

21 November 2025

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Your Ref: EN010151

Our Ref: TAE/SHX/406888-00002

Dear Examining Authority

Application by Beacon Fen Energy Park Limited for an order granting development consent for the Beacon Fen Energy Park Project

Planning Inspectorate reference EN010151

Interested party reference F82934B89

Post- Compulsory Acquisition Hearing 1 submission on behalf of Vicarage Drove Energy Centre Limited

1. This firm acts for Vicarage Drove Energy Centre Limited ("VDECL") and is instructed to make this submission 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.
2. Further to the attendance of this firm's Thomas Ewings at Compulsory Acquisition Hearing 1 ("CAH1") on 11th November 2025, we provide this post-hearing written summary of the oral case made to the Examining Authority ("ExA") on behalf of VDECL.

Background to Vicarage Drove Energy Centre and current status

3. VDECL operates a solar farm (Vicarage Drove Energy Centre – "VDEC") under a lease of land to the south of Bicker Drove and to the north and south of Vicarage Drove, Boston PE20 3BQ.
4. The VDEC solar farm was granted planning permission by Boston Borough Council on 17th February 2022 under reference B/21/0443, more specifically for the following development:

Proposed construction and operation of a solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substation compound, security cameras, fencing, access tracks and landscaping at Land North West Of Bicker, Vicarage Drove Solar Farm.

5. VDEC is a circa 50 megawatt solar farm with ancillary apparatus. The solar farm is fully constructed and has recently been energised up to the substation. Following successful live testing VDEC will shortly begin to export electricity to the Grid. The battery storage element of VDEC is yet to be constructed.
6. On 12 September 2025 the Gas and Electricity Markets Authority granted VDECL an electricity generation licence under section 6(1)(a) of the Electricity Act 1989, pursuant to which VDECL is now operating VDEC within its statutory undertaking. Submissions at CAH1 on behalf of VDECL were made under Item 5 (Site specific representations by Aps) though, for the avoidance of doubt, we consider the same submissions could have been made under Item 6 (Site Specific issues from statutory undertakers).

Plan of VDEC as-built

7. Reference was made during CAH1 to the Applicant's Constraint Masterplan for Bicker Fen Substation [AS-032]. This plan shows the extent of encroachment of the DCO Order Limits into the VDEC operational solar farm. The plan does not show the location of the VDEC apparatus.
8. Annex 1 to this submission shows an as-built layout of VDEC, with the proposed encroachment of the current DCO Order Limits into the areas of the solar array marked D2 and E, to the north and south of Vicarage Drove.
9. Please note the full extent of the VDEC solar farm as shown on the plan at Annex 1. Whilst the Applicant's Constraint Masterplan for Bicker Fen Substation [AS-032] is helpful in showing the direct interface with VDEC it does not show the full extent of VDEC to the south and west of Bicker Fen substation.

VDECL land interests and the Book of Reference

10. VDECL has a leasehold interest in land to the south of Bicker Drove and to the north and south of Vicarage Drove. To the extent such land is included in the DCO Order Limits, VDECL has a leasehold interest in plots 18-52 and 18-56 as described in the Book of Reference [REP2-008] and shown on the Land Plans [AS-005].
11. Page 171 of the Book of Reference [REP2-008] describes VDECL's interest in plot 18-52 as:

Permanent acquisition of new rights over 12825.96 square metres of agricultural land, drain and hedge; south of Vicarage Drove, Bicker, Boston
12. Page 173 of the Book of Reference [REP2-008] contains the same description for plot 18-56, save for the area of land being 19,484.36 square metres and the land being to the north of Vicarage Drove.
13. In respect of plots 18-52 and 18-56, as explained in paragraph 5 of this submission, VDEC is now an operational solar farm. Both plots are part of the fully constructed solar farm where there are panels, inverters, cabling and other apparatus in situ and energised. The descriptions of these two plots in the Book of Reference are not accurate.

