

Beacon Fen Energy Park – Development Consent Order

Application reference: EN010151

Submitted by: L.C.J. Mountain Farms Ltd (“LCJM”) (Interested Party reference: [REDACTED])

On behalf of: L.C.J. Mountain Farms Ltd and, where permitted, Leslie Christopher John Mountain and Patricia Lynne Mountain (Interested Party reference: [REDACTED])

Document: Deadline 7 – Response to the Examining Authority’s Third Written Questions (ExQ3) (issued 26 January 2026)

Questions answered: NED.3.1 and CA.3.2

Deadline: Deadline 7 (D7) – 09.02.26

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Executive Summary

This submission responds to ExQ3 NED.3.1 and CA.3.2 only. LCJM relies on the Examination record and focuses on what is required for the ExA to (i) place material weight on the Applicant’s comparative/alternatives case and (ii) test the necessity and proportionality of Compulsory Acquisition and Temporary Possession (“CA/TP”) on LCJM’s holding.

- **NED.3.1 – Core concern (auditability):** the Applicant’s Deadline 5 comparative analysis is **not decision-safe** because it is not auditable (key inputs, assumptions and rule-sets are not disclosed in verifiable schedules/GIS layers). It cannot safely be given material weight unless corrected.
- **NED.3.1 – Not like-for-like (effects pathway not quantified):** the principal pathway of effects is **not quantified**. The comparison relies on corridor-only metrics while treating construction logistics (access, haul routes, compounds, working widths, TP, occupation durations, and drains/services interfaces) as qualitative narrative and assumption.
- **NED.3.1 – Limited formative engagement on assumptions:** the Applicant’s comparative case depends on Applicant-selected construction-logistics assumptions which have not been transparently scoped, disclosed or stress-tested with LCJM as a principal affected landowner (despite LCJM hosting around one-third of the cable length). The limited engagement record reinforces why Appendix 1 cannot safely attract material weight absent auditable disclosure.
- **NED.3.1 – Alternatives search (incoherent over time):** the Applicant has not evidenced a coherent, auditable alternatives search (host site/configuration and export corridor) **applying consistent decision criteria over time**, including how “cumulative impact” was applied and what (if anything) changed between earlier decisions and later scheme evolution.
- **NED.3.1 – Agricultural sensitivity and cumulative effects:** these are not integrated in a decision-useful way. Desk-top labels flatten **route-dependent agricultural sensitivity** (including the Option 1 **Grade 2 BMV** pathway versus LCJM’s Hybrid route predominantly through **Grade 3a/3b non-BMV** land, irrigated rotations, dense drainage/services interfaces, and reinstatement vulnerability), and under-represent cumulative effects on a degraded baseline following recent major linear works (NGV Viking Link).
- **CA.3.2 – Economic unviability (whole unit): No.** LCJM does not contend the agricultural unit becomes economically unviable; LCJM remains a going concern.
- **CA.3.2 – Blight / material harm (unit level): Yes (as defined by LCJM).** The Proposed Development, as aligned and rights-packaged (including CA/TP and construction logistics), would cause material adverse economic effect and constraint at unit level beyond the 12m permanent easement strip (including severance/fragmentation, logistics-led operational constraint, reinstatement/drainage tail-risk, and significant cumulative interaction with repeat linear corridors).

- **Evidence and what LCJM asks the ExA to do:** LCJM relies on ExD7.9–ExD7.15 (mechanism-based; not a compensation quantum case). LCJM asks the ExA to require a short auditable addendum (defined auditable deliverables) so the comparison can be independently verified and made like-for-like (including logistics), and to treat CA/TP as a last resort where a programme-neutral voluntary agreement route (provided by LCJM in November 2025) remains live—capable of removing delivery risk while securing enforceable, farm-specific protections and audit-grade deliverables.

LCJM’s request is procedural and evidential: disclose the datasets/rules so the ExA can verify the comparison.

1. Reliance on the Examination record

1.1 LCJM relies on its previous submissions in the Examination Library, including in particular LCJM’s Deadline 6 responses to the Applicant’s comparative analysis submitted at Deadline 5 (and the underlying evidence referred to therein).

1.2 This Deadline 7 response is structured to:

- (a) answer the ExA’s questions as asked; and
 - (b) identify the minimum further information required for the Applicant’s alternatives/comparative analysis material to be auditable and therefore safe for the ExA to place material weight upon.
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2. NED.3.1 – Need, site selection and alternatives (LCJM)

Question reference: ExQ3 (NED.3.1).

Throughout the Examination, L.C.J. Mountain Farms Ltd (“LCJM”), and Matthew Mountain on behalf of LCJM, have submitted representations raising concerns regarding the Applicant’s approach to the Proposed Development, in particular the proposed export cable corridor route. Following CAH1 (EV-003), and in order to progress matters, the Examining Authority (“ExA”) asked the Applicant to undertake a comparative analysis between the Applicant’s cable route corridor and LCJM’s proposed alternative route.

The Applicant’s comparative analysis was submitted at Deadline 5 (Appendix 1 of REP5-046 and REP5-047). LCJM responded at Deadline 6 in REP6-046 and REP6-047.

In response to ExQ3, the ExA requests LCJM to submit:

- *a summary of outstanding issues and concerns in relation to the Applicant’s approach to alternatives and the preferred cable corridor route; and*
 - *a summary of any other additional concerns that LCJM may have.*
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Direct answer (NED.3.1): LCJM’s outstanding concerns are that the Applicant’s alternatives work is **not auditable / not like-for-like, does not quantify construction logistics as the main pathway of effects, and does not evidence a structured alternatives search (host site/configuration and export corridor) with consistent decision criteria over time**, including agricultural sensitivity and cumulative effects.

2.1 Summary of outstanding issues/concerns: the Applicant's approach to alternatives and the preferred cable corridor

For the avoidance of doubt, LCJM uses "alternatives" here to mean both:

- (i) alternative host site / land assembly and scheme configuration (PV + BESS / capacity evolution); and
- (ii) alternative export cable corridor alignments and associated construction logistics to the Point of Connection ("PoC").

