



# BEACON FEN ENERGY PARK

Planning Inspectorate Reference: EN010151

Applicant's Responses to ExQ3  
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## Quality information

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## Glossary

Abbreviation	Description
AC	Alternating Current
AIS	Air Insulated Switchgear
Applicant	Beacon Fen Energy Park Ltd
BESS	Battery energy storage system
CCTV	Closed circuit television
DC	Direct Current
DCO	Development Consent Order
EA	Environment Agency
GIS	Gas Insulated Switchgear
HV	High Voltage
IDB	Internal Drainage Board
LCC	Lincolnshire County Council
Low Carbon	Low Carbon Ltd
MW	Megawatts
NGR	National Grid Reference
NKDC	North Kesteven District Council
NSIP	Nationally Significant Infrastructure Project
Order	The Beacon Fen Energy Park Order
PCU	Power Conversion Unit
PINS	Planning Inspectorate
Proposed Development	The entire development to be constructed and operated within the Site, as set out in Schedule 1 of the draft DCO
PRoW	Public Right of Way
PV	Photovoltaic
Site	The entire draft Order Limits or red line boundary located approximately 6.5 km northeast of the village of Sleaford and 2.5 km north of Heckington
SoS	Secretary of State

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# 1. Introduction

- 1.1.1 This **Applicant's Response to Examining Authority's Third Questions (Document Ref. 9.25)** document 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 summarises the responses made by the Applicant to the **Examining Authority's Written Questions 3 ('ExQ3') (PD-016)** which were published on 26 January 2026 in relation to the application for development consent (Application) for the Beacon Fen Energy Park (the {Proposed Development}).

## 2. Applicant Responses to ExQ3

Table 2.1 – ExQ3 Responses

EXQ3	QUESTION TO:	QUESTION	APPLICANT'S RESPONSE
<b>General and cross-topic matters</b>			
GCT 3.1	Applicant	Can the applicant confirm that Tables 1A to 1D of the Planning Statement [APP-277] have been updated in order to reflect the changes submitted by LCC and NKDC to the latest list of projects within or overlapping the Order Limits which should be considered by the applicant?	Tables 1A to 1D of the <b>Planning Statement (Document Ref: 5.5)</b> have been updated to include the applications identified by the LPAs and set out within the <b>Technical Note Cumulative Effects Assessment Update (REP5-049)</b> . Applications identified by the LPAs within the <b>Technical Note Cumulative Effects Assessment Update (REP5-049)</b> which are not within or overlapping the Order Limits have not been included in the updated Tables 1A to 1D of the <b>Planning Statement (Document Ref: 5.5)</b> .
GCT 3.2	Applicant	The 2025 versions of the National Policy Statement (NPS) EN1, NPS EN3 and NPS EN5 came into force on the 6 January 2026. Does the applicant believe that any of the documents submitted in support of the proposed development need to be changed in light of the version of the NPSs?	As the application for the Proposed Development was accepted for examination prior to the publication of the 2025 updated versions of NPS EN-1, EN-3 and EN-5, the previous 2024 versions of EN-1 and EN-3 continue to have effect in relation to the proposed determination of the Application (in accordance with s104 of the Planning Act 2008), with the previous version of EN-5 remaining an important and relevant consideration. This is consistent with the transitional provisions set out in the updated NPSs (see paragraph 1.6 of EN-1). The updated NPSs are capable of being important and relevant considerations; however, following review of the relevant updates, the Applicant does not consider they are of a nature which are material to the consideration of the Application or necessitate any updates to the Application documents. This is because the changes that are relevant to the Proposed Development relate to strengthening the existing need case and upon review the conclusions of each topic-specific assessment against policy compliance (at Appendices 3A – 3C of the <b>Planning Statement (Document Ref. 5.5)</b> ) remain valid,
GCT 3.3	Applicant Environment Agency	The proposed development includes a Battery Energy Storage System (BESS) which, in case of a fire, may require the use of chemicals, such as PFBs or PFAs, to be extinguished. These chemicals, if not contained, can have a significant detrimental effect on the wider environment. Can the applicant please confirm how it has considered the potential need for the use of such chemicals and how it has mitigated against its release? Can the applicant also confirm if a lead line base is proposed as potential mitigation?	Section 4.3 of <b>7.2 Outline Battery Safety Management Plan (Revision 2) (REP5-035)</b> details the measures to protect environmental measures from fires and Section 8.3 of <b>Appendix 11.1 Flood Risk Assessment (Revision 3) (REP6-029)</b> details the proposed firewater management strategy. This is summarised below. Section 8.3 of <b>Appendix 11.1 Flood Risk Assessment (Revision 3) (REP6-029)</b> is secured via Requirement 10 of the <b>draft DCO (Document Ref. 3.1)</b> . In the event of a fire, all firewater runoff will be retained within the BESS and onsite substation area. Containment will be within basins lined with impermeable geomembrane and filled with aggregate, surrounding the BESS units; or within a lined lagoon. Automatic shut-off valves (with a manual override) at drainage outfall points will retain potentially contaminated firewater within the aforementioned storage features. An impermeable geomembrane will be installed beneath the BESS and onsite substation plateau and all associated drainage features (e.g. attenuation tanks/ponds) to prevent the infiltration of firewater runoff to the ground. There is, therefore, no pathway for potentially contaminated water to discharge to downstream watercourses or infiltrate to the ground

