

Beacon Fen Energy Park – Development Consent Order

Application reference: EN010151

Submitted by: LCJ Mountain Farms Ltd (Interested Party Ref: [REDACTED])

On behalf of: LCJ Mountain Farms Ltd and, if permitted, [REDACTED]

[REDACTED] ([REDACTED])

Document: Deadline 5 – Response to Low Carbon’s D4 submission responses to LCJM Table 3.1

Deadline: Deadline 5 (D5) – 29.12.25

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Applicant non-response to LCJMF voluntary settlement offer (11.11.25) — relevance to Compulsory Acquisition

On 11 November 2025, LCJ Mountain Farms Ltd (“LCJMF”), via its agent Brown & Co, issued a Without Prejudice / Subject to Contract voluntary settlement proposal intended to resolve land rights efficiently and avoid reliance on disputed compulsory acquisition powers.

That offer was not an unparticularised complaint: it proposed a clear commercial structure (including a preferred single blended per-metre approach) and invited a prompt meeting to confirm the structure and instruct solicitors. As of 29 December 2025 (Deadline 5), **48 days have elapsed with no substantive response from the Applicant:** no counterproposal, no reasons, and no negotiation meeting to narrow issues. The only update received is Ardent’s email of 19 December 2025 confirming: *“no, we haven’t issued a response... [we] provided a recommendation to the client who is considering whether or not to make a counter offer... When we have instructions we will... be in touch.”* LCJMF’s agent’s latest position is simply that there is “not a lot to report really!” — i.e., no movement from the Applicant despite the passage of time and the impending end of Examination. (LCJMF can provide the full email chain if requested.)

This matters directly to the Examination because Government’s Planning Act 2008 compulsory acquisition guidance is explicit that applicants should seek to acquire land by negotiation wherever practicable, and that as a rule authority to acquire land compulsorily should only be sought in a DCO if attempts to acquire by agreement fail. The wider compulsory purchase guidance similarly states that a CPO should only be made where there is a compelling case in the public interest and reasonable efforts have been made to negotiate by agreement.

Against that framework, the Applicant’s prolonged non-response to a quantified and structured voluntary offer is inconsistent with the guidance expectation of active negotiation, and it undermines any suggestion that compulsory acquisition powers are being used as a true backstop rather than as the default mechanism for securing rights.

Relief sought / request to the ExA

LCJMF respectfully requests that the ExA:

1. records that, as at Deadline 5, the Applicant has not substantively engaged with LCJMF’s 11.11.25 offer despite 48 days elapsing; and
2. requires the Applicant (by a specified date / Deadline 6 if appropriate) to provide either:
 - (i) a reasoned written response to the 11.11.25 offer, or
 - (ii) a counter-offer with an explained commercial structure; and
3. in considering the CA case (including whether land/rights are no more than reasonably required), takes account of the above negotiation record when assessing whether the Applicant has demonstrated the requisite compelling case for CA in the public interest.