LCJM's concern is that weaknesses in (i) host-site/configuration alternatives and (ii) export-corridor alternatives interact: a long, severing export corridor is more difficult to justify where nearer, coherent land assemblies were not transparently tested, and where corridor comparisons do not capture the true pathways of effect in practice.

A. The Applicant's comparative analysis is not decision-safe because it is not like-for-like (auditability and the main pathway of effects)

1. The Applicant's Deadline 5 Appendix 1 relies heavily on corridor-only quantitative metrics, whilst treating construction logistics (access, haul routes, compounds, temporary possession, working widths and occupation durations) as qualitative narrative and Applicant-selected assumptions. Those assumptions are (a) not disclosed through auditable schedules / GIS layers (so the ExA cannot verify the inputs, rule-sets and geometry used) and (b) applied in a manner that is not even-handed between options, including by adopting an adverse ("worst-case") construction-logistics geometry for the LCJM Hybrid and then using the resulting interaction lengths and narrative outcomes as comparative scoring inputs.
2. By way of example, in its comparative ecology narrative the Applicant introduces a hypothetical internal haul/access alignment for the LCJM Hybrid ("Access Option 1") running longitudinally along/adjacent to the Great Hale Eau Local Wildlife Site (LWS 4490), thereby maximising the stated "parallel within 50m of an LWS" lengths and then deploying those figures to score the LCJM Hybrid adversely. LCJM has not offered that internal private haul route and has not agreed it is available for construction traffic. Further, even on an "assumptions" approach, a materially less intrusive alignment is plainly available (including the alternative shown by LCJM which avoids longitudinal LWS interaction). [ExD7.17–ExD7.18]
3. The consequence is that the Applicant has neither assessed nor disclosed reasonable alternative construction logistics for the LCJM Hybrid. Instead, it has selected an adverse access geometry which favours the Applicant's preferred corridor and then relies on generic "subsequent mitigation" narrative to sidestep the prior and comparative question of avoidance (and minimisation) at the options stage.
4. Construction logistics are a principal pathway of effects in practice (including traffic, amenity, ecological interaction and operational disruption). A corridor-only comparison is therefore not like-for-like and risks materially understating real-world impacts, particularly where logistics-led effects drive the extent and duration of temporary possession, working widths, haul routing, compound siting, and drains/services interfaces.
5. LCJM's concern is that corridor-only headline outputs are being treated as decisive notwithstanding the absence of (i) a disclosed, replicable rule-set and (ii) auditable schedules/layers capable of independent verification. In those circumstances, the ExA cannot test whether the comparative outcomes are driven by evidence or by assumption selection.
6. LCJM has already provided an auditable like-for-like comparator (Table ES-1 / REP6-046) using a replicable rule-set. LCJM notes that the ExA has asked the Applicant to provide a row-by-row response respecting that structure, reinforcing that the decision-useful exercise is an auditable rule-set applied consistently across options, not conclusion-led summary metrics.
7. The engagement record is also relevant to weight. The Applicant's comparative case depends materially on construction-logistics assumptions which the Applicant has selected and narrated (rather than disclosed as

auditable schedules/layers). In those circumstances, the procedural route by which those assumptions were developed matters: the evidential burden lies with the promoter to evidence a fair, formative and properly tested assumptions-set—particularly with a Category 3 landowner hosting around one-third of the cable length.

8. On LCJM's evidence, that formative testing has not occurred. LCJM has had only three short online meetings (each around 30 minutes) with the Applicant/its representatives since November 2021 (31.01.24; 08.09.25; 31.10.25). On 31.01.24 the Applicant's land agent (Ardent) sought to reduce the agenda notwithstanding the scale of impact proposed across LCJM's holding. The correspondence record similarly evidences compartmentalisation of "land access/agency" from routing, design evolution and alternatives; by way of example, Ardent sought to limit an offered MS Teams meeting strictly to "land access issues", expressly stating that land access/agency issues should not be "conflated" with responses to LCJM's routing and alternatives questions, despite those questions going to the heart of alternatives, configuration and cumulative impact. [D4 / Ardent correspondence]
9. LCJM's concern is that this engagement pattern has had a direct consequence: Appendix 1 proceeds on Applicant-selected logistics assumptions (and "mitigation later" narrative) without those assumptions ever having been jointly scoped, transparently defined, or stress-tested against reasonable variants with the principal affected landowner. LCJM notes the practical burden this has placed on a small family farming business, including an internal time record (18.05.23–07.02.25) totalling 65 hours 16 minutes, with 420 minutes recorded as "failed attempts at meeting" at a formative stage. This is not a substitute for promoter disclosure.
10. Accordingly, the Applicant's comparative analysis is not like-for-like and is not auditable. The ExA cannot safely place material weight on it as a basis to discount the LCJM Hybrid or to support the necessity and proportionality of CA/TP over LCJM's holding unless and until the Applicant provides the missing auditable schedules/layers and discloses the rule-set and logistics assumptions used to generate the comparative outputs.

LCJM's **Table ES-1** checking (REP6-046) evidences material differences (including LWS 4722 interaction, affected landowners and residential receptor counts) which are not decision-safe without an auditable schedule and consistent rules.

Row	Aspect	BEACON FEN INDICATIVE CABLE ROUTE	LCJMF'S AMENDED ALTERNATIVE	Comments
1	Total Corridor Length	6,818 metres	6,786 metres	The LCJM Hybrid route can be even shorter by going across John Cope's field LL431295 (which we farm). Low Carbon already have an agreement in place with John Cope for a more northerly crossing.
2	East-West Field Crossing	All fields across LCJM land in Great Hale Fen in the west to east pathway will cross north / south land drains every 21 yards	No LCJM fields will have land drainage cut due to north south passage alongside north south drainage (parallel existence)	
3	Number of affected landowners	11	6	
	Notes		3 new landowners introduced by LCJM Hybrid and 10 Beacon Fen landowners dropped	Net reduction of 7 landowners affected
4	Ecology - Local Wildlife Site occupation	1,650 metres of LWS 4722 - both the north and south side (and already affected in 2023 by Viking Link - i.e. cumulative impact)	0 metres	
5	Landscape & Visual - residential properties < 350 metres	10	5	
6	Cultural Heritage - Historic Environment Farm Environment Record crossing	0	0	
7	Traffic & Access	Four highway crossings: Great Hale Drove crossed North Drove crossed Vicarage Drove crossed	Little Hale Drove crossed only	
8	Noise & Vibration < 350 metres	10	5	
9	Air Quality < 250 metres including construction access	7	5	
10	Water Resources & Flood Risk	17 water crossings	16 water crossings	No appreciation of Anglian Water South Lincs Reservoir flood modelling (an NSIP that took away Beacon fen South)
11	Soils & Agricultural land	Passes through majority Grade 2 potato land	Grade 3 a and b - as evidenced by AGR3 ALC land classification in 2021 AND 3 generations of farming by LCJM	ALC consultant to be appointed