			<p>The drainage attenuation features within the BESS and onsite substation area have been sized to accommodate a worst-case scenario of a four-hour firefighting water discharge event of 1,500 litres per minute (i.e. 360m<sup>3</sup> in total) within a single section of BESS units, coinciding with a 1 in 10-year (+35%CC) storm event.</p> <p>Lead-lining is not considered a standard or established mitigation measure for preventing potential contamination in the event of a fire. Any supplementary measures will be informed by the characteristics of the system, site conditions, and a review of prevailing codes, standards, and regulatory guidance in effect at the time of detailed design, as secured by Requirement in the <b>Draft DCO (Document Ref. 3.1)</b>.</p>
<p><b>Need, site selection and alternatives</b></p>			
<p>NED.3.2</p>	<p>Applicant</p>	<p>As set out in NED.3.1 the ExA asked the applicant to carry a comparative analysis between the applicant's cable route corridor and LCJ Mountain Farm Ltd's proposed alternative route. Having reviewed the information submitted into examination up to this point, there seems to not be a direct response to Table ES-1 of LCJ Mountain Farm Ltd's submission [REP6-046]. The ExA asks for the applicant to provide a concise response to Table ES-1, respecting the structure of the Table and:</p> <ul style="list-style-type: none"> <li>• Confirms if the numbers and information set in the table in relation to all different "aspects" is correct or not? And amend accordingly if not correct;</li> </ul> <p>Add any other comments, in summary, that the applicant wishes to raise and respond to in relation to any of the information included in table ES-1 of [REP6-046].</p>	<p>The Applicant has responded to this question in Appendix 1 of this Document.</p>
<p><b>Compulsory Acquisition (CA), Temporary Possession (TP), Land Rights and related matters</b></p>			
<p>CA.3.3</p>	<p>Applicant</p>	<p>The applicant states in REP6-013 that agreement is not expected to be reached during the examination with Network Rail Infrastructure Limited in relation to plot 10-14. Can the applicant please provide an update stating what the main differences are between both parties and why agreement is unlikely to be reached? Also, the applicant is asked to set out what further actions is proposing to do in order to reach agreement before the end of the examination.</p>	<p>By way of general background overview, the Applicant and Network Rail have been engaged in discussions on the protective provisions since December 2024 (in anticipation of the submission of the DCO Application). Pending the output of those discussions, the Applicant included a form of protective provisions for the benefit of Network Rail at Part 10 of Schedule 11 of the DCO, which it considered provided appropriate protection for Network Rail's interests/undertaking.</p> <p>The Applicant returned comments on Network Rail's preferred form of protective provisions in July 2025 and despite repeated requests for updates in the intervening period has yet to receive any substantive response to that mark-up. In addition, the Applicant issued a draft Statement of Common Ground to Network Rail on 27<sup>th</sup> June 2025, with the objective of identifying and narrowing areas of disagreement between the parties. However, despite numerous requests for the document to be updated and returned, and assurances that the document was with Network Rail's solicitors for review, the document remains unreturned at the date of this submission. In the absence of the Statement of Common Ground, or any substantive responses to the protective provisions, it is assumed that the extent of the disagreement between the parties is limited to the material amendments the Applicant made in the round of July 2025 comments to the protective provisions and which the Applicant addressed in its</p>

response to Network Rail's relevant representation (REP1-029, e-page 77/78), given the focus of that representation.

As noted in that response, the substantive issue outstanding between the parties is disagreement regarding which powers under the DCO are to be exercised only with Network Rail's prior approval, insofar as they apply to any railway property. Whilst the Applicant is happy to limit certain powers in this way (as specified in paragraph 108 of Part 10 of Schedule 11 of the draft DCO, including Articles 20 (discharge of water), 22 (authority to survey and investigate the land) and 44 (felling or lopping of trees or removal of hedgerows), the Applicant is not prepared to grant the full extent of the limitation sought by Network Rail which would have the effect of conditioning the carrying out and maintenance of the authorised development (Articles 3 and 5), as well as those related to compulsory acquisition/temporary possession (Articles 23, 27, 30, 32, 34 and 35).

The Applicant explained in REP1-029 that the effect of including such further limitation would be that the Applicant would not be able to acquire the interests it needs to implement, carry out and maintain the Proposed Development without first seeking Network Rail's consent, which represents an unacceptable conditionality to the delivery of the Proposed Development considering the status of negotiations between the parties, as elaborated upon below.

The Applicant is seeking to negotiate voluntary agreement for the grant of the interests in the land it requires from Network Rail and discussions between the parties continue in this respect. However, the parties have been unable to reach agreement to date due to the conflicting positions held in respect of 'lift and shift' and 'termination' provisions sought by Network Rail. The provisions would allow Network Rail to require the Applicant to relocate the cables that are proposed to be situated below the railway and relocate them (to a location of Network Rail's choosing). The cost of any relocation would, despite the compensation paid for the easement to Network Rail for the rights required to accommodate the cables, be borne by the Applicant. However, there is no guarantee, in the absence of any compulsory acquisition powers over the land required for the relocation, that the cables *could* be relocated, resulting in the Proposed Development ceasing to operate, potentially permanently. The termination provisions could also be applied where relocation is not possible, also resulting in the Proposed Development being permanently taken 'offline.' To reiterate, the associated costs and losses suffered in respect of the permanent or temporary interruption to the generation of electricity from the Proposed Development would be borne by the Applicant, if the provisions sought by Network Rail were adopted. This is not considered to be a fair or reasonable risk burden to impose upon the Applicant and/or the Proposed Development.