14. In respect of both plots 18-52 and 18-56 the ExA will note the Book of Reference [REP2-008] describes VDECL as also retaining a Category 2 interest. That interest is described as follows:

(in respect of a restrictive covenant prohibiting the landlord to enter into or create any lease, tenancy, licence to occupy or other right of occupation which would adversely affect the rights of the tenant in the agreement without the prior written consent of Vicarage Drove Energy Centre Limited)

15. In respect of the above restrictive covenant, we can confirm that no such written consent has been given by VDECL.
16. During CAH1 the ExA enquired as to VDECL's interest in plot 18-06 of the Book of Reference [REP2-008]. This plot lies some distance away from VDEC, to the north east of Bicker Fen substation as shown on Sheet 18 of the Land Plans [AS-005].
17. We can confirm VDECL has not exercised its option for lease over plot 18-6. Submissions made on behalf of VDECL regarding the powers of compulsory acquisition sought by the Applicant, including oral submissions made in CAH1, are in respect of VDECL's interest in plots 18-52 and 18-56 only.

Voluntary Negotiation Status Plan

18. During CAH1 the Applicant described its progress in reaching agreement with landowners by reference to a Voluntary Negotiation Status Plan [AS-030]. Sheet 3 of that plan shows plots 18-52 and 18-56 coloured green indicating "*Heads of Terms and/or Option Agreement agreed*" with reference to the freehold owner John Grant (Donington).
19. The limitations of the Voluntary Negotiation Status Plan were explored in detail by the ExA during CAH1. VDECL has not been involved in any agreement reached with the freehold owner. However please would the ExA note that any voluntary agreement in respect of the rights sought by the Applicant could only be reached with VDECL's consent under the terms of its lease. No such consent has been given.

VDECL's position and next steps with the Applicant

20. In the Applicant's response to relevant representations [REP1-029] (page 88) the Applicant noted protective provisions were put forward to ensure that VDECL is "*protected from any serious detriment*" in respect of its operational solar farm. It is VDECL's view that those protective provisions fell significantly short of providing assurance that serious detriment to its statutory undertaking will not arise.
21. To be clear on the relevant test in terms of compulsory acquisition powers, under section 127 of the Planning Act 2008 ("the Act") "*an order granting development consent may include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (6)*" (our emphasis). The relevant matters in subsection (6) are that the right can be purchased without serious detriment to the carrying on of the undertaking, or any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by

the undertakers by the use of other land belonging to or available for acquisition by them. As regards the second limb we are not aware of any proposal to provide VDECL with land in substitution.

