



BEACON FEN ENERGY PARK

Planning Inspectorate Reference: EN010151

Applicant's Responses to Other Parties Deadline 5 Submissions
Document Reference: 9.22
January 2026



Quality information

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Glossary

Abbreviation	Description
2008 Act	The Planning Act 2008
BESS	Battery energy storage system
DCO	Development Consent Order
LCC	Lincolnshire County Council
LCJMF	LCJ Mountain Farms Limited
MHL	Melbourne Holdings Ltd
NKDC	North Kesteven District Council
SOCG	Statement of Common Ground
SoS	Secretary of State
The Applicant	Beacon Fen Energy Park Ltd

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Table of Contents

1.	Introduction.....	5
1.1	Overview.....	5
2.	Applicant Responses to Other Parties' Deadline 5 Submissions	6
2.2	Lincolnshire County Council ('LCC') Comments on any further information/submissions received by Deadline 4, and any other information requested by the Examining Authority for Deadline 4 (REP5-051)	6
2.3	North Kesteven District Council ('NKDC') Comments on any further information/submissions received by Deadline 4, and any other information requested by the Examining Authority for Deadline 4 (REP5-052)	7
2.4	Environment Agency Comments on any further information/submissions received by Deadline 4, and any other information requested by the Examining Authority for Deadline 4 (REP5-053) and Responses to ExQ2 (REP5-054)	7
2.5	Natural England Responses to ExQ2 (REP5-055)	8
2.6	AGR Renewables Letter with Plan for Cowbridge Solar, Little Hale Solar and Vicarage Drove BESS (REP5-056, REP5-057 and REP5-058 respectively).....	8
2.7	Melbourne Holdings Ltd ('MHL') Comments (REP5-059).....	8
2.8	Matthew Mountain Compulsory Acquisition Statement (REP5-060) and Response to Low Carbon's D4 Submission (REP5-061).....	9
	Settlement offer	9
	Other matters	9

1. Introduction

1.1 Overview

- 1.1.1 This **Applicant's Responses to Other Parties' Deadline 5 Submissions (Document Ref: 9.22)** has been prepared on behalf of Beacon Fen Energy Park Ltd (the 'Applicant') in support of an application for a Development Consent Order ('DCO'), that has been submitted to the Secretary of State (the 'SoS') for the Department for Energy Security and Net Zero, under Section 37 of 'The Planning Act 2008' (the '2008 Act').
- 1.1.2 This document has been prepared to set out the Applicant's response to submissions received at Deadline 5.
- 1.1.3 The Applicant has had regard to the Deadline 5 submissions and is mindful of the volume of information already submitted into the examination. The Applicant has therefore sought to limit the duplication of submissions it has already made on many of these subjects in response to previous submissions/questions on the relevant matter. As such, the remainder of this document generally cross refers to other documentation, responding only where the submission raises a new matter and/or where the Applicant considers such response may be helpful to the ExA.
- 1.1.4 Silence on an issue, therefore, should not be interpreted as agreement – but instead a recognition of the approach taken by the Applicant to avoid duplicative material being entered into examination within this document.
- 1.1.5 The Applicant's Responses are set out in Chapter 2 of this document.

2. Applicant Responses to Other Parties' Deadline 5 Submissions

2.1.1 The Applicant has reviewed the documents submitted by Local Planning Authorities and other parties at Deadline 6 and provides the below updates and responses.

2.2 Lincolnshire County Council ('LCC') Comments on any further information/submissions received by Deadline 4, and any other information requested by the Examining Authority for Deadline 4 (REP5-051)

2.2.1 Further to the information set out in the draft Statement of Common Ground ('SoCG') with LCC submitted at Deadline 6 (**Document Ref: 8.1**), the Applicant provides the following responses to the Waste, BESS and DCO matters raised by LCC.

2.2.2 Regarding the points that LCC raised relating to the control of operational waste arisings, the Applicant updated the **Draft DCO (REP5-003)** at Deadline 5 to include a new Requirement 22 (operational waste). This provides that prior to the date of final commissioning of the solar PV generating station, BESS and onsite substation, an operational Site Waste Management Plan (SWMP) must be submitted to and approved by the relevant planning authority (LCC). This plan must be substantially in accordance with the **Waste and Recycling Strategy (REP5-033)**, which was also updated at Deadline 5 to include a new section setting out details of the annual planned panel replacement strategy whereby the Applicant will submit an annual planned replacement schedule for the year ahead (see paragraph 7.2.10 onwards). The Applicant considers that these amendments to the **Draft DCO (REP5-003)** and **Waste and Recycling Strategy (REP5-033)** address the concerns raised by LCC and gives them oversight and control over the Applicant's operational waste strategy, given that they are the discharging authority for the new requirement.

2.2.3 With regards to LCC's points in relation to the BESS, we note LCC's conclusion that there are benefits with the proposed 600 MW BESS in terms of flexibility and energy efficiency, compared to a 400 MW system, and it is not considered to be unreasonable.