In addition, despite the Applicant offering compensation for the rights sought in the Draft DCO well in excess of that payable under the 'compensation code,' and based on directly comparable transactions, Network Rail has resisted this offer seeking greater compensation. The effect of Network Rail's preferred protective provisions and the greater limitation on the Applicant's ability to exercise its powers under the DCO would mean there is no alternative to voluntary agreement being needed with Network Rail over their land and which hands Network Rail an effective ransom right in respect of the delivery of the Proposed Development, so having the inevitable potential to compromise its delivery/viability.

It is important to note that the extent of this disagreement relates to the proposed land rights only. Under the Applicant's current drafting of Network Rail protective provisions contained in the Draft DCO (Paragraph 109 of Part 10) (and which it is understood is not a matter of disagreement with Network Rail), the Applicant must secure Network Rail's approval before carrying out any 'specified work' (being so much of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect railway property). For this reason, Network Rail's operational undertaking would not be adversely affected by any works undertaken as part of the Proposed Development, even if rights were separately compulsorily acquired to construct and operate the Proposed Development on Network Rail's land. Further, Network Rail confirmed on 12 December 2025 that 'technical clearance' had been provided in respect of the Proposed Development, which confirms that Network Rail is satisfied, in engineering and safety terms, that the proposed works for the Proposed Development can be delivered without unacceptable risk to the railway.

There is precedent for the Applicant's approach in a number of energy DCOs, including most recently The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 and The National Grid (Bramford to Twinstead Reinforcement) Order 2024, where the Secretary of State agreed with the promoter of those DCOs that consent for the use of compulsory acquisition powers was not required in order to satisfy the test in section 127 of the Planning Act 2008 (Paragraphs 6.8 and 6.10 of the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 Decision Letter; Paragraphs 6.57 and 6.58 of the National Grid (Bramford to Twinstead Reinforcement) Order 2024 Decision Letter) . The equivalent issues relating to 'lift and shift' and 'termination' provisions were in dispute between the promoters of these precedent DCOs and Network Rail. In addition, the decision letter granting development consent for The Associated British Ports (Immingham Green Energy Terminal) Order 2025 specifically noted that at paragraph 183: "*it would not be suitable to relocate or move the pipeline once it has been installed and is operational*", and so the Secretary of State in that case was "*satisfied that with the protective provisions included in the [Immingham] Order*", which included equivalent drafting to that proposed by the Applicant's

			<p>preferred form of the Network Rail protective provisions. Accordingly, the Secretary of State's determination in favour of the promoter in these DCOs is a direct precedent for the Applicant's position.</p> <p>Whilst the Applicant will continue to engage with Network Rail seeking to agree both the form of protective provisions and a voluntary land agreement, it cannot agree to include wording within the Draft DCO which would require Network Rail's consent for any exercise of compulsory acquisition powers and the Applicant does not currently anticipate agreement being reached within the examination timetable for that reason (and in the absence of any progress over a number of months). For the reasons highlighted above, the Applicant considers that in the absence of such agreement being reached, the form of protective provisions included in Part 10 of Schedule 11 to the draft DCO (as minorly updated at this Deadline 7 to reflect the final mark-up of the PPs proposed to Network Rail) provide adequate protection to ensure there will be no serious detriment to the carrying on of Network Rail's undertaking, so satisfying the relevant test under section 127 of the Planning Act 2008.</p>
CA.3.4	Applicant	<p>The applicant states in REP6-013 that is still expecting to reach agreement with several other Statutory Undertakers before the end of the examination. The applicant is asked to set out what further actions it will take in order to reach agreement before the end of the examination.</p>	<p>By way of overview, there are a high number of statutory undertakers with interests within the Order limits by virtue of the nature and location of the Proposed Development. Significant effort has been made by the Applicant over a concerted period of time (both in pre-application, and particularly subsequent to the submission of the Application as would be expected) to progress engagement as far as possible with these relevant bodies and ensure that protections are in place which ensure no serious detriment to the relevant statutory undertaker's undertaking as well as ensuring that the Proposed Development remains deliverable.</p> <p>The following table sets out the status of agreement with each relevant statutory undertaker and what further actions (if any) would be required for agreement to be reached ahead of the end of Examination. The colour coding demonstrates the progression of agreement and it is evident from the volume of green entries that significant progress has been made, and agreement reached with the vast majority of statutory undertakers. At the time of writing, it is anticipated that agreement will <i>not</i> be reached with only two of the twenty-seven separate undertakers listed (one of whom is Network Rail, with the context to that disagreement provided in the response to CA.3.3 above).</p> <p>As with all projects of this nature, there were a number of undertakers who, following engagement and provision of draft protective provisions by the Applicant, never responded to request amendments to the Part 1 or Part 2 protective provisions which exist on the face of the <b>Draft DCO [REP6-003]</b>. In these instances, because no private or public objection or request for amendments have been made by the relevant statutory undertaker, the Applicant has assumed that they are content with the form of provisions provided for in the <b>Draft DCO [REP6-003]</b>. This is to be expected given the Part 1 and Part 2 Protective Provisions are in a standard form and highly precedented across similar existing projects and, as such, it is considered that these provisions are adequate to protect all relevant interests where applicable. We have identified such instances where 'presumed agreement' applies in the table below for completeness (whilst noting that section 127 of the Planning Act 2008 is not engaged in such instances, given the absence of any representation having been received from the relevant undertaker).</p>