22. With the information available in the Examination (and through private engagement between VDECL and the Applicant), and with the burden being on the Applicant to show there will not be serious detriment, VDECL notes the likelihood that serious detriment would arise were the Applicant to secure and exercise compulsory acquisition of rights to lay a cable within VDECL's operational solar farm.
23. We note the Applicant's comments on VDECL's written representation [REP2-043] where it is stated that "*The Applicant's preferred Cable Route to the Bicker Fen substation would avoid the VDEC occupied land entirely*". It is VDECL's understanding that the Applicant's preferred cable route in this respect is Option A as shown on the Plan of Cable Route Working Width [APP-029] entering the substation to the east and avoiding VDECL's land interest. Notwithstanding the Applicant's preference to take the cable into the eastern side of Bicker Fen substation, we must consider the potential impact of the powers of compulsory acquisition sought over VDECL's operational solar farm in respect of the Applicant's Option B cable route.
24. Action Point 9 of the ExA's CAH1 Action Points [EV3-006] requires the Applicant to contact National Grid Electricity Transmission plc ("NGET") regarding the timing for certainty on the design of its proposed extension works to Bicker Fen substation. We agree clarity from NGET would be beneficial. In determining the design and consequential cable route into Bicker Fen substation the potential for serious detriment to VDECL's undertaking under cable route Option B, specifically the potential loss of renewable energy generating capacity, should be a material consideration.
25. Without prejudice to VDECL's view that section 127 of the Act is engaged and there would likely be serious detriment to its undertaking under cable route Option B, powers of compulsory acquisition cannot be justified in accordance with section 122 of the Act where the proposed scheme has not been sufficiently advanced to determine the land reasonably required to deliver it. In this case VDECL considers the evidence is insufficient to show that plots 18-52 and 18-56 are required to facilitate or are incidental to the development (s122(1)(b)). The potential loss of renewable energy generation from VDEC weighs heavily against there being a compelling case in the public interest (s122(3)) for compulsory acquisition of rights over these plots.
26. Notwithstanding VDECL's objection to the inclusion of its solar farm within the DCO Order Limits, VDECL will continue to engage with the Applicant regarding potential technical solutions, commercial modelling of the potential impacts on VDEC, and to agree protective provisions and as necessary a side agreement.
27. As regards technical solutions, as explained in CAH1 VDECL agreed for the Applicant to access VDEC land to undertake ground-penetrating radar (GPR) surveys. The Applicant reported the results of those surveys to VDECL in late October 2025 as being inconclusive. It had been hoped by VDECL the surveys would give sufficient insight into ground conditions to allow the Applicant to significantly reduce the size of plots 18-52 and 18-56.
28. Nevertheless from direct correspondence with the Applicant's solicitors we now understand the Applicant is amenable to reducing the area in which it is seeking the compulsory acquisition of rights over plots 18-52 and 18-56. VDECL will continue to engage with the Applicant on technical solutions

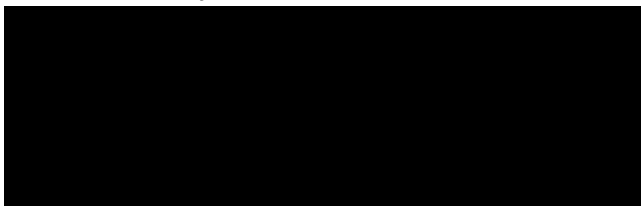
that might (a) allow further reduction of the interface between VDEC and the DCO and (b) allow for the minimisation of impacts on VDEC and the avoidance of serious detriment to VDECL's undertaking. In particular VDECL would welcome further comments from the Applicant on the extent to which it has explored technical solutions to allow the solar farm apparatus to remain in situ should cable route Option B be progressed, including the option of trenchless cable installation.

29. As regards the commercial impact of the proposed compulsory acquisition of rights over plots 18-52 and 18-56, VDECL has expressed concern over the possible sterilisation of a large part of its operational solar farm. VDECL is in the process of engaging specialists to provide quotes for undertaking the necessary commercial modelling (an expense VDECL would expect to be borne by the Applicant) and will further update the ExA as that work progresses.
30. Further work on protective provisions and any side agreement are intended to follow once the effect of the Applicant's proposed revision to the direct interface between VDEC and the DCO is fully understood.

CAH1 Action Points

31. We are grateful to the ExA for the post-CAH1 Action Points [EV3-006] arising from the discussion on VDECL's land interest.
32. Regarding Action Point 8, whilst VDECL objects to the inclusion of plots 18-52 and 18-56 in the DCO Order Limits, VDECL will continue to work with the Applicant to reach agreement on suitable protective provisions and provide further updates to the ExA.
33. We refer to paragraph 24 of this submission in respect of Action Point 9 and would welcome the inclusion of VDECL in any discussions with NGET with a view to exploring all avenues that may allow for the avoidance of serious detriment to VDECL's undertaking and allow withdrawal of its objection.
34. 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 ExA as necessary. We note the Applicant's comments on VDECL's written representation [REP2-043] and await more detail from the Applicant on the proposed "tiered" approach to protective provisions.