2.2.4 We also acknowledge that for a given duration (hours) the MW output affects footprint. However, the application does not seek to fix MWh. The **Works Plans (CR-004)** and parameters set out in table 2.1 of **ES Chapter 2 Proposed Development (Document Ref. 6.2.2)** control the scale of the BESS, it is typical for BESS projects to be controlled via these. Furthermore, this scale of BESS was proposed, consulted on under section 42 to 48 of the Planning Act 2008, fully assessed and justified within our Planning Statement (REP5-010), and is entirely proportionate in footprint terms to the 400 MW solar array and acceptable in terms of its impact.

2.2.5 The Planning Act 2008 Associated Development Applications for Major Infrastructure Projects guidance drives at the subordination of the use of the AD, and proportionality of the nature and scale, and we have justified this in various submissions into examination including the Applicant's response to Action Point 7 in the **Written Summary of Oral Submissions from ISH 1 and Responses to Action Points (REP1-030)** and the Applicant's written summary for agenda item 3 within the Applicant's **Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (REP4-026)**. The Applicant agrees with LCC that the ExA and SoS need to be satisfied that the AD tests have been met and the Applicant does not understand LCC's submission to suggest that the BESS, as proposed in the application, does not meet those tests.

2.2.6 With regards to the draft DCO and LCC's comment that "*matters concerning Article 44 (Trees), remain unresolved*", the Applicant refers the ExA (and LCC) to the response in the **Applicant's Responses to Other Parties' Deadline 4 Submissions (REP5-047)** in Table 2.1 under the heading 'Protection of Trees and Hedgerows' and considers that these updates address the concerns of LCC. The Applicant considers that the other matters raised in the final paragraph of LCC's draft DCO section are similarly resolved.

2.3 North Kesteven District Council ('NKDC') Comments on any further information/submissions received by Deadline 4, and any other information requested by the Examining Authority for Deadline 4 (REP5-052)

2.3.1 Applicant notes NKDC's acknowledgement that the parties have now agreed the matter raised in ExQ2 BIO.2.2, as well as the amendments made to Articles 24(2) and 46, and Requirements 8 and 16 and paragraph 24(2)(a) of Schedule 2 to the **Draft DCO (Document Ref: 3.1)**.

2.3.2 With regards to NKDC's request for a S106 Agreement, please refer to the **draft SoCG with NKDC (Document Ref: 8.2)** submitted alongside this document at Deadline 6.

2.4 Environment Agency Comments on any further information/submissions received by Deadline 4, and any other information requested by the Examining Authority for Deadline 4 (REP5-053) and Responses to ExQ2 (REP5-054)

2.4.1 The Applicant notes the Environment Agency's confirmation that it has been working closely with the Applicant to address outstanding flood risk matters. Further to the **SoCG with the Environment Agency (REP5-040)** submitted at Deadline 5, the parties have reached agreement on several matters.

2.4.2 Furthermore, the Applicant understands from correspondence that the Applicant's Deadline 5 submissions address all outstanding flood risk and

ecology matters and therefore expects that this will be reflected in the Environment Agency's further submissions and the next SoCG.

- 2.4.3 The Applicant acknowledges the Environment Agency's comments in respect of the **Report on the Implications to European Sites (PD-014)** and that the Environment Agency is happy with the proposed Deadline 5 updates to the **Outline Construction Environmental Management Plan (oCEMP) (REP5-017 to REP5-018)** and **Draft DCO (document Ref: 3.1)**.

2.5 Natural England Responses to ExQ2 (REP5-055)

- 2.5.1 The Applicant notes that Natural England will submit their response to ExQ2s at Deadline 6.

2.6 AGR Renewables Letter with Plan for Cowbridge Solar, Little Hale Solar and Vicarage Drove BESS (REP5-056, REP5-057 and REP5-058 respectively)

- 2.6.1 The Applicant acknowledges the concerns raised by AGR Renewables and confirms that it will continue to engage in commercial negotiations regarding a form of private asset protection agreement and protective provisions together with appropriate assurance in respect of the cable crossing.
- 2.6.2 The Applicant anticipates that agreement on this matter will be reached prior to the end of examination.

2.7 Melbourne Holdings Ltd ('MHL') Comments (REP5-059)

- 2.7.1 The Applicant notes that the Cable Route Corridor has largely been designed to follow field boundaries within MHL land, however, this has not been possible for the entirety of its land. In addition to this, the Applicant has sought to minimise land take to only what is required to deliver the Proposed Development. The Applicant is not seeking to permanently acquire MHL land, but obtain rights to construct, operate, maintain and decommission the Cable Route. Once the Cable Route is installed, at a depth which does not impact normal agricultural activities, it will be returned to MHL for continued farming and agricultural use. As a result, it is considered that there will be no permanent loss or fragmentation of MHL agricultural land and thus will not impact the operation and viability of the farm as impacts will be temporary and appropriately compensated.
- 2.7.2 Impacts on soil structure are considered within **ES Chapter 14 Soils and Agricultural Land (APP-065)** and mitigated in **ES Appendix 14.4 Outline Soil Management Plan (REP5-031)**, a detailed version of which will be submitted via Requirement in the **Draft DCO (Document Ref. 3.1)**.
- 2.7.3 Furthermore, various measures within the **Draft DCO (Document Ref. 3.1)** provide protection for MHLs drainage and irrigation infrastructure including Requirement 10, the design envelope and the obligation to pay compensation.