Statutory Undertaker	Status	Actions required
AGR (AGR Solar 2 Limited; AGR Solar 3 Limited; Vicarage Drove BESS Limited)	Almost agreed	Principles of a side agreement have been agreed with AGR Solar 2 Limited, and parties are currently working to finalise some minor points of drafting. All parties are agreed that once that side agreement has been finalised, side agreements on similar if not identical terms will be prepared with AGR Solar 3 Limited and Vicarage Drove BESS Limited. It is anticipated the suite of side agreements will be completed prior to the end of the Examination or shortly thereafter.
Anglian Water Services	Almost agreed	Protective Provisions in relation to Anglian Water's assets are in agreed form, with the exception of specific provisions aimed at managing the interface between the Proposed Development and Anglian Water's proposed Lincolnshire Reservoir Project. The parties have agreed the general principles of the Protective Provisions in relation to the Lincolnshire Reservoir, as well as additional provisions included in the outline Construction Environmental Management Plan and outline Decommissioning Environmental Management Plan, and are working to finalise points of drafting in this respect across the suite of documents. It is anticipated that the drafting in all documents can be agreed prior to the end of the Examination, at which point Part 3 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> will be updated accordingly. The oCEMP and oDEMP have been updated at Deadline 7 with terms agreed with Anglian Water.
Bicker Fen Windfarm Limited	Presumed agreed	Updated draft protective provisions were shared with the statutory undertaker on 30 July 2025. As no

		response has been received, the protective provisions contained within Part 9 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> have been amended to reflect the updated drafting shared in July 2025 and is presumed agreed in light of the lack of response.
British Gas Limited	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
Bring Energy Limited	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
BT Limited	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
Cadent Gas Limited	Agreed, pending completion of relevant documents	The principles have now been agreed between the Applicant and the statutory undertaker, and the wording of a side agreement is being finalised to reflect this, allowing for agreement of the protective provisions included at Part 11 of the <b>Draft DCO (Document Ref: 3.1)</b> . This is

		expected to be complete ahead of the end of the Examination, which will facilitate the withdrawal of Cadent's representation to the Examination.
CityFibre	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
Colt	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
GTC	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
Heckington Fen	Agreed	A collaboration agreement has been agreed with this statutory undertaker and protective provisions are also agreed as per Part 7 of Schedule 11 to the <b>Draft DCO (Document Ref: 3.1)</b> .
Lumen Technologies	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were

		shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
Mobile Broadband Network Limited	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
National Gas Transmission Limited	Agreed	The wording of the protective provisions included in Part 4 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are agreed.
NGED (National Grid Electricity Distribution (East Midlands) PLC)	Under discussion	Having contacted the statutory undertaker prior to submission of the Application with the form of protective provisions included in Part 1 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> , the Applicant received a response from the statutory undertaker on 23 January 2026. The Applicant is now engaging with NGED following this correspondence to seek to agree protective provisions. There are limited points of difference between the parties and the Applicant hopes to reach an agreed position shortly.
National Grid Electricity Transmission Plc	Almost agreed	The Applicant has been engaging with this statutory undertaker on an ongoing basis. Engagement continues but agreement is expected before the close of the examination, at which point the relevant protective provisions will be added to Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> .

National Grid Viking Link	Agreed, pending formal documents	The Protective Provisions contained in Part 5 of Schedule 11 to the <b>Draft DCO (Document Ref: 3.1)</b> and Side Agreement are now agreed with this statutory undertaker. Signing of the side agreement is due to take place ahead of the close of examination.
Network Rail Infrastructure Limited	Not agreed	Agreement is not anticipated to be reached with this statutory undertaker. For further detail on the outstanding issues and the Applicant's submissions as why the Applicant's position should be preferred, please refer to response CA.3.3 above. The latest version of the protective provisions is included in Part 10 of Schedule 11 to the <b>Draft DCO (Document Ref: 3.1)</b> .
Openreach British Telecoms	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
Sota	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
Triton Knoll OFTO Limited	Almost agreed	There are a few minor outstanding drafting points to be agreed regarding protective provisions for this statutory undertaker, which are expected to be agreed ahead of the close of the examination, at which point the provisions within Part 8 of Schedule