Low Carbon D4 commentary	LCJMF response
<p>Applicant’s summary (Table 3.1): LCJMF requests a “parallel 33 kV duct” and a “mapped spur node” to facilitate “future hypothetical projects”. The Applicant says no law or policy requires spur-ready nodes or ducts to benefit private schemes; it raises technical concerns about 200 MW at 33 kV (up to 12 ducts, separate trench, heat/rating issues) and suggests full data-centre redundancy would require 2 × 200 MW from different grid supply points, which Beacon Fen cannot provide. It also points to regulatory/licensing issues and lack of a proposal from LCJMF on that aspect.</p> <p>NSIP Documents</p>	<p>Parallel 33 kV duct and mapped spur node</p> <p>2.1 LCJMF’s actual ask – passive provision and non-preclusion</p> <p>2.1.1 LCJMF is not asking the ExA to require the Applicant to:</p> <ul style="list-style-type: none"> • design, fund or construct a 200 MW 2N data-centre connection; or • act as a licensed supplier or IDNO for any LCJMF scheme. <p>2.1.2 LCJMF’s core ask is passive provision and non-preclusion:</p> <ul style="list-style-type: none"> • the ability to install and use ducts laid concurrently with the Applicant’s cable route works, where that can be done at marginal additional cost and impact; and • the protection of a mapped spur node / reserved interface point at Bicker such that a future licensed party (for example an IDNO) can connect into the same grid connection infrastructure without requiring a second round of intrusive corridor works across the same land. <p>2.1.3 That is a land-use and routing issue, <u>not</u> a request that the Applicant become LCJMF’s power supplier. It goes directly to EN-1, including:</p> <ul style="list-style-type: none"> • <i>Alternatives and land-use efficiency</i> – EN-1 paragraphs 4.2 and 4.3 (proportionate consideration of alternatives and efficient use of infrastructure); and • <i>Land use and neighbouring sites</i> – EN-1 paragraph 5.11.8, which expects the ES to identify “any effects of ... preventing a development or use on a neighbouring site from continuing” and to assess effects of precluding new development proposed in the development plan. <p>2.1.4 LCJMF’s proposals for a data-centre cluster and 60-acre glasshouse are not “hypothetical” in the colloquial sense. They are supported by:</p> <ul style="list-style-type: none"> • a formal AI Growth Zone Expression of Interest submitted to DSIT on behalf of LCJMF, describing a scalable 500 MW+ AI infrastructure cluster at Little Hale Fen; • commissioned technical work by FoundDigital DS Ltd and engagement with ARQ Data Centres on power architecture and behind-the-meter opportunities; and • a locational context that already includes multiple major NSIPs at Bicker (Triton Knoll, Viking Link, Ecotricity’s Heckington Fen, etc.). <p>2.1.5 This is precisely the kind of realistic neighbouring development that EN-1 envisages should not be unnecessarily precluded by an NSIP cable corridor.</p>

	<p>2.1.6 LCJMF first raised cluster and final-demand integration with the Applicant in 2021 and <u>again</u> via Mishcon de Reya’s letter of 21 December 2023 (ExD4.4). It is therefore not a late “wish list” introduced for the first time at Deadlines 3–5, but a continuation of matters LCJMF has been seeking to discuss for <u>several years</u>.</p> <p>2.2 Technical configuration – Applicant’s assumptions vs LCJMF’s ask</p> <p>2.2.1 The Applicant’s response assesses a straw-man extreme – a fully built, 200 MW, 33 kV connection requiring “two dual circuits (up to 12 ducts + fibre)” in a separate trench, with the haul road between the trenches.</p> <p>2.2.2 LCJMF’s request is more modest and staged:</p> <ul style="list-style-type: none"> • provision for a limited number of additional ducts laid at the same time as the 400 kV trench, sized to allow future circuits to be pulled when an LCJMF scheme comes forward; and • a mapped, technically defined spur node at Bicker Fen that preserves the option of an efficient future connection. <p>2.2.3 LCJMF does not accept that such passive provision necessarily entails the same land-take and environmental impact as the Applicant’s single 400 kV circuit. If the Applicant wishes to maintain that position, LCJMF invites the ExA to request:</p> <ul style="list-style-type: none"> • a short technical note setting out the assumed cable type, rating and trench cross-section underpinning the “12 ducts” claim; and • a comparison with a passive provision scenario (for example 2–4 additional ducts co-located within, or immediately adjacent to, the existing working width) that responds to LCJMF’s actual ask. <p>2.2.4 In any event, even if full 200 MW transfer at 33 kV ultimately requires more circuits, that does not justify designing the Beacon Fen corridor in a way that forecloses any efficient interface with LCJMF’s land when a more flexible design could be secured now at low marginal cost.</p> <p>2.3 Redundancy and licensing</p> <p>2.3.1 The Applicant’s point that Tier 1/Tier 2 data centres often seek 2 × circuits from different GSPs is understood. That is, however, a separate resilience question. LCJMF’s wider power architecture will draw on multiple sources (e.g. Triton Knoll, Ecotricity Heckington Fen Solar and other NSIPs) and even including a consented scheme on its own land and does not depend on Beacon Fen alone solving 2N redundancy.</p> <p>2.3.2 On licensing, LCJMF reiterates that:</p>
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	<ul style="list-style-type: none"> • it does not ask the Applicant to act as the licensed supplier or IDNO; and • any supply-licence obligations would rest with whichever party (for example AGR's IDNO) ultimately owns and operates the spur and private-wire network. <p>2.3.3 The DCO needs only to avoid blocking the physical possibility of such a connection. The Applicant's regulatory concerns should not be used as a reason to refuse passive provision or corridor protection.</p>
<p>Compensation for PV/BESS opportunity loss Applicant's summary: LCJMF seeks DCO provisions securing compensation for PV/BESS opportunity loss across the cable easement. The Applicant says compensation is not a matter for the DCO, and LCJMF can claim under normal compulsory acquisition ("CA") rules, with disputes for the Lands Chamber.</p> <p>NSIP Documents</p>	<p>Compensation for PV/BESS opportunity loss</p> <p>Engagement context (by reference to D4) LCJMF relies on its Deadline 4 submission "Response to ISH3... clarification of engagement record, ALC evidence and cumulative risk" and the associated Supplementary Exhibits (ExD4.1–ExD4.18). Those documents explain that:</p> <ul style="list-style-type: none"> • LCJMF hosts c.3.2 km of the proposed 400 kV cable corridor through the core of its holding; • LCJMF has had only three short online meetings (< 30 mins each) with the Applicant/Ardent since 2021, despite having offered c.516 acres in 2021 and c.618 acres in 2023 to assist with PV/BESS siting and routing; and • Mishcon de Reya's letter of 21.12.23 (ExD4.4) raised seven specific technical and routing questions which have not yet been substantively answered, with Ardent's reply (23.01.24, ExD4.5) largely signposting generic ES material. <p>LCJMF emphasises this not to rehearse complaints, but because the Applicant's D4 characterisation of LCJMF's proposals as "hypothetical" and late-stage sits uneasily with that engagement record. LCJMF's D5 responses should be read in that context: they are an attempt to assist the ExA in testing proportionate alternatives and cumulative land-use effects where earlier bilateral engagement has been limited.</p> <p>3.1 LCJMF position 3.1.1 LCJMF accepts that the quantum and mechanics of compensation are normally resolved under the statutory compulsory acquisition ("CA") code and not by bespoke DCO drafting. 3.1.2 However, in this case the scale and nature of sterilisation are directly relevant to:</p>

