

Beacon Fen Energy Park – Written Submission of Oral Case to ISH3 from North Kesteven District Council (ID F8D379496)

Agenda Item	Comments made by NKDC
Item 1 Welcome	n/a
Item 2 Purpose of the ISH	n/a
Item 3 Development Consent Order	<p>Submissions made by Constanze Bell of Counsel on behalf of NKDC</p> <p>Definition of ‘maintain’ – the Council suggests that the definition of ‘maintain’ would be acceptable if an additional Requirement was inserted to limit the replacement of solar panels to the percentage set out in the ES and that a replacement panel monitoring reporting regime, to be agreed with the Relevant Planning Authority, is provided for in Section 2.10 Replacement Schedule of the oLEMP [REP5-013] as was suggested by the ExA and the applicant, respectively, at the recent Springwell solar farm examination. Otherwise, the current drafting could (missing words from here) result in a situation whereby wholesale replacement of all installed plant and equipment could be undertaken.</p> <p>Article 44 – the Council continues to uphold the points made in its Deadline 3 Submission [REP3-010] regards the need to provide for further measures around protected trees to ensure that the Relevant Planning Authority will be made aware of when protected trees may be lopped or felled and that provision is made for replacement trees. Policy S66 of the adopted Central Lincolnshire Local Plan requires the replacement of trees</p>

	<p>felled by new development and the policy provides a table for the number of replacement trees required and a specification. The Councils adopted Tree Strategy (2020) confirms at paragraph 1.2 that unless otherwise agreed in writing with the Council, replacement trees will be required to be of the same species as the original tree(s), and to be of ‘heavy standard’ size (usually with a girth of between 12 and 14 centimetres).</p> <p>Requirement 8 BNG – the Council welcomes the Applicant’s agreement to include the fixed BNG percentages within this requirement and we note and support the Examining Authority’s comment that there will be an expectation that the Beacon Fen proposals exceed the 10% minimum BNG requirement.</p> <p>Requirement 16 Soil Management – the simple reason for the change is that NKDC appoints the joint NKDC/LCC agricultural consultant. The Council welcomes the Applicant’s agreement to this change.</p> <p>Requirement 18 Decommissioning and Restoration – the Council notes that further questions on the topic of funding for decommissioning and an extended period of outage may arise from the ExA’s second set of questions to be issued in December 2025. These matters are referred to the Council’s LIR at paragraphs 24.31 and 24.33 [REP1-054] and in the Council’s Deadline 3 Submission [REP3-010].</p> <p>Additional Requirement – the Council maintains its position that an additional requirement should be provided to limit the replacement of panels to the percentage stated in the ES and that a replacement panel monitoring reporting regime should be agreed with the Relevant Planning Authority as per Springwell Solar Farm. This is described in more detail in the Council’s Deadline 3 Submission [REP3-010].</p>
<p>Item 4</p> <p>Land Use</p>	<p>Submissions made by Sam Franklin on behalf of NKDC</p> <p>In relation to the permanence of land take, the relevant text from Revision 2 of Document 7.3 (BNG Strategy), Section 3.3 [REP02-030] is as follows:</p> <p><i>3.3.3 There is also a loss of 2.78 Habitat Units of Woodland and forest - Other woodland: broadleaved, and 0.39 Habitat units of Rural trees not accounted for in trading. These require creation or enhancement of medium</i></p>

distinctiveness or better woodland or individual trees to satisfy trading rules. Alternatively, if the CFGM is enhanced to good condition, as a high distinctiveness habitat this will also cover the trading rules for woodland.

The BNG trading rules require habitat compensation like for like or better. So in this instance as [Coastal and] Floodplain Grazing Marsh (CFGM) is high distinctiveness it has been suggested that the biodiversity gain from this priority habitat outweighs the biodiversity impact on trees and woodland. The adopted Central Lincolnshire Local Plan (CLLP) Policy 66: Trees, Woodland and Hedgerows places a policy requirement on new development to provide replacement tree planting for any lost through development. The policy provides for the number of replacement trees required based on the diameter of the tree lost. As above the Council's adopted Tree Strategy then specifies minimum size requirements for replacement plantings.