		11 to the <b>Draft DCO (Document Ref: 3.1)</b> will be updated to reflect the agreed position.
Utility Assets Ltd	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
Verizon Business	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
Vicarage Drove Energy Centre Limited	Under discussion	<p>Draft bespoke protective provisions were shared with the statutory undertaker on 9 December 2025. Pending receipt of feedback from the statutory undertaker on these provisions, these have been included in the <b>Draft DCO (Document Ref: 3.1)</b> at Part 12 of Schedule 11 for Deadline 7. In addition, the Land Plans have been updated to remove compulsory acquisition powers over certain areas of land covered by the statutory undertaker's project. The Applicant awaits confirmation that this position is agreed.</p> <p>The combination of reducing the area of new rights being acquired over this statutory undertaker's land, together with the protective provisions included for this statutory undertaker's benefit ensure that there will be no serious detriment to its undertaking. The volume of solar</p>

		panels which will potentially be required to be removed by the Proposed Development is minimised as far as is possible so that the Vicarage Drove undertaking is preserved through the rest of their site, and any detriment suffered is minor in nature. As noted in <b>Applicant's Written Summary of Oral Submissions at CAH1 and Response to Action Points [REP4-028]</b> , compensation will also be available in respect of the exercise of any compulsory acquisition powers under the DCO.
Virgin Media	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
Vodafone Limited	Presumed agreed	Protective Provisions included at Part 2 of Schedule 11 of the <b>Draft DCO (Document Ref: 3.1)</b> are presumed to be agreed by the relevant statutory undertaker. These provisions were shared with the statutory undertaker ahead of submission of the Application and no response requesting any amendment to this drafting has been received.
Fidra (UK Transition Power Holdings Limited)	Not agreed	The Applicant cannot identify that Fidra (UK Transition Power Holdings Limited) is a statutory undertaker as defined by the 2008 Act and there is currently no operational undertaking of Fidra within the Order limits because the interest relates to an option over the land but with no planning having been secured or development built out. Nevertheless, considering the previous submissions made into the examination and

discussion at the CA hearing, the Applicant has included Fidra within this table for completeness.

The Applicant provided an overview of the interface and compulsory acquisition position within CAH1 and the position is summarised within **Applicant's Written Summary of Oral Submissions at CAH1 and Response to Action Points [REP4-028]**.

The Applicant has engaged with Fidra in the intervening period to explore the potential for an interface agreement and corresponding protective provisions.

However, there is fundamental disagreement between the parties on the nature and scope of such interface agreement and, in any event, considering the on-going delays to the determination of Fidra's planning application (it is understood that a decision on the application was originally anticipated in the Autumn, but has subsequently been delayed and a decision remains outstanding) and consequent uncertainty attaching to the delivery of the Fidra scheme itself, the Applicant now considers any such agreement or associated protective provisions are premature and not justified in the circumstances.

The Applicant considers that the Fidra scheme is ultimately an uncertain project and it is not appropriate to condition the Proposed Development around theirs in such circumstances, beyond the controls the Applicant has already put forward (limiting the interface to an up to 30m construction corridor width, and a subsequent 12m permanent easement width, both as secured within the Outline CEMP), which will limit the eventual interface regardless. Moreover, compensation will be available where the Applicant does exercise the powers/rights

			<p>contained within the draft DCO over their land interest.</p> <p>As identified within oral submissions within CAH1 (noted in <b>Applicant's Written Summary of Oral Submissions at CAH1 and Response to Action Points [REP4-028]</b>), to include more onerous restrictions, including seeking to narrow the Applicant's potential construction/cable route to an isolated corridor within the Fidra interface area would imperil potential delivery of the Proposed Development</p> <p>For those reasons, and whilst the Applicant is open for engagement to continue at a working level between the parties, no formal bilateral agreement is considered to be required to address the prospective interface and, accordingly, the Applicant expects this position to remain a point of disagreement at the close of the examination.</p>
CA.3.5	Applicant	Can the applicant provide and update on its negotiations in relation to Crown land?	The Applicant confirms that negotiations with The Crown Estate have progressed, and that the Section 135 consent letter has now been agreed in principle and is in the final stages of completion. The Applicant anticipates being able to submit the signed S135 consent letter at the final deadline of the examination (Deadline 8).