	<ul style="list-style-type: none"> • whether there is a “compelling case in the public interest” for CA over LCJMF’s land; • whether the Applicant has genuinely sought to acquire by agreement; and • whether Option 1 has been shown to be a proportionate and least-harm route once high-value PV/BESS options and 30-year cropping history are factored in. <p>3.1.3 LCJMF is not inviting the ExA to “act as the Lands Chamber”. It is inviting the ExA to recognise that:</p> <ul style="list-style-type: none"> • a 3.2 km corridor cutting across higher grade potato land on parts of the farm (with significant irrigation main), in an area with multiple proven PV/BESS opportunities, is not “injurious affection only”; and • the Applicant’s refusal, in voluntary negotiations, even to acknowledge corridor sterilisation despite the evidence summarised in LCJMF’s D4 submission is directly relevant to whether CA powers over LCJMF land are necessary and proportionate.
<p>Heat-reuse main between data centre and glasshouse</p> <p>Applicant’s summary: LCJMF has not provided evidence that its heat-reuse proposals are at anything other than a “nascent stage” with no planning applications. Ensuring no constraints on such future hypothetical projects is not required by law or policy and would be contrary to the urgent need for Critical National Priority (CNP) infrastructure to proceed “as quickly as possible” (EN-1 para 3.3.63). The Applicant is, however, open to “passive provision” where deliverability is maintained, and points to generic future crossing provisions in heads of terms.</p> <p>NSIP Documents</p>	<p>Heat-reuse main between data centre and glasshouse</p> <p>4.1 Policy alignment</p> <p>4.1.1 LCJMF’s proposed heat-reuse main between a data centre and a 60-acre glasshouse is wholly consistent with national decarbonisation policy, which increasingly encourages:</p> <ul style="list-style-type: none"> • efficient use of waste heat from data centres and other energy-intensive infrastructure; and • low-carbon horticulture and food production making use of such heat. <p>4.1.2 The ExA should therefore see LCJMF’s proposals not as a private indulgence but as part of the same policy fabric that underpins EN-1 and EN-3.</p> <p>4.2 Realistic prospect vs “hypothetical”</p> <p>4.2.1 As noted at paragraph 2.1.4 above, LCJMF’s data-centre and glasshouse concept is supported by:</p> <ul style="list-style-type: none"> • a formal AI Growth Zone EOI to DSIT describing a 500 MW+ AI cluster at Little Hale Fen; • commissioned professional work (FoundDigital DS Ltd, ARQ) on power and heat integration; and • location next to multiple NSIPs and grid assets.