2.7.4 The Applicant has been regularly engaging with MHL's land agent in order to secure Heads of Terms for an Option Agreement. The Applicant was advised on 16 December 2025 that MHL is meeting in January to discuss the Heads of Terms and that an update will be provided thereafter. The Applicant will continue to engage with MHL to resolve these concerns and agree terms on a voluntary basis. The Applicant will submit an updated **Detailed Land and Rights Negotiations Tracker (Document Ref: 4.4)** at a future deadline to update the ExA with progress on the matter.

2.8 Matthew Mountain Compulsory Acquisition Statement (REP5-060) and Response to Low Carbon's D4 Submission (REP5-061)

2.8.1 The Applicant notes the further submissions from LCJ Mountain Farms Limited ("LCJMF"), via Matthew Mountain, at **REP5-060** and **REP5-061**.

Settlement offer

2.8.2 In relation to complaints that the Applicant has not responded sufficiently quickly to LCJMF's "*Without Prejudice / Subject to Contract voluntary settlement offer*", the Applicant observes that it defeats the object of without prejudice discussions for a running commentary to be provided on them in public-facing submissions into the examination. In any event, as has been expressed before, questions of compensation are not properly for the examination or the Secretary of State's decision whether to grant compulsory acquisition powers.

2.8.3 The Applicant required sufficient time to analyse LCJMF's offer, which involved multiple purported bases of valuation and a number of calculations; this has now been completed and a response provided, explaining the Applicant's position and why it considers that its current offer is wholly fair and reasonable. Updates were provided in the intervening period by the Applicant's agent to LCJMF and its agent on 18 November, 19 December and 29 December 2025.

2.8.4 Whilst the Applicant does not consider it productive to exchange allegations as to delay, LCJMF's complaint about a response time in excess of 48 days must be viewed in the context that the Applicant's agent issued Heads of Terms for a voluntary agreement to LCJMF on 17 January 2025 and did not receive a formal acknowledgement until 29 May 2025, with a formal counter-offer only provided on 11 November 2025, despite multiple intervening emails and phone calls from the Applicant's agent and a meeting of agents in March 2025 at which LCJMF's agent did not have instructions on the offer.

Other matters

2.8.5 The Applicant continues to carefully review LCJMF's submissions into the examination and respond so far as is productive. However, it is not in the interests of an efficient and effective examination to repeatedly re-argue points of disagreement or for the Applicant to respond to points raised, only for those points to evolve in nature in subsequent submissions. In relation to the balance of comments in REP5-060, the Applicant considers these to already have been addressed by its previous submissions, but provides the following summary responses to LCJMF's "*principal requests*" (page 10 of **REP5-060**):

- The voluntary settlement offer is discussed above;

- In **REP4-025** the Applicant noted that no law or policy obliges it to install nodes or ducting at the request of LCJMF but offered some initial considerations of potential difficulties with doing so. It is clearly not appropriate to engage with this hypothetical scenario in any greater technical detail given that no such nodes or ducts form part of the Proposed Development. As stated in **REP4-025**, the Applicant remains open to considering what could feasibly be delivered as part of a land agreement should one be reached with LCJMF.
- Nothing in **REP5-060** dispels the notion that LCJMF's data centre and glasshouse concept is at a nascent stage that does not justify DCO protective provisions. The Applicant reiterates its comments in **REP4-025**, including that the land agreement Heads of Terms offered to LCJMF include provisions on future crossings.
- The Applicant submitted comprehensive comparative analysis on LCJMF's proposed alternative cable route at Appendix 1 to **REP5-046**, which it considers addresses LCJMF's requests on this matter to the fullest extent practicable. The Applicant is aware that LCJMF will be submitting comments on this analysis at Deadline 6 – to the extent the Applicant considers that further clarification can reasonably be provided, it will respond at Deadline 7.

2.8.6 Notwithstanding the extant items of disagreement, the Applicant welcomes LCJMF's confirmations in **REP5-060** that:

- LCJMF *"is not asking the Applicant to withdraw and redesign the whole solar and BESS layout at this late stage"* (6.3);
- *"LCJMF... does not invite the ExA to refuse the scheme solely because the Applicant did not adopt the 516- or 618-acre LCJMF layouts"* (7.2); and
- *"LCJMF does not argue that "headroom" of itself obliges the Applicant to share capacity"* (9.2).

2.8.7 Should the ExA have any particular queries or concerns arising out of the exchange of submissions, the Applicant is happy to provide further assistance in response to ExQ3.