Normally woodland and trees would be compensated with new plantings that would reasonably be expected to be permanent habitat provision (given the long-time lag between planting works and these habitats achieving their intended biodiversity, landscape and amenity compensation purpose). In this case, as the replacement habitat is Floodplain Grazing Marsh, it is potentially encompassed by the statement that all habitat creation would be removed at decommissioning to reinstate arable farmland.

The location of the proposed Floodplain Grazing Marsh is yet to be shown on a plan, and the current iteration of the BNG Metric (which may not be final) records it as grassland (which is something that needs to be explained).

The commitment to achieve 'Good' condition Floodplain Grazing Marsh is also yet to be demonstrated to be realistic. Confidence is also needed that this habitat is likely to achieve a substantive biodiversity value (compared with trees and woodland). Floodplain Grazing Marsh is often relatively species-poor grassland, with its biodiversity value relating to the wildlife (birds) it attracts rather than the habitat itself.

In other scenarios, BNG proposals would not need to be specified in detail until post-consent – the BNG Strategy is one way BNG could be achieved but it can be refined post-consent as long as it remains consistent with the agreed approach. However, in this case, because it links to requirements for woodland/tree

	<p>compensation and the statement made on the permanence of the habitat compensation measures, it potentially merits greater clarity and certainty. The Council queries the implication if woodland needs to be provided later because the details of the Floodplain Grazing Marsh cannot be agreed.</p>
<p>Item 5</p> <p>Water Environment and Flood Risk</p>	<p>No comments made.</p>
<p>Item 6</p> <p>Cumulative Effects</p>	<p>Submissions made by Constanze Bell of Counsel on behalf of NKDC</p> <p>The main cumulative topics raised by the Council are as stated in our LIR [REP1-054]:</p> <ul style="list-style-type: none"> • Heritage assets (inter and intra effects, as discussed during ISH2) • Overwintering birds • Tourism economy • Landscape effects resulting from an unprecedented number of NSIPs in Lincolnshire • Best and Most Versatile Land <p>St Andrew's Church (intra-cumulative effects): as discussed at ISH2, there will be intra-cumulative effects on St Andrew's Church from the bespoke access road itself (including vehicle movements along the road), lighting, fencing and any mitigation landscaping.</p> <p>South Kyme Tower (inter-cumulative effects): in relation to the impacts on South Kyme Tower, a copy of the Secretary of State's decision on the Heckington Fen DCO, can be found here: EN010123-001129-Heckington Fen - Decision Letter & HRA [signed - redacted] - 24 January 2025.pdf</p> <p>The SOS specifically referred to the cumulative impacts arising from Heckington Fen and Beacon Fen proposals in these paragraphs:</p>

	<p><i>4.10. The ExA also considered the cumulative harm that the Proposed Development would cause in conjunction with the proposed Beacon Fen Energy Park [ER 3.11.57]. The ExA noted that it was unable to quantify the degree of harm without sight of Beacon Fen Energy Park's full assessment of effects on heritage assets, but that on the information available the cumulative harm to its significance would be less than substantial [ER 3.11.57]. The ExA ascribed the cumulative effects on the Kyme Tower moderate negative weight in the planning balance [ER 5.3.10].</i></p> <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>The Council would support a further assessment from Kyme Tower to inform and update the likely impacts on the heritage asset and including a cumulative assessment with the Heckington Fen solar farm proposals.</p> <p>With reference to Best and Most Versatile Land, we conclude at paragraph 21.34 of our Local Impact Report that the Council concludes that the loss of arable production is locally significant and in view of other projects in the wider District and County, potentially cumulatively significant.</p>
Item 7 Review of issues and actions arising	n/a
Item 8	n/a

Any other business	
Item 9 Closure of the hearing	n/a