	<p>4.2.2 EN-1 para 5.11.8 does not require an extant planning permission before neighbouring uses are considered; it requires the ES to identify and assess effects of preventing a development or use on a neighbouring site from continuing or precluding a new development proposed in the development plan. NSIP Documents+1</p> <p>4.2.3 Given the scale and nature of LCJMF's AI cluster concept, there is at least a realistic prospect of further consented development on LCJMF land in the plan period. The DCO corridor should therefore be designed so as not to unnecessarily preclude an efficient heat main crossing, especially where this can be secured via tailored protective provisions without delaying Beacon Fen.</p> <p>4.3 Protective provisions and crossings</p> <p>4.3.1 LCJMF is not asking the Applicant to construct the heat main. It seeks:</p> <ul style="list-style-type: none"> • a clear, secured right to cross the cable corridor with a buried heat main, subject to reasonable engineering approval conditions, timing windows and method statements; and • drafting that prevents the cable easement from becoming a de-facto no-go barrier to otherwise policy-compliant infrastructure. <p>4.3.2 That is squarely in line with how DCOs normally handle crossings and interactions between multiple strategic networks (roads, pipelines, cables, etc.) and is not in tension with CNP status, provided Beacon Fen's deliverability is maintained.</p>
<p>Cumulative coordination with On Path Energy</p> <p>Applicant's summary: This is the first mention of an On Path Energy wind project; the Applicant is unaware of any settled proposals and so sees no requirement for cumulative assessment. It refers back to its general comments on not precluding future projects. NSIP Documents</p>	<p>Cumulative coordination with On Path Energy</p> <p>5.1 LCJMF accepts that, absent a scoping opinion or formal application, the On Path project may not yet meet the threshold for detailed cumulative assessment.</p> <p>5.2 However, the ExA should note that LCJMF's land lies within an emerging multi-NSIP cluster (Becker Fen, Triton Knoll, Viking Link, Ecotricity's Heckington Fen, Fidra BESS and potential On Path wind). In that context, a broad, inflexible cable corridor driven across LCJMF's holding risks crowding out more rational cluster planning, including LCJMF's AI/data-centre concept.</p>