Yours faithfully



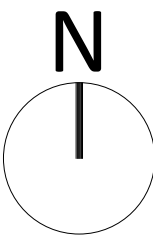
Ashfords LLP

Annex 1

As-built layout of Vicarage Drove Energy Centre



UK074 VICARAGE DROVE
66.05 (MWp)
49.92 (MW)



ISSUED FOR
CONSTRUCTION

PROJECT NAME	VICARAGE DROVE
PROJECT NO.	UK074
ADDRESS	Vicarage Drove, Boston, UK
COORDINATES	52.9312°, -0.2185°
1st DWG DATE	29/11/2023
DRAWN BY	ID
CHECKED BY	ID
APPROVED BY	GG

FORMAT	A0@1:2500
SCALE	0m 50m 100m 200m

PLANT SPECIFICATIONS	
DC RATING (MWp)	66.053 MWp
AC RATING MW (MVA)	49.92 MW (52.55 MVA) @ POC
POWER RATIO	1.32
MODULE TYPE	Bifacial 610 Wp / 615Wp
MODULE QTY	65 884 / 41 860
MOUNTING TYPE	Fixed Tilt
PV TABLE TYPE	2P26/2P13
TILT/ROTATION ANGLE	20°
PITCH	7706 mm
ROW FREE DISTANCE	3200 mm
INVERTER TYPE	String 350 kVA
INVERTER NO.	162
TRAFO RATING	4400 kVA
TRAFOS NO.	14
FENCE LENGTH	7320 m
FENCED AREA	65.48 ha
HEDGE LENGTH	6531 m
GATE(S)	3
ROAD LENGTH	2882.2 m
TOTAL AREA	65.48 ha
COMPOUNDS	6 (1350 m²)

LEGEND	
	Fix Tilt structure 2x26 (1951)
	Fix Tilt structure 2x13 (242)
	MV Transformer 4400kVA (14)
	MV Switchgear (3)
	PV Inverter (153)
	PV Inverter Elevated (9)
	Compound (6)
	Maintenance road
	Gates (8)
	Fence
	Swales
	Archeological exclusion zone
	Badger exclusion zone
	Tower exclusion zone
	GCN exclusion zone
	Heckington Fen exclusion zone
	IDB exclusion zone
	BESS reserved zone

Trafo	Inverters & Strings		Strings per inverter	PV Panels Qty		Notes
	Inverter Quantity	Strings		610	615	
TR01	12	297	24,75		7722	Inverters 1.10-1.12 (24 Strings)
TR02	12	312	26		8112	
TR03	12	312	26		8112	
TR04	12	312	26		8112	
TR05	12	300	25	1300	6500	Inverters 5.11-5.12 (610 Wp)
TR06	12	312	26	8112		
TR07	12	312	26	8112		
TR08	11	286	26		7436	
TR09	12	312	26	8112		
TR10	11	275	25		7150	
TR11	10	250	25		6500	
TR12	10	240	24		6240	
TR13	12	312	26	8112		
TR14	12	312	26	8112		
TOTAL	162	4144		41860	65884	

DRAWING LIST	
CP	COVER PAGE
G-101	CONSTRAINT MAP / TOPO
G-102	SURVEYING MARKERS
S-101	PILE RAMMING LAYOUT
S-102	STRUCTURAL DETAILS
E-101	AC CABLE LAYOUT
E-102	DC STRING LAYOUT
E-103	TRENCHES LAYOUT
E-104	EARTHING LAYOUT
E-105	MOUNTING DETAILS
E-201	SLD
E-202	AC/DC CABLE CHART
C-101	MONITORING DIAGRAM
C-102	MONITORING LAYOUT
C-103	FIBER OPTIC CONNECTIONS

REVISION LOG		
REVISION	DATE	NOTES
CP RV09	21/05/2024	Update Fence
CP RV10	09/07/2024	Update OHL
CP RV11	06/09/2024	Correct Name Typos
CP RV12	13/09/2024	Update Substation