B. Factual and methodological issues identified by LCJM undermine reliance (and are capable of reversing outcomes)

5. LCJM's checking has identified a non-exhaustive set of factual and methodological issues capable of materially affecting (and in some instances reversing) comparative conclusions, including:
 - Route length: using the same depicted endpoints, LCJM's measurement evidence indicates the LCJM Hybrid is shorter (c. 6,786m vs 6,818m), whereas the Applicant's summary implies otherwise.
 - Residential receptor counting (misclassification / inconsistent filtering): the Applicant's proximity "dwelling/property" counts are not auditable because no receptor schedule, filters, measurement rules, or classification criteria are disclosed. LCJM's checks indicate basic misclassification and inconsistent filtering, including the treatment of non-residential farm buildings / farmyards (and at least one derelict / non-habitable structure) as "dwellings" or "residential receptors", and/or the inconsistent exclusion of comparable non-residential features elsewhere. This is not a marginal technicality: it artificially inflates the LCJM Hybrid's apparent "residential proximity" impacts and feeds directly into the Applicant's corridor-only scoring narrative. [ExD7.19–ExD7.28]. A promoter-led comparative analysis which counts farm buildings as residential receptors is, on its face, not decision-safe.
 - Feature interactions (crossings/interfaces): interactions appear inconsistently attributed (including omissions and/or inconsistent treatment of tracks/features), which then feeds downstream narrative conclusions.
6. In those circumstances, where headline conclusions depend on inputs that are not disclosed as auditable schedules (and/or are affected by basic errors), LCJM submits the ExA should attach limited weight to the conclusions unless and until the Applicant (i) corrects the errors and (ii) provides the underlying receptor schedule, classification rules and measurement methodology in an independently verifiable form.

C. Alternatives / site selection and scheme configuration are not evidenced as a structured, auditable search (PV/BESS and evolution)

7. **LCJM's central alternatives concern** is that the Applicant has not evidenced a structured, auditable alternatives search which fairly tested nearer, coherent land assemblies close to the Point of Connection ("PoC"), nor disclosed how key decision criteria (including "cumulative impact") were defined and applied consistently over time.
8. **Nearer land assemblies existed and were actively explored.** LCJM and neighbouring land interests engaged on NSIP-scale propositions in the Bicker Fen / LCJM locality. LCJM itself offered substantial landholdings (c. 516 acres in November 2021 and c. 618 acres in August 2023) capable of supporting PV plus storage propositions and reducing reliance on a long export corridor.
9. **Contiguous NSIP-scale iterations were also pursued (Loweth + Mountain; June 2022).** Beyond the November 2021 discussions referenced in the record, LCJM notes that a further contiguous iteration was actively explored in June 2022 involving LCJM and Nick Loweth (adjoining to the north-east in East Heckington), in the context of potential Lightsource BP NSIP propositions. Those discussions were chaired by Ed Blundy (Brown & Co) and CAAV and concerned a circa 1,400-acre PV + BESS concept across contiguous holdings. LCJM's point is not that this particular proposition should have proceeded; rather, it evidences that nearer, coherent land assemblies were realistically available and being actively progressed in the locality and therefore required to be transparently tested within any structured alternatives search.
10. **Distance-to-PoC and proportionality.** The existence of those nearer contiguous assemblies is material in the context of an export corridor of approximately 12–13 km. On LCJM's understanding, the relevant holdings in the Loweth + Mountain iteration were materially closer to the PoC (Loweth c.3.7 km; LCJM c.2.6 km and

potentially as close as c.1.8 km depending on configuration). The Applicant's alternatives narrative does not evidence that such nearer assemblies were tested against consistent criteria, including the extent to which corridor length and construction logistics drive land-take, severance, operational constraint and the claimed need for CA/TP.

11. **Even-handedness in land quality and negotiation footprint.** LCJM is concerned that the chosen solution appears to prioritise a large single holding and reduce the negotiation footprint, notwithstanding that it drives the export corridor through Grade 2 BMV land, whereas LCJM's Hybrid corridor would predominantly traverse Grade 3a/3b non-BMV land. LCJM does not assert motive; the point is that, where CA/TP is sought, the Applicant must show on an auditable basis that this trade-off was properly examined, alternatives were fairly tested, and the outcome is proportionate.
12. **Consistency of the "cumulative impact" rationale.** The Examination record includes contemporaneous evidence that a nearer LCJM offer was declined on "cumulative impact / proximity to numerous other solar schemes" grounds. The Applicant has not disclosed (i) what changed; (ii) when it changed; and (iii) how that rationale has been applied consistently to later site selection and corridor decisions. **ExD7.1**
13. **Project evolution / headroom / "Beacon Fen South" not reconciled to alternatives.** LCJM remains concerned that key alternatives questions — including reconciliation of scheme evolution (including the removal of "Beacon Fen South"), TEC/capacity register context, and implications for BESS sizing/headroom and export corridor design — have not been answered in a decision-useful way.
14. **200 MW headroom / 618-acre offer alignment.** LCJM has evidenced that the LCJM Hybrid is not an after-the-event invention but a deliverability solution intended to "collect" offered PV acres into a coherent block. LCJM has also shown that the August 2023 618-acre offer aligned closely with the Applicant's scheme logic (at c.0.32 MW/acre \approx 198 MW, i.e. near 200 MW headroom). The Applicant's alternatives narrative does not transparently test or audit that proposition.
15. **LCJM's point is narrow.** LCJM is not inviting the ExA to redesign the project. Where the preferred solution imposes a long export corridor with material severance effects, the Applicant must evidence reasonable alternatives and proportionate site selection through a disclosed, auditable search methodology and clearly stated decision criteria applied consistently over time.