<p>Request for matrix re-testing of Cable Route options</p> <p>Applicant's summary: It has taken an action point from CAH1 to consider further analysis of alternatives and understands LCJMF will submit material at D4 to inform this, with an update to follow at D5.</p> <p>NSIP Documents</p>	<p>Request for matrix re-testing of Cable Route options</p> <p>6.1 LCJMF welcomes the Applicant's commitment to revisit alternatives, but is concerned by the way this is framed alongside statements that reconsidering LCJMF's offers would be an "affront" to CNP policy.</p> <p>6.2 LCJMF's request is narrow and aligned with the ExA's own request: that any like-for-like matrix uses the LCJMF Hybrid comparator as precisely defined in ExD2.11 (yellow dotted line) and that it evaluates Option 1 vs that comparator on a common set of metrics, including:</p> <ul style="list-style-type: none"> • length of corridor; • BMV / Grade 1/2 land take; • irrigation and cropping history; • number of LWS and watercourse interactions; • interaction with existing corridors (e.g. Viking Link); and • severance / fragmentation effects on LCJMF's holding. <p>6.3 LCJMF is not asking the Applicant to withdraw and redesign the whole solar and BESS layout at this late stage. It is asking the ExA to ensure that, in deciding whether to grant CA powers over LCJMF land, Option 1 is properly tested against the LCJMF Hybrid route already on the record.</p>
<p>Alternative siting of PV/BESS on LCJMF land</p> <p>Applicant's summary: Redesigning the scheme mid-Examination to incorporate LCJMF's 516-acre or 618-acre PV/BESS options would be a materially different project requiring a fresh DCO. Refusal on the basis of alleged deficiencies in considering those alternatives would run counter to EN-1 paras 4.3.22–4.3.23 and the urgent need for CNP infrastructure.</p> <p>NSIP Documents+1</p>	<p>Alternative siting of PV/BESS on LCJMF land</p> <p>7.1 LCJMF accepts that a wholesale shift of the Applicant's Solar Array Area and BESS onto LCJMF land at this stage would likely amount to a materially different project.</p> <p>7.2 LCJMF therefore does not invite the ExA to refuse the scheme solely because the Applicant did not adopt the 516- or 618-acre LCJMF layouts.</p> <p>7.3 LCJMF's reliance on those layouts now is illustrative, in two respects:</p> <ul style="list-style-type: none"> • to demonstrate that there have long been realistic alternative configurations at Bicker/Little Hale which could have reduced BMV land-take and soil/farm fragmentation; and • to underline that LCJMF has, since 2021, been constructively offering land to help solve the cluster's infrastructure needs, contradicting any suggestion that it seeks to block Beacon Fen. <p>7.4 The live issue for the ExA is not whether Beacon Fen should be refused for want of relocating its solar array onto LCJMF land. It is whether, given those alternative configurations and offers, the Applicant has shown that Option 1 across LCJMF land is a proportionate and justified routing choice for which CA powers are necessary.</p>

<p>Agricultural Land Classification (ALC) and BMV land</p> <p>Applicant’s summary: The Applicant argues that LCJMF’s site-specific soil surveys (AGR3, a 2.5 ha parcel, and a Viking Link parcel) still show predominantly BMV (3a/2) and therefore do not demonstrate that LCJMF’s proposed PV/BESS areas would use less or lower-grade BMV than the Solar Array Area. It further suggests that LCJMF’s evidence implies the Cable Route Corridor is likely to be less Grade 1/2 and more 3a/3b than assumed in the ES, meaning the Applicant has used a “reasonable worst case”.</p> <p>NSIP Documents</p>	<p>Agricultural Land Classification (ALC) and BMV land</p> <p>8.1 Comparative routing across LCJMF’s holding</p> <p>8.1.1 LCJMF’s principal ALC concern is comparative:</p> <ul style="list-style-type: none"> • within the Bicker / Little Hale landscape, the chosen route slices through the best-performing, irrigated Grade 1/2 potato land on LCJMF’s holding; • the LCJMF Hybrid comparator, combined with alternative BESS siting east of Car Dyke, would pass through less sensitive parts of the same farm, including more Subgrade 3 land and fields with less intensive cropping history. <p>8.1.2 Small sample surveys (2.5 ha here or there) around AGR3 or Viking Link cannot, by themselves, answer the question: “Which of the two routing options (Option 1 vs LCJMF Hybrid) causes the least adverse long-term change to LCJMF’s proven high-grade potato land and soil resource?”</p> <p>8.1.3 That question is at the heart of the ExA’s request for an alternatives matrix, and it has yet to be systematically addressed by the Applicant.</p> <p>8.2 “Reasonable worst case” vs necessity</p> <p>8.2.1 Even if the ES has used a conservative worst-case assumption for the overall Cable Route Corridor, that does not determine whether:</p> <ul style="list-style-type: none"> • there was a reasonably available alternative alignment (LCJMF Hybrid) across LCJMF’s own titles that would demonstrably reduce BMV/Grade 1/2 land-take; and • therefore, whether CA over LCJMF’s chosen corridor is necessary and proportionate. <p>8.2.2 LCJMF’s 30-year cropping records and site-specific surveys are relevant not only to the quantum of BMV used, but also to the quality of that land in agricultural economics terms (e.g. long-term potato supply contracts, irrigation investment and yield history). Those factors should be weighed in the CA balance alongside the policy drive for new generation.</p>
<p>200 MW “headroom”</p> <p>Applicant’s summary: The Applicant refers to its ISH2 submissions and maintains that the 400 MW PV / 600 MW BESS configuration does not create “headroom” in the sense claimed by LCJMF.</p> <p>NSIP Documents</p>	<p>200 MW “headroom”</p> <p>9.1 LCJMF recognises that the Applicant is under no obligation to treat its BESS as a public grid asset. LCJMF uses the term “headroom” as a descriptive shorthand for the fact that the Applicant has chosen a connection capable of exporting and importing more than the PV generation alone.</p>