**Development Consent Order (DCO) and other consents**

DCO.3.1	Applicant	Following from CA.3.1 and CA.3.2 the applicant is asked to comment and clarify how disputes over compensation would be dealt and resolved and how this process is set out within the DCO?	<p>Disputes in relation to compensation would be dealt with under Part 1 of the Land Compensation Act 1961 ("1961 Act"), pursuant to which disputes are referred to the Upper Tribunal.</p> <p>Section 1 of the 1961 Act provides that "Where by or under any statute ... land is authorised to be acquired compulsorily, any question of disputed compensation ... shall be referred to the Upper Tribunal" and must be determined by the Tribunal in accordance with the provisions of the 1961 Act.</p> <p>In addition, section 125 of the Planning Act 2008 provides that Part 1 of the Compulsory Purchase Act 1965 ("1965 Act") applies to DCOs authorising compulsory acquisition of land, as if the DCO were a compulsory purchase order under the 1965 Act.</p> <p>The combined effect of both these provisions is that in relation to disputes on compensation associated with compulsory acquisition of land or interests in land authorised by a DCO, Part 1 of the 1961 Act has effect. There is accordingly no need for the draft DCO to duplicate this existing statutory provision. However, in relation to the exercise of other specified powers under the DCO, where there is no automatic application of Part 1 of the 1961 Act (Article 15 (Use of Private Roads), 16 (Temporary prohibition or restriction of use of streets and public rights of way),</p>
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			21 (Protective works to buildings), 22 (authority to survey and investigate the land), 28 (private rights), 32 and 34 (temporary possession powers), 38 (use of airspace), and 44 (felling or lopping of trees or removal of hedgerows), the draft DCO expressly references that payment of compensation due as a result of the exercise of the powers granted under those articles will be determined in accordance under Part I of the 1961 Act.
DCO.3.2	Applicant	The ExA acknowledges the applicant's response to CA.2.2, namely the existence of a confidential voluntary agreement that may adequately secure access to Gashes Barn, which can be done only via plot 1-4. However, such agreement has not been shared with the ExA and therefore the ExA has not seen evidence that appropriate levels of access will be secured if consent is granted. The ExA therefore asks where, in the draft DCO, is access secured to residents, visitors and users of Gashes Barn via plot 1-4 during the construction, operational and decommissioning phases of the development?	<p>This response covers ExQ3 DCO.3.2 and 3.3 as well as the ExA's Schedule of Changes to the draft DCO [PD-017] in relation to Articles 15 and 16. The Applicant has provided some further detail in relation to the confidential agreement in response to LVS.3.1 below.</p> <p>The access to Gashes Barn is a private access road, the use of which may need to be restricted temporarily during construction in order install cabling. It is not the intention that the access road at Plot 1-4 would be used on an ongoing basis for access. Rather than make any amendments to Article 16 of the draft DCO, the Applicant has included provisions in the outline CEMP, updated at Deadline 7, to provide a commitment to give the occupiers at Gashes Barn one month's notice of commencing construction on the private access road, providing details of how access will be maintained or if temporary closure is required, providing details of how that closure and impacts will be limited and alternate means of access. The Applicant must have regard to any reasonable feedback from the occupiers to the notice. These measures are intended to minimise impacts of any closure by providing advanced warning and facilitating parties working together.</p> <p>In relation to Article 15 which authorises the undertaker to use private roads within the Order limits for access for persons and vehicles in connection with the Proposed Development, the Applicant does not anticipate needing to rely on this power in relation to Plot 1-4 given it does not propose using this access road as access for the Proposed Development. As confirmed above, the rights sought in relation to this plot are to construct, retain and maintain cabling under the road. In any event, the exercise of the general power in Article 15 would be subject to any restrictions pursuant to the Requirements, which relevantly for Plot 1-4 would include the provisions included in the oCEMP as set out above.</p> <p>For clarity, the powers sought in the draft DCO with respect to Plot 1-4 do not have the effect of overriding or extinguishing the existing access rights in this plot.</p>
DCO.3.3	Applicant	Further to DCO.3.2 Article 16 Temporary prohibition or restriction of use of streets and public rights of way seeks to allow the undertaker to temporarily close, prohibit the use of, restrict the use of and street or public right of way for any reasonable time. In light of this article can the applicant please explain how access to Gashes Barn will be guaranteed for any residents, visitors and users? The ExA also notes Art 16(2) however it does not think that considering the distances and the lack of alternative routes, that pedestrian access only is sufficient.	See the response to DCO.3.2 above

**Biodiversity and ecology**

BIO.3.1	Applicant	Can the applicant please confirm any consequential changes deemed necessary (if any) to the HRA as a result of the latest update to the Ecology Chapter [REP5-013/014]?	The Applicant's update to the <b>Chapter 7 Ecology (REP5-013)</b> primarily focused on clarifications in the text and tables and did not include any changes that would require an update to the HRA. Further detail was provided on SPA species in the <b>Chapter 7 Ecology (REP5-013)</b> , including in paragraph 7.5.44 and paragraphs 7.6.30-7.6.32. However, this detail was previously included in the update to the <b>Habitats</b>
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			<p><b>Regulations Assessment (REP2-013)</b> submitted at Deadline 2 and, therefore, no further changes are deemed necessary as a result. Impacts on qualifying features of the SPA and SAC were considered within the <b>Change Request - 10.5 Environmental Statement Addendum (CR-029)</b>. No additional impacts were identified and, therefore, no further changes are deemed necessary as a result.</p> <p>The Habitat Regulation Assessment has been updated and submitted at Deadline 7. This is as a result of discussions relating to the mitigation for lapwing and gadwall, which has now been agreed with Natural England but were not related to the changes to the <b>Chapter 7 Ecology (REP5-013)</b> at Deadline 5.</p>
BIO.3.2	Applicant LHAs Natural England	<p>Significant changes have been made to Ecology Chapter [REP5-013/014] following from concerns raised with the applicant at ISH2. The Local Host Authorities (LHAs) and Natural England are asked to review and revise Chapter 7 Ecology of the ES [REP5-013/014] and provide a summary of any outstanding concerns that remain in relation to issues addressed in Chapter 7 of the ES.</p>	<p>The Applicant updated <b>Chapter 7 Ecology (REP5-013)</b> at Deadline 5 to incorporate changes prompted through ongoing engagement with Natural England and the LHAs, including following comments at ISH2. Following this update, the LHAs have made a number of further comments which are addressed below:</p> <p>The LHAs have commented on the potential for there to be cumulative impacts with other projects on skylarks. The applicant has provided avoidance measures for impacts on skylark, including open space within the photovoltaic (PV) exclusion zones, which will be managed to support a greater density of skylark than at present. The grassland habitat throughout the site will support birds from farmland off-site, improving their breeding success and compensating for territories lost on site. The Applicant considers avoidance and compensation measures will result in a not significant effect on skylark alone or cumulatively with other projects. Nevertheless, the Applicant notes the comments on skylark made by the LHAs and held a meeting with Lincolnshire Wildlife Trust (LWT) on 17<sup>th</sup> December 2025 to discuss the potential to consider offsite enhancements for skylark. LWT are reviewing the options on their land and with partners and the Applicant will continue to engage with them. Details of these options have not yet been received by the Applicant and therefore this matter remains an area of disagreement.</p> <p>The Applicant notes the LHAs' comments around the waterbody at Bicker Fen Substation (an attenuation basin), which will be temporarily removed. In line with the Flood Risk Assessment, Section 11.2 of the Change Request - 10.5 Environmental Statement Addendum (CR-029), and a replacement attenuation pond will be incorporated of an equivalent size. The attenuation pond is considered to be temporarily lost in line with the Biodiversity Net Gain Statutory Metric User Guide, and it has therefore been adequately considered in the updated BNG Metric (REP5-039) and strategy (REP5-070). The BNG strategy has been further updated and has been submitted at Deadline 7.</p> <p>Furthermore, the attenuation basin was previously identified as being lost within the ES chapter as part of the worst case scenario. Whilst GCN were recorded on DEFRA's Magic Map in April and May 2015, both the Applicant's 2024 survey and Heckington Fen's April 2022 eDNA surveys were negative. The surveys followed Natural England's accepted protocol and were done within the survey season. This has been discussed and further information provided to NKDC.</p> <p>The Applicant discussed scarce arable in the meeting with NKDC on 28<sup>th</sup> January 2026. Following which, the Applicant has included additional detail of the pre-commencement survey including the overarching methods to be followed and the timings, within the update to the oCEMP which has been submitted at Deadline 7 (a draft copy of which was sent to NKDC for comment and to seek their confirmation that this resolved their concerns..</p>