D. Agricultural sensitivity has not been properly integrated into alternatives/corridor decisions

16. The Applicant's approach risks flattening meaningful agricultural differences into desk-top labels. LCJM has repeatedly explained the on-the-ground distribution of sensitivity (e.g. irrigated potato rotations and drainage vulnerability), yet this has not been transparently integrated into route comparison in an auditable way.
17. LCJM also relies on local ALC evidence (including the AGR3 ALC survey material) demonstrating that desk-top mapping can be materially misleading where land quality is decision-sensitive and that targeted verification is required. **ExD7.2, ExD7.3 and ExD7.4.**

E. Ecology and Local Wildlife Sites effects are masked by corridor-only framing and consultation mapping presentation

18. LCJM's concern is not limited to "number of crossings", **but longitudinal interaction and occupation** driven by construction logistics — particularly in relation to sensitive corridors including Great Hale Eau / Local Wildlife Site 4722 ("LWS 4722"). Corridor-only comparison does not capture this adequately.
19. LCJM also raises an audibility and transparency concern: public consultation mapping and figures can risk public misimpression where some Local Wildlife Sites are visually emphasised while others are not, despite being within or materially affected by the corridor and associated construction areas. LCJM does not ask the

ExA to determine intent; the issue is auditability and consistency of presentation (Applicant consultation mapping: Local Wildlife Sites figure – ExD7.16).

20. LCJM invites the ExA to require the Applicant to provide a GIS-based schedule and map pack showing all LWS interactions for: (i) the cable corridor; (ii) temporary possession; and (iii) access/haul routes and compounds — using consistent symbology.

F. Landowner/deliverability is not presented even-handedly

21. The Applicant’s landowner / freeholder metrics risk being decision-distorting if they double-count, treat LCJM-controlled land as an adverse third-party constraint, or do not measure the true deliverability question: how many distinct negotiation counterparties must be secured to deliver each option.
22. LCJM notes that its Table ES-1 checking indicates a material reduction in affected counterparties under the Hybrid approach.

LCJM’s position is therefore not that a comparison should not be done, but that it must be auditable, like-for-like, and logistics-inclusive if the ExA is to place material weight upon it. Where the Applicant’s route preference is relied upon to justify CA/TP, any non-auditable or assumption-led comparison materially undermines the ExA’s ability to test whether the powers sought are necessary and proportionate.

2.2 Summary of any other additional concerns (including consultation/engagement and cumulative effects)

A. Consultation transparency and quality of engagement (process context; not motives)

1. Late / indirect notification of the corridor through LCJM

LCJM considers it material, as process context, that it first learned the proposed export cable corridor would pass through its holding via a general community Summer Newsletter in 2023 rather than direct landowner engagement, notwithstanding LCJM’s earlier substantive discussions with the Applicant during the 2021 land-offer period, paid for at the time by LCJM.

2. Post-notification non-response and difficulty securing meetings / route-specific information

Following discovery of the corridor via the newsletter, LCJM made repeated requests for a meeting and for route-specific information — including requests for plan-level mapping and a clear explanation of proposed working width/TP and access/compound assumptions on LCJM’s holding — to understand the proposed alignment, working corridor/TP footprint, construction logistics and practical mitigations on LCJM’s holding. LCJM submits that responses were not timely or sufficiently specific to enable meaningful, landowner-tested refinement of alternatives or construction logistics at the point engagement was most needed. LCJM relies on its contemporaneous contact chronology/time record as evidence of the pattern of unanswered or delayed responses and the internal burden this created for LCJM. (See ExD7.5)

3. Clarification of “engagement hours” (LCJM time-record is not Applicant engagement time)

LCJM remains concerned that statements implying extensive engagement (e.g. “65 hours”) are capable of creating an inaccurate impression unless supported by the Applicant’s own auditable schedule showing what activities are included/excluded and whether they reflect substantive two-way engagement with LCJM (as opposed to internal drafting/administration). For the avoidance of doubt, LCJM’s time-recording schedule is not a record of time spent by the Applicant engaging with LCJM (as was suggested on two occasions at hearings, including ISH1 and ISH3) as a proxy for Applicant engagement time. It is a contemporaneous log of the internal time burden on LCJM dealing with the Beacon Fen matter, including repeated attempts to obtain

meetings, answers and route-specific information. LCJM relies on it to evidence burden and engagement quality, not to corroborate any Applicant “engagement hours” claim. (See ExD7.5)

4. Pre-application questions not answered in a quantified, site-specific way

LCJM relies on ExD7.6 as demonstrating that LCJM raised technically grounded routing and design questions (including routing orientation, diversion via third-party land, road corridor options, anticipated BESS location, and cumulative impact consistency), but the Applicant’s response referred back to PEIR Chapter 3 and generic consultation materials rather than providing quantified, evidence-based answers and auditable schedules. (See ExD7.7)

B. Ecology / Local Wildlife Sites: auditability and risk of public misimpression

5. Whole footprint assessment required

LCJM reiterates that ecological effects arise through the whole construction footprint (temporary possession, compounds, haul routes, working widths and occupation lengths). Corridor-only metrics can therefore understate longitudinal interaction with sensitive corridors including Great Hale Eau / Local Wildlife Site 4722 (“LWS 4722”).

6. Mapping presentation consistency

LCJM’s additional concern is that public-facing mapping can create an incomplete impression where some Local Wildlife Sites are visually emphasised while others are not, despite being within, or materially affected by, the corridor and associated construction areas. LCJM invites the ExA to require a single GIS-based schedule and consistently presented map pack covering LWS interactions for: (i) corridor; (ii) temporary possession; and (iii) access/haul routes/compounds. (Applicant consultation mapping: Local Wildlife Sites figure – ExD7.16)

C. Agricultural and operational effects not captured by desk-top labels

7. Route-dependent agricultural sensitivity

LCJM’s concern is that the Applicant’s approach tends to flatten differences by stating both routes affect BMV land, whereas the distribution of sensitivity matters (Grade 2 irrigated potato rotations versus Grade 3a and 3b under the LCJM Hybrid route; north–south drainage vulnerability arising from a west–east cable passage; and reinstatement sensitivity) and should be verified where decision-sensitive. LCJM is not aware of any substantive request—made in a form enabling route-specific refinement—for: (i) LCJM’s crop rotation evidence (which could readily have been provided, including potato rotation data demonstrating material areas of Grade 2 land beyond ALC desk-based mapping); or (ii) underground services plans or drainage mapping.