	<p>9.2 The existence of that additional capacity is relevant as context for:</p> <ul style="list-style-type: none"> • the potential to integrate future demand-side projects (e.g. a data centre) at Bicker; and • the argument for efficient, cluster-appropriate design that does not preclude future connections or require repeated deep excavations in the same fields. <p>9.3 LCJMF does not argue that “headroom” of itself obliges the Applicant to share capacity. It argues that, as a matter of prudent planning and EN-1’s emphasis on proportionate alternatives and cumulative land-use, the DCO should not be designed in a way that unnecessarily squanders that locational advantage.</p>
<p>Great Hale Eau (LWS 4722) and Viking Link soils</p> <p>Applicant’s summary: The Applicant relies on ES Chapter 7 and the oCEMP for LWS protections, emphasising right-angle crossings, buffers, seasonal windows “where feasible” and an Ecological Clerk of Works. It says Viking Link’s soil disturbance has already been considered in the inter-cumulative assessment in ES Chapter 14 and that the quality of mitigation on another project should not form part of its EIA.</p> <p>NSIP Documents</p>	<p>Great Hale Eau (LWS 4722) and Viking Link soils</p> <p>10.1 LCJMF’s concern is that generic ES/oCEMP wording does not yet fully commit to the specific safeguards it has proposed for Great Hale Eau, including:</p> <ul style="list-style-type: none"> • no longitudinal haul within the LWS boundary; • confirmation that crossings will be at right angles only, with no partial longitudinal working; and • reconsideration or downsizing of Construction Compound 4 if pre-construction surveys demonstrate higher ecological or soil sensitivity than assumed. <p>10.2 LCJMF therefore invites the ExA to seek either:</p> <ul style="list-style-type: none"> • a short, secured LWS Protection Plan (requirement or secured method statement) setting out these safeguards explicitly; or • explicit oCEMP amendments that address Great Hale Eau/LWS 4722 on a site-specific basis, rather than relying solely on generic controls. <p>10.3 On Viking Link, LCJMF accepts that the Applicant cannot be held responsible for another project’s mitigation. However, where two linear NSIPs disturb the same fields within a relatively short period, the cumulative effect on soil structure, drainage and cropping risk is <u>materially greater</u> than for a single scheme.</p> <p>That strengthens the case for:</p> <ul style="list-style-type: none"> • shorter, more efficient routing; and • more realistic recognition of sterilisation and severance in the CA balance.

Conclusion / Summary (for ease of reference)

LCJMF's D5 response is intended to assist the ExA in testing necessity and proportionality in the compulsory acquisition balance, and in ensuring the DCO does not unnecessarily preclude realistic neighbouring infrastructure.

For ease of reference, LCJMF's principal requests are:

- The Applicant provides a reasoned response / counteroffer to LCJMF's 11.11.25 voluntary settlement offer, and the ExA records the lack of substantive engagement to date.
- The ExA seeks a short technical note addressing LCJMF's "passive provision / non-preclusion" request (ducts / spur node), based on LCJMF's actual staged ask rather than an assumed "fully built" extreme.
- The DCO secures crossing / protective provisions (ducts, heat main, etc.) that preserve efficient future interfaces without delaying Beacon Fen deliverability.
- The Applicant's updated alternatives work properly tests Option 1 against the LCJMF Hybrid comparator already on the Examination record, including severance/sterilisation and best-and-most-versatile land impacts.