			<p>Pre-commencement surveys for ground nesting birds was raised in the meeting with NKDC on 28<sup>th</sup> January 2026. The oCEMP has been updated with specific reference to quail survey methodology in addition to the general bird survey methods in the pre-commencement survey. The oCEMP has been submitted at Deadline 7 (and again, a draft has also been pre-emptively shared with NKDC for review and, hopefully, approval).</p> <p>The Applicant has also updated the oLEMP Table 1.3 to confirm tree planting will not take place in late spring or summer, in response to queries raised by NKDC, and this matter is considered resolved.</p> <p>The installation of bird and bat boxes has been added to in Section 6.7.14 of the oCEMP (REP5-017) which stipulates detailed locations will be provided in the detailed LEMP(s). Management of these boxes is committed to in Section 1.6.48 the oLEMP (REP5-025). These updates respond to queries raised by NKDC and this matter is considered resolved .</p> <p>The plant species lists and approach to reducing the nutrient enrichment and the scrub with trees habitat has been amended within the oLEMP to be submitted at Deadline 7. This has increased the proportion of shrub species and reduced the number of trees in the canopy to 25%. These updates respond to queries raised by NKDC and this matter is considered resolved .</p> <p>The Applicant has held further discussion on BNG with NKDC and provided details of watercourses which lie within 10 m of the Order Limits but are not within areas to be impacted by development. Additional data to support the BNG strategy have been provided to NKDC in a meeting held on 28<sup>th</sup> January 2026 and in follow up emails. The BNG Metric and Strategy have been updated for watercourses and hedgerows to demonstrate where enhancements can be made to achieve 10 % net gain in these sections.</p> <p>The Applicant considers the updates made to the above-referenced documents fully address the queries and comments raised by NE and the LHAs (as relevant) and it is hoped such agreement will be confirmed following their review of these updated documents (which it has not been possible to confirm ahead of this Deadline 7). Such agreement, or (where applicable) residual disagreement, will be recorded in the final SoCGs to be submitted at Deadline 7 (and Deadline 8 in the case of NKDC), and also addressed in the Applicant's closing submissions at Deadline 8 where applicable.</p>
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**Historic environment**

HEN.3.1	Applicant LHAs Historic England	Following from Action Number 8 of ISH2 Action Points [EV4-010], the applicant submitted a supplementary heritage appraisal of the potential effects of the proposed development on Kyme Tower. This is set in Appendix 4 of [REP5-046]. The ExA invites further comments from LHAs and Historic England on the assessment submitted by the applicant.	The Applicant held a meeting with LCC and NKDC on the 26 <sup>th</sup> of January to progress the outstanding matters, which included a request from those authorities to produce a ZTV. Whilst distance and terrain modelling may be a useful tool when access is unavailable, the Tower was visited in person and all views from all floors were attempted as far as safely possible. Albeit challenging due to the structural condition of the Tower, appropriate views were recorded and it is considered that the assessment is appropriate and proportionate to the indirect impact on Kyme Tower. It was agreed during the meeting, that the Applicant would annotate drawings and photos within the Kyme Tower Heritage Appraisal (REP5-046) to show where the views obtained from the Tower reached towards the west and the Proposed Development. The revised Kyme Tower Heritage Appraisal, with these annotated drawings, has been submitted at Deadline 7.
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**Landscape and visual**