8. Underground services and drainage network interaction

LCJM remains concerned that a long west–east bisection across LCJM’s rectangular holding materially increases interfaces with existing farm drainage (at frequent intervals, typically 19–20m) and with underground services that predominantly run north–south. This increases construction complexity, reinstatement risk and long-term operational constraint. This is a principal pathway of effect (reinstatement complexity and ongoing maintenance constraint) that corridor-length metrics do not capture. On a simple interval basis, the number of drainage interfaces on a west–east alignment across the holding and on an indicative interval basis is **c. 155 drains**, versus **single-digit** interfaces under the LCJM Hybrid route. LCJM further notes its evidence of post-works soil structure and vegetation response (SOYL pre- and post-construction soil structure evidence: ExD7.9; NDVI mapping: ExD7.10), which indicates reinstatement outcomes cannot be assumed to be neutral or fully recoverable in practice.

D. Cumulative effects: not a clean baseline (Viking Link analogue evidence)

9. Repeat linear works risk persistent harm

LCJM emphasises that the preferred corridor is not imposed on a clean baseline. LCJM has recently experienced major linear infrastructure works (National Grid Ventures Viking Link) across its holding and relies on its exhibited, site-specific evidence (including SOYL soil structure findings (ExD7.9), NDVI mapping (ExD7.10), and standing-water / photographic evidence (ExD7.11)) demonstrating that reinstatement effects can persist and translate into operational constraint and productivity consequences. In that context, a further long west–east corridor (together with temporary possession, compounds, access/haul routes and repeated crossings of the north–south drainage and services network) would be expected to compound risk and increase cumulative operational constraint. LCJM’s point is not that impacts are inevitable in every case, but that—on LCJM’s evidence—the Applicant cannot assume a neutral or fully recoverable baseline when comparing options or when advancing the necessity/proportionality case for CA/TP.

E. Project evolution / capacity context relevant to alternatives consistency

10. Scheme evolution should be reconciled to alternatives

LCJM remains concerned that the Applicant’s alternatives narrative has not been reconciled in a decision-useful way to: (i) scheme evolution (including the removal of “Beacon Fen South”); (ii) changes in the relevant TEC / capacity context (ExD7.8); and (iii) the resulting implications for BESS sizing/headroom and export corridor design (including whether the corridor design remains proportionate to the evolved scheme). LCJM submits this matters because it goes directly to whether reasonable alternatives were identified, tested and recorded consistently over time using stable decision criteria, or whether the comparison and corridor preference reflect scheme evolution without an auditable re-test of nearer or less harmful alternatives.

LCJM further relies on its CA/TP proportionality submissions at Sections 3.4–3.5 below (programme-neutral private treaty route and minimum deliverables).

2.3 Decision-safety: minimum information required if the ExA is to place material weight on Appendix 1

In LCJM’s submission, the Applicant’s Appendix 1 is not presently decision-safe because key inputs and rule-sets are not disclosed in a form capable of independent audit, and because construction logistics (a principal pathway of effect) are not assessed on a like-for-like basis. Where the Applicant invites the ExA to treat Appendix 1 as determinative (and, by extension, to rely on it when testing the necessity and proportionality of CA/TP), LCJM submits that only limited weight can safely be placed on Appendix 1 unless and until the Applicant provides a short addendum comprising the following auditable deliverables, for both options, using the same rule-set:

1. Route length method and geometry (GIS deliverable)

A GIS polyline (or equivalent) for each option showing the measured alignment, with fixed endpoints, measurement basis (centreline vs corridor edge), projection/coordinate system, units, and the measurement output (metres), together with an annotated plan showing the endpoints used.

2. Residential receptor schedule (CSV + mapbook deliverable)

A numbered schedule (CSV/table) of every receptor counted, with a unique ID, address/descriptor, coordinate reference, source dataset/layer, and the applied inclusion/exclusion rules (including explicit treatment of farm buildings, non-residential sites, and mixed-use holdings), together with a mapbook showing each receptor point plotted.

3. Construction logistics footprint (GIS layers + narrative rule-set)

For each option, GIS layers (or equivalent plans) showing: proposed access points; haul routes; compounds; laydown areas; temporary possession; and working widths/occupation lengths. The Applicant should state the rule-set used to define these logistics elements, including key assumptions (including any worst-case parameters adopted), and apply it consistently across options.

4. Logistics sensitivity screen (quantified outputs)

A quantified screen (same methodology both options) showing proximity/interaction between the logistics footprint and sensitive receptors/features, including (as a minimum) residential receptors and sensitive ecological corridors (including LWS 4722 / Great Hale Eau).

5. Row-by-row reconciliation to LCJM's Table ES-1 (REP6-046) (audit table)

A point-by-point response respecting the Table ES-1 structure, confirming or correcting each figure with references to the above schedules/layers.

6. Alternatives search methodology (structured narrative + schedule of options considered)

A short statement explaining: (i) the defined alternatives search space; (ii) what coherent land assemblies closer to the PoC were evaluated (including those actively offered to the Applicant); (iii) the decision criteria used at each stage (with dates/decision points); and (iv) how "cumulative impact" reasoning was applied consistently over time, including what changed (if anything), when, and why.

7. Local Wildlife Sites interaction schedule (single consistent symbology map pack)

A single map pack and schedule showing interactions with all LWS for: (i) the cable corridor; (ii) temporary possession; and (iii) access/haul routes/compounds — presented with consistent symbology across the whole footprint to avoid under-statement by map presentation.

