations (soil type 6 in Far 52 and soil type 1 in Starvalls – both the lighter, lower-conductivity soils) are rated as merely "adequate".
- There are now no locations recorded as having good structure. The shift from well-structured heavy soils (Starvalls types 8 and 9) to predominantly poorly structured soils across the reinstated corridor indicates a material deterioration in soil physical condition attributable to the pipeline works and reinstatement.

8.5. ExD4.13 shows recurrent ponding and surface flooding aligned with the reinstated corridor in Starvalls Field. LCJMF's farming experience is that this ponding has never historically occurred at this site and that it now significantly interferes with normal field operations (timeliness of drilling, spraying and lifting) as well as yield.

8.6. LCJMF submits that this combination of:

- NDVI evidence of persistent crop stress (ExD4.11);
- soil survey evidence of a field-scale shift from good to poor structure on the heavier soils (ExD4.12); and
- photographic evidence of altered surface hydrology and ponding (ExD4.13),

demonstrates that linear infrastructure on Grade 1–2 land can have significant medium-term residual effects, **even where reinstatement has been carried out in accordance with a construction code.**

8.7. Against that factual baseline, the proposal for Beacon Fen to re-excavate or cross the same alignment in Starvalls Field raises a clear cumulative risk:

- further trafficking and trenching on already compacted, poorly structured soils risks locking in long-term yield penalties and drainage problems beyond those currently observed; and
- the cumulative effects of Viking Link + Beacon Fen on Starvalls Field have not, to LCJMF’s knowledge, been assessed explicitly in the ES soils chapter or in the Land Use and Soils component of ES Chapter 18 (Cumulative Effects).

8.8. LCJMF is not criticising the Viking Link project as such; rather, it is asking the ExA to ensure that Beacon Fen’s assessment recognises that the baseline at Starvalls is now degraded, not pristine, and that a second linear crossing is therefore qualitatively different from a first crossing of unaffected Grade 1–2 land.

8.9. LCJMF respectfully invites the ExA to:

- (a) ask the Applicant to provide a short written note explaining how the existing Viking Link impacts at Starvalls Field (including soil structure and drainage) have been incorporated into the baseline and cumulative soils assessment for Beacon Fen;
- (b) require the Applicant to set out what additional mitigation, construction controls or route refinement are proposed in light of that degraded baseline, given the policy expectations in EN-1 and EN-3 on protection of Best and Most Versatile land; and
- (c) consider whether a condition or requirement is needed to secure site-specific soil management and post-construction monitoring at Starvalls Field, should the route across this field ultimately be authorised.

8.10. LCJMF’s overarching concern is that, without explicit recognition of the Viking Link legacy at Starvalls, the Secretary of State may be presented with an **understated** picture of cumulative soil and cropping impacts arising from multiple strategic energy corridors imposed on the same high-quality agricultural land.

8.11. LCJMF also finds a mismatch between the high-level treatment of Local Wildlife Sites (LWS) in Appendix 3.1 and what is proposed on LCJMF land. Appendix 3.1 (§3.2.2) lists “minimise interactions with Local Wildlife Sites and other sensitive ecological receptors where possible” as a key recommendation for search-area refinement. At the Bicker end, however, Option 1 entails roughly 1.19 km of construction access and cable working within close proximity of LWS 4722 on LCJMF land, with no HDD proposed under that LWS (in contrast with Viking Link). LCJMF submits that this prolonged, largely longitudinal occupation is difficult to reconcile with any meaningful minimisation of LWS interaction at this end of the corridor (ExD4.17).

8.12. Appendix 3.1 acknowledges at §§4.3.2–4.3.3 that, whilst LWS are non-statutory designations, “mitigation measures can be implemented to avoid significant effects (e.g. by committing to trenchless methods such as Horizontal Directional Drilling)” and indicates that the options appraisal considered the extent to which each corridor could minimise LWS interactions. LCJMF notes that trenchless techniques (including HDD) have rightly been proposed where the cable crosses other sensitive receptors such as the South Forty Foot Drain. However, no HDD is proposed at the location of LWS 4722 on LCJMF land, despite the approximately 1.19 km length of access and working corridor in close proximity to that LWS. In LCJMF’s submission, this selective deployment of HDD – at some sensitive locations but not at LWS 4722 – undermines the reassurance in Appendix 3.1 that trenchless methods would be used, where

appropriate, to minimise ecological effects, and raises a question as to whether Option 1 has in fact been optimised in ecological terms on LCJMF's holding.

8.13. LCJMF is not suggesting that Appendix 3.1 is inaccurate in its own terms, but submits that its high-level narrative (minimising LWS interactions; potential use of trenchless techniques; no clear preference on soils) has not been transparently reconciled with what is actually proposed on LCJMF land under Option 1 – namely: (i) a second linear crossing of the degraded Viking Link corridor at Starvalls; and (ii) an extended length of construction access and cable works running close and broadly parallel to LWS 4722 with no HDD at that location. LCJMF invites the ExA to ensure that these local cumulative and LWS-adjacent effects are explicitly tested in the forthcoming matrix and in any further written clarification from the Applicant on Appendix 3.1.