LCJM submits that absent the above, Appendix 1 cannot be reliably audited and should not be treated as a sound basis for route comparison or CA/TP proportionality. LCJM seeks this material solely to enable the ExA to test whether the Applicant's comparative conclusions are evidence-based and replicable; LCJM does not invite the ExA to refine or optimise the preferred alignment.

For the purposes of ExQ3 NED.3.1, LCJM's outstanding issues are therefore:

- (i) auditability/like-for-like defects in Appendix 1,
- (ii) lack of disclosed rule-set and construction logistics assumptions,
- (iii) absence of a transparent alternatives search / consistent decision criterion, and
- (iv) insufficient integration of agricultural sensitivity, ecology footprint effects and deliverability counterparty impacts.

LCJM's CA/TP proportionality submissions are set out at Sections 3.4–3.5 below.

3. Compulsory Acquisition (CA), Temporary Possession (TP), Land Rights and related matters

ExQ3 A.3.2 (LCJM) – CA/TP: blight and/or economic unviability; evidence

Question: *Can LCJM confirm if it believes the Proposed Development would result in blight of the agricultural unit and/or make the agricultural units economically unviable? If so, does it have any economic or financial evidence of such impact?*

Direct answer (CA.3.2): LCJM says **yes** to unit-level blight/material economic harm (as defined at 3.1(2A)), and **no** to whole-unit economic unviability. LCJM relies on the exhibited empirical reinstatement evidence (ExD7.9–ExD7.11) and contemporaneous optionality/deliverability evidence (ExD7.12–ExD7.15).

3.1 LCJM’s position on “blight” and “economic unviability”

1. Economic unviability (whole unit): No.

LCJM does not contend that the farming enterprise would become economically unviable as an agricultural unit. LCJM remains a going concern.

2. Blight / material harm (agricultural unit level): Yes.

LCJM contends that the Proposed Development, as aligned and as rights-packaged (including CA/TP and associated construction logistics), would cause material blight and economic harm at agricultural unit level, notwithstanding that LCJM remains a viable going concern. LCJM’s case is that the relevant effects are not confined to the 12m permanent easement strip and are not properly characterised as the acquisition of “sub-soil rights only”. Rather, harm arises through the evidenced mechanisms below.

2A. Meaning of “blight” used by LCJM (for the avoidance of doubt).

By “blight”, LCJM means material adverse economic effect and constraint on the agricultural unit and retained land, including:

- (i) reduced operational flexibility and increased operating cost;
- (ii) increased reinstatement/drainage risk and yield tail-risk on a high-value, time-critical rotation (including irrigated potatoes); and
- (iii) prejudice to deliverability of integrated land uses and renewables optionality on the retained holding, arising from fragmentation/non-contiguity and corridor sterilisation.

LCJM does not use “blight” to mean that the business becomes insolvent or ceases to be a going concern.

3. Severance / fragmentation (unit-level).

A west–east bisection of a rectangular holding along its greatest length for c. 3.2 km, creating operational division and layout constraint well beyond the permanent easement strip.

4. Operational constraint beyond the strip (construction logistics).

Constraint and disruption arising from the real-world construction footprint and logistics, including access points, haul routes, compounds, working widths, occupation duration, and frequent interfaces with drains and underground services.

5. Reinstatement and drainage risk (medium-term residual effects).

Reinstatement complexity and drainage vulnerability (including medium-term workability impacts and ponding/flooding risk), with practical consequences for a high-value, time-critical rotation.

6. Cumulative effects on a degraded baseline.

Major linear infrastructure works have already occurred across the holding, increasing the risk that residual

impacts persist and compound if a further long corridor is imposed (including through TP/compounds/haul routes). (See ExD7.9, ExD7.10 and ExD7.11.)

7. Compensation principles (context only; not a valuation case).

LCJM does not invite the ExA to determine compensation. LCJM notes, however, that the compensation code proceeds on the principle of equivalence and recognises heads of claim including disturbance, severance and injurious affection to retained land, and that adverse effects may arise from the execution and/or use of the scheme. LCJM relies on these principles only to support the proposition that the CA/TP case cannot properly be tested through a “sub-soil / strip-only” lens where unit-level impact mechanisms are evidenced. (See LCJM’s submissions REP6-046 and REP6-047.)

8. Programme-neutral private treaty remains available (CA/TP as last resort).

LCJM emphasises that it is not adopting a refusal posture and has consistently sought to resolve land rights by private treaty. LCJM has advanced a programme-neutral voluntary settlement framework intended to avoid contested CA/TP and to manage impacts through enforceable, farm-specific commitments (including auditable as-laid records, reinstatement verification, and defined limits on construction logistics/TP on LCJM’s holding). LCJM submits that, absent such farm-specific mechanisms, the ExA cannot properly test necessity and proportionality by treating the case as “sub-soil / strip-only” or by reliance on generic controls alone. The ExA is therefore invited to consider, as part of the proportionality assessment, whether the Applicant has reasonably engaged with a programme-neutral voluntary route before seeking to rely on CA/TP powers as a default delivery mechanism.

3.2 Economic / financial evidence LCJM relies upon

LCJM’s evidence is empirical, site-specific and mechanism-based. It is relied upon to assist the ExA in testing the necessity and proportionality of the CA/TP powers sought (rather than to run a compensation quantum case).

3.2.1 Empirical reinstatement evidence (Viking Link analogue – SOYL pre/post surveys)

4. LCJM relies on site-specific evidence from prior linear infrastructure works across its holding (Viking Link) demonstrating that reinstatement effects can be persistent and can translate into economic harm (workability, resilience and yield performance), beyond any “sub-soil rights only” framing. (See ExD7.9.)
5. SOYL (Jeremy Hollis PhD) undertook pre-construction (Oct 2021) and post-reinstatement (Jul 2023) soil surveys on two LCJM fields (Starvalls G64 and Far 52 G66). (See ExD7.9.)
6. Key SOYL findings include that while placement/texture may be broadly correct, soil structure post-reinstatement is materially worse, with most reinstated land assessed as poor structure and only limited areas assessed as not-poor. (See ExD7.9.)
7. LCJM submits this constitutes practical economic evidence because degraded structure is capable of increasing operating cost and reducing agronomic resilience (timeliness constraints, trafficking sensitivity, rooting limits, and yield “tail-risk”), affecting unit performance and unit value.

3.2.2 Crop performance indicator (NDVI)

8. LCJM relies on NDVI imagery dated 03.10.2023 showing a persistent linear band of reduced crop vigour coincident with the reinstated Viking Link corridor in Starvalls Field — consistent with the soil structure findings and illustrating medium-term productivity effects. (See ExD7.10.)

3.2.3 Drainage / flooding evidence (corridor-specific)

9. LCJM relies on a dated photo set taken 21.10.2023 showing localised standing water and flooding aligned with the reinstated Viking Link corridor, contrasted with adjacent control areas. LCJM submits this evidences medium-term hydrological/workability impact consistent with the SOYL findings, with practical consequences for operations and yield. (See ExD7.11.)

3.2.4 Why this evidence is relevant to CA/TP proportionality here

10. Taken together — NDVI evidence of persistent crop stress (ExD7.10), soil survey evidence of post-works structural degradation (ExD7.9), and photographic evidence of altered surface hydrology/ponding (ExD7.11) — LCJM submits that linear infrastructure on productive land can produce significant medium-term residual effects, even where reinstatement is presented as compliant.
11. Against that factual baseline, a further long corridor (and associated Temporary Possession / compounds / haul routes) would reasonably be expected to compound unit-level harm mechanisms (including severance, repeated disturbance and reinstatement risk) and therefore supports LCJM’s case on unit-level blight/material harm.

Economic/financial relevance (without advancing compensation quantum):

LCJM’s evidence is relied upon because it demonstrates mechanisms that translate directly into economic consequences for a high-value, time-critical irrigated potato rotation: increased cultivation/rectification cost, reduced timeliness (and therefore yield-tail risk), increased compaction sensitivity, and heightened drainage-related workability loss. LCJM is not inviting the ExA to determine compensation; however, the existence of these mechanisms is material to the ExA’s assessment of whether the Applicant’s “sub-soil/strip-only” framing is adequate for proportionality/necessity of CA/TP powers on this holding.

3.2.5 Contemporaneous development optionality and fragmentation sensitivity (ib vobt; Applicant’s own evidence)

12. Contemporaneous development optionality (ib vobt) – relevance to proportionality (not valuation quantum).

LCJM relies on contemporaneous transaction documentation with ib vobt concerning a PV + BESS proposition (c. 49.9 MW PV with up to c. 400 MW BESS) as evidence that the holding carried live, progressed renewable-development optionality and should not be characterised as having only “strip-only” agricultural value for the purposes of testing the necessity and proportionality of the CA/TP powers sought. LCJM’s reliance is limited and careful: LCJM does not invite the ExA to determine compensation quantum and does not assert that any third-party project failed because of the Proposed Development. LCJM relies on the ib vobt material only to demonstrate:

- (a) the maturity and seriousness of negotiations (including progressed option/lease documentation);
- (b) that corridor geometry, sterilisation and rights-packaging are recognised, real-world constraints that can affect deliverability of integrated land uses; and
- (c) that LCJM’s “deliverability prejudice / highest and best use” concern is contemporaneous and evidenced, rather than an after-the-event construct. (See ExD7.12–ExD7.14.)

12A. Exclusivity (seriousness of negotiations).

LCJM further notes that the Heads of Terms were progressed on an exclusivity basis during the negotiation period (i.e. the commercial process contemplated a single-counterparty progressed transaction rather than speculative parallel approaches). LCJM relies on this point only as additional evidence of seriousness and progression, not as a legal submission on enforceability and not as a valuation claim.

12B. “Subject to contract” status (scope of reliance).

LCJM recognises the Heads of Terms document is “subject to contract” and is not relied upon as legally binding; it is relied upon only as contemporaneous evidence of a defined, progressed PV+BESS proposition and the

seriousness/maturity of negotiations, corroborated by the progressed option and lease documentation exhibited at ExD7.13 and ExD7.14.

12C. Extent of transaction drafting (maturity).

LCJM also relies on the extent and advancement of the ib vogt drafting as contemporaneous evidence of progressed optionality: Heads of Terms (ExD7.12), a detailed draft Option Agreement (ExD7.13), and a detailed draft Lease (ExD7.14). LCJM relies on this only to demonstrate seriousness and progression of negotiations (and therefore sensitivity of deliverability to sterilisation/rights-packaging), not to assert causation for any project outcome and not to invite determination of compensation quantum.

13. Applicant's own evidence that fragmentation/non-contiguity is a deliverability prejudice mechanism.

LCJM further relies on the Applicant's evidence on the Examination record [ISH1] that non-contiguous layouts can prejudice deliverability/viability because they may introduce additional inter-array cable runs, may require additional substations, and can draw in further third-party land interests to secure those connections. LCJM relies on this evidence as a matter of principle: where the Applicant accepts fragmentation/non-contiguity as a deliverability-prejudice mechanism at project level, it is relevant to the proportionality assessment where the Applicant's chosen export corridor bisects LCJM's rectangular holding along its greatest length and reasonably increases long-term operational constraint and sterilisation risk beyond the permanent easement strip. (See ExD7.15.)

14. Relevance to ExQ3 A.3.2 (necessity/proportionality of CA/TP powers).

LCJM submits that the combination of:

(i) empirical, site-specific evidence that linear works can leave persistent residual agricultural impacts (SOYL/NDVI/ponding: ExD7.9–ExD7.11); and

(ii) contemporaneous evidence that the holding carried progressed renewables optionality and is sensitive to fragmentation/sterilisation constraints (ExD7.12–ExD7.15),

supports LCJM's position that the Proposed Development (as aligned and rights-packaged) would cause unit-level blight and material economic harm even if the farming enterprise remains viable overall.

3.3 LCJM's direct answer to ExQ3 A.3.2

15. Blight: Yes. LCJM considers the Proposed Development would result in blight and material economic harm at agricultural unit level, even though the business remains viable overall.

16. Economic unviability: No. LCJM does not contend the farming enterprise becomes economically unviable as an agricultural unit.