9. Requested Clarifications

9.1. LCJMF respectfully invites the ExA to:

a) Engagement record

- note that the “65 hours” figure cited by the Applicant at ISH1 and ISH3 is an LCJMF internal time record, not a measure of hours spent “talking to LCJMF”;
- treat that figure with caution when assessing the extent and quality of the Applicant’s engagement with LCJMF; and
- record that, on the evidence in ExD4.1, a material proportion of LCJMF’s time has been spent trying unsuccessfully to engage with the Applicant at the formative design stage, despite the scale of the impact and LCJMF’s prior offers of extensive land.

b) Quality of engagement

- take the Mishcon / Ardent correspondence (ExD4.4–4.5) into account when considering whether consultation with LCJMF has been “effective” and capable of influencing the proposal, as required by PA 2008 and EN-1; and
- if thought appropriate, ask the Applicant to provide a short written note directly answering Mishcon’s seven questions, including Question 7 on cumulative impact.

c) Agricultural land classification

- ensure that the AGR3 site-specific ALC survey (ExD4.8) and the positional relationship of the LCJMF Hybrid route to Grade 1 land (ExD4.9b) are taken into account in any like-for-like matrix comparing Option 1 with the LCJMF Hybrid, and in the application of EN-1 / EN-3 policy on Best and Most Versatile land.

d) Cumulative effects – cluster scale and field scale

- ask the Applicant to explain, in writing, what has changed between November 2021 and the DCO application such that cumulative impact risk is now considered acceptable for Beacon Fen;
- invite the Applicant to demonstrate how the rapid expansion of the Bicker Fen TEC commitments has been reflected transparently in ES Chapter 18 and the Planning Statement, so that the Secretary of State can be confident that cumulative effects in the Bicker Fen / Beacon Fen cluster have been fully and consistently assessed; and

- seek a specific explanation of how the existing Viking Link impacts at Starvalls Field (ExD4.11–4.13) have been taken into account in the soils baseline and cumulative assessment, and what additional mitigation is proposed if the same alignment is to be disturbed again.

e) Cable Route Corridor Appraisal (ES Appendix 3.1)

- note that in ES Appendix 3.1 (Doc Ref 6.3.9) the Soils & Agricultural Land appraisal does not distinguish between options on soil quality and prefers Option 1 solely on the basis that it is the shortest route in kilometres, rather than because it better protects BMV land at the Bicker end;
- note that §4.3.36 of Appendix 3.1 states there is “no post-1988 (detailed) ALC data for any of the options”, whereas in fact detailed, post-1988 ALC data for the circa 200-acre AGR3 site (showing approximately 96% Grade 3a) has been available since November 2021, was in the public domain and was communicated to Low Carbon through meetings led by LCJMF’s land agent;
- note that the “Additional Alternative Cable Route Corridor” assessed and dismissed in Appendix 3.1 is a Little-Hale-Drove / Option-3-type alignment, not the LCJM Hybrid as fixed in ExD2.11 (REP2-051, p.15), and therefore does not provide a like-for-like comparison between Option 1 and the LCJM Hybrid; and
- invite the Applicant, when producing the Option 1 vs LCJM Hybrid matrix requested after CAH1, to undertake that comparison afresh, using LCJMF’s Core-12 metrics (including Rows 5, 6a–6c, 7a–7c and 8a–8c), and explicitly incorporating:
 - the AGR3 site-specific ALC survey (ExD4.8) and LCJMF’s 30-year cropping records at Bicker;
 - the positional relationship of the LCJM Hybrid to the Grade 1 band (ExD4.9b); and
 - an updated land-interest analysis between LCJMF’s titles and the point of connection, so that the ExA can see clearly how the chosen configuration performs on BMV land, LWS interactions, cumulative effects at Starvalls, and the split between corridor length on LCJMF land and on land owned or occupied by third parties.

f) Local Wildlife Sites and trenchless techniques (LWS 4722)

- note that Appendix 3.1 (§§3.2.2, 4.3.2–4.3.3) records a design objective to “minimise interactions with Local Wildlife Sites” and refers to the potential use of trenchless techniques such as Horizontal Directional Drilling (HDD) to avoid significant effects, yet Option 1 entails approximately 1.19 km of construction access and cable working in close proximity to LWS 4722 on LCJMF land with no HDD proposed at that location;
- invite the Applicant to explain, in writing, why HDD or other trenchless methods have not been proposed under or adjacent to LWS 4722, given the length and duration of occupation proposed there and the recognition elsewhere in the ES that trenchless methods can be used to minimise ecological effects; and
- consider whether, if Option 1 is ultimately preferred, a requirement should be imposed to secure (i) a transparent option-selection note for LWS 4722 (including explicit consideration of HDD), and (ii) appropriate construction controls and monitoring at that location, alongside the site-specific soil management and monitoring sought at Starvalls Field.

9.2. LCJMF did not wish to interrupt the flow of ISH3 or take up additional hearing time, and therefore did not raise either the “65 hours” point or the 27 November 2021 email from James Turley (ExD4.6) on cumulative impact orally. It now does so briefly in writing so that the ExA has an accurate picture of:

- the real engagement history;
- the scale and nature of what is proposed on LCJMF’s land; and
- the contemporaneous evidence on land quality and cumulative risk, including the cumulative soil and drainage effects already observable at Starvalls Field.