17. Evidence relied upon: LCJM relies on the following evidence of mechanism and impact:

- ExD7.9 (SOYL) pre/post reinstatement soil structure evidence (Viking Link analogue);
 - ExD7.10 NDVI imagery consistent with medium-term productivity impact;
 - ExD7.11 corridor-specific flooding/ponding photo evidence; and
 - ExD7.12, ExD7.13 and ExD7.14 (ib vogt transaction documentation evidencing live, progressed optionality), together with ExD7.15 (Applicant evidence acknowledging fragmentation/non-contiguity as a deliverability-prejudice mechanism), relied upon for proportionality/necessity context (not compensation quantum).
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3.4 Proportionality: programme-neutral private treaty route remains available (CA/TP as last resort)

LCJM emphasises that it has consistently sought to resolve land rights by private treaty and is not adopting a refusal posture. LCJM's position is that the necessity and proportionality of CA/TP on this holding cannot be tested through a "sub-soil/strip-only" lens, because the evidenced pathways of harm are unit-level and logistics-led: a c.3.2 km west-east bisection of a rectangular block (severance/fragmentation), compounded by construction logistics, drainage/services interface frequency, reinstatement tail-risk on a time-critical irrigated rotation, and cumulative impacts on a degraded baseline (see ExD7.9–ExD7.11).

LCJM is not a like-for-like comparator with the majority of affected plots. The impact here is not a short crossing of a field but a long severing corridor across the holding's greatest length, creating operational division and constraint well beyond the 12m permanent easement strip, including risks and constraints arising from TP/compounds/haul routes and from repeated interfaces with dense drainage and underground mains/services. LCJM also relies on contemporaneous, progressed renewables optionality evidence (ExD7.12–ExD7.14) and the Applicant's own acceptance that fragmentation/non-contiguity can prejudice deliverability (ExD7.15) as relevant context to proportionality (not compensation quantum).

Against that evidence, LCJM submits that a programme-neutral voluntary route remains realistically available on terms capable of being executed without delaying the Applicant's programme and, if reasonably engaged with, would materially reduce delivery risk while securing enforceable, farm-specific protections. The ExA is therefore invited to test whether the Applicant has reasonably engaged with a programme-neutral private treaty route as part of the CA/TP necessity and proportionality assessment. In LCJM's submission, where a programme-neutral private treaty route remains available on evidenced terms, CA/TP should be treated as a last resort and justified on the evidence, not treated as an administrative convenience.

LCJM also notes the interaction with existing strategic infrastructure and LCJM's prior cooperation. In November 2021, LCJM shared (in confidence) the National Grid Ventures Viking Link Letter of Comfort material to facilitate informed engagement on routing and constructability at the relevant interface location. The Applicant has since progressed a crossing of the Viking Link cable at that same point as part of its preferred export corridor solution. LCJM's point is not to invite the ExA to determine motive; it is that LCJM's good-faith cooperation and the Applicant's subsequent reliance on that interface underscore (i) that the baseline is already constrained by major linear infrastructure, and (ii) that further CA/TP rights sought over LCJM's holding must be tested for necessity and proportionality against a programme-neutral private treaty route capable of delivering the works while securing enforceable, farm-specific protections and audit-grade logistics assumptions.

LCJM further notes that the Applicant has indicated it is not pursuing alignment alternatives in private treaty discussions and has maintained a "sub-soil/strip-only" characterisation of the rights sought, with other statutory heads of claim (e.g. severance/injurious affection) treated as matters to be addressed later if evidenced. LCJM does not contest that those heads exist in principle; LCJM's point is that this approach reinforces the need for enforceable, auditable, farm-specific controls at the rights stage if CA/TP is to be justified as necessary and proportionate on this holding.

LCJM is concerned that this approach has the practical effect of constraining LCJM's own future infrastructure optionality at a location of strategic integration potential, and therefore increases the importance of clear protective provisions, minimisation of additional land-take beyond what is strictly necessary, and audit-grade disclosure of logistics assumptions. These matters are relevant to whether the powers sought are necessary and proportionate on this holding, and to the weight that can safely be placed on an assumptions-led comparative case.

3.5 Voluntary Agreement: minimum deliverables (programme-neutral, farm-specific controls)

Without prejudice to LCJM's objection to the alignment and the powers sought, LCJM's proposed voluntary agreement is advanced as a programme-neutral route that would be capable of execution without prejudicing the Applicant's delivery timetable, while securing enforceable, auditable controls that generic DCO controls do not reliably deliver on the facts of this holding. The minimum deliverables LCJM seeks are:

1. **As-laid records (audit-grade):** CAD/PDF/GIS "as-laid" plans showing centreline, depth, joint bays/link boxes/chambers, and all retained O&M hardstandings, provided within an agreed timeframe post-install.
2. **Drainage and services protection:** pre-works condition record, agreed method statement for crossings/interfaces, drainage reinstatement sign-off by a qualified drainage contractor, and as-built drainage plans.
3. **Logistics controls:** defined access points and haul routes; no deviation without written approval; clear limits on working width/TP on LCJM's land unless justified and compensated.
4. **Seasonal interface protocol (impact-managed, not prohibition):** no absolute seasonal prohibition is required, but a documented protocol that identifies high-sensitivity operations/windows (including potato operations and irrigation periods), requires advance notice and coordination, and provides a clear trigger mechanism for agreeing mitigation measures and/or agreed compensation principles where works unavoidably conflict. This is sought because the practical impact and disturbance risk can vary materially depending on timing.
5. **Reinstatement verification and retention:** objective verification criteria (including post-works inspection and remediation triggers) supported by retention/bond/holdback to secure aftercare.
6. **Dispute resolution and monitoring:** named points of contact, inspection rights, and a fast dispute mechanism to avoid programme delay.
7. **Adequate monetary consideration (commercial, without prejudice):** an agreed consideration payment for the voluntary grant of rights (separate from and without prejudice to any statutory compensation heads), reflecting the corridor burden on LCJM's holding and the value of programme certainty/delivery de-risking achieved by private treaty.

LCJM submits that securing the above deliverables through a programme-neutral voluntary agreement would materially reduce (or remove) the need for contested CA/TP powers on this holding. The ExA is invited to treat the availability of that route as relevant to the necessity and proportionality of the powers sought.

Matthew Mountain
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08.02.26