LSV.3.1	Applicant	<p>The ExA acknowledges the applicant's response to CA.2.1 [REP5-048] insofar as it relates to the visual and landscape effects of the proposed development. Can the applicant confirm what it meant by "<i>the residual effects not being significant</i>" in relation to Gashes Barn as set out in its response to CA.2.1 which states: "Applicant's position remains as set out above that the residual effect (which is not significant and whilst it could be perceived as "overwhelming" is it not "overbearing" in the medium term) (...)"?</p>	<p>The Applicant's response to <b>CA.2.1 (REP5-048)</b> mistakenly referenced the residual effect in relation to Gashes Barn as being "not significant"; this was not correct. As reported in the Applicant's <b>ES Chapter 6: Landscape and Visual (REP5-011)</b> significant visual effects are anticipated for Gashes Barn, albeit by Year 15 establishment of mitigation planting will provide considerable screening of views of energy infrastructure which will reduce the scale of the significant adverse effects somewhat. The points made by the Applicant in response to CA.2.1 otherwise remain unchanged.</p> <p>In terms of the confidential agreement reached between the Applicant and the Owners of Gashes Barn, referenced in the response to CA.2.1, the agreed position of the parties is that: The Applicant has reached an agreement with the Owners of Gashes Barn, whereby the Owners can call upon Low Carbon to purchase the property for a price based on a Market Value determination, post-consent, at their discretion (they could elect not to exercise this option, and instead remain Owners of the property should that be their preference). The Applicant's position is that the agreement with the Owners of Gashes Barn represents the full extent of what it can do as a developer to reduce effects on the occupiers of this property.</p> <p>The Applicant does not submit that this agreement should factor into the consideration by the ExA and Secretary of State of the significant adverse effect in EIA terms nor wider planning policy (where the residential amenity, further expanded upon in response to LSV.3.2 below, is relevant), and Gashes Barn should continue to be treated as a residential receptor for EIA and policy purposes. In both those respects the Applicant's position remains as previously stated (in particular as set out in the <b>ES (REP5-011)</b> (and also see LSV 3.2, 3.3 and 3.4 below) and <b>Planning Statement (REP5-010)</b> and as summarised previously in response to CA.2.1.), that the Applicant has applied the mitigation hierarchy and sensitively designed the scheme (including mitigation) in order to minimise those effects. Despite this, and as recognised by Section 5.10 of NPS EN-1, some landscape and visual effects are inevitable with large scale energy projects, and that is the case here. The Applicant considers that the residual significant effect is outweighed by the benefits of the scheme (see the <b>Planning Statement (REP5-010)</b>, paragraph 7.5.1, second bullet point, and policy compliance tables addressing compliance with EN-1 paragraphs 5.10.14 &amp; 5.10.37, EN-3 paragraph 2.10.131).</p> <p>Should the ExA and Secretary of State disagree with the Applicant's conclusions as to the EIA impact and residential visual amenity (despite the further justification provided at LSV.3.2. below), the Applicant maintains that the effect on this receptor would still be outweighed by the overwhelming benefits of the scheme, particularly having regard to the Critical National Priority policy under EN-1.</p>
LSV.3.2	Applicant	<p>Following from LSV.3.1, can the applicant please clarify if it believes, as it appears to state in response to CA.2.1 [REP5-048], that landscape and visual effects of the proposed development on Gashes Barn could be perceived as "overwhelming" in the medium term, but not "overbearing"?</p>	<p>The Applicant's position in relation to visual effects on Gashes Barn is set out in <b>Appendix 6.4 Visual Assessment (REP5-021)</b>. A summary of this assessment is that significant adverse visual effects will be experienced at all stages of the Proposed Development. <b>Appendix 6.5 Residential Visual Amenity Assessment (REP-023)</b> reports that the Residential Visual Amenity Assessment (RVAA) threshold will be met until mitigation planting becomes established after approximately 8-10 years. Solar Arrays will be visible from all aspects of the property and the access road and for this reason the term 'overwhelming' has been used to describe the likely visual experience for residents. It is not considered that the scenario would be 'overbearing' because the height of the panels is a maximum of 3.9m and therefore will not appear to be overly dominant or widely impinge into views above the skyline as demonstrated</p>

			<p>in <b>R4 View from Northern Elevation Photomontages (AS-031)</b>. It should be noted that although there is guidance relating to undertaking RVAA (Landscape Institute, Residential Visual Amenity Assessment Technical Guidance Note 2/19) this guidance does not extend to the use of specific terminology which is based on the professional judgement of the RVAA author.</p> <p>When the mitigation planting becomes established after a period of approximately 8-10 years the assessment has concluded that the RVAA threshold will no longer be met because the presence of solar panels will be less dominant in views from all aspects of the property and would no longer be perceived as 'overwhelming'.</p>
<p>LSV.3.3</p>	<p>Applicant</p>	<p>The ExA acknowledges the applicant's response to LSV.2.4 [REP5-048] in which the applicant states that the substantial offset distance from Gashes Barn to the proposed solar panels would help to ensure that any proposed mitigation planting would not be overbearing or provide the sense that the property is overly enclosed with no wider visibility. Although the ExA accepts that there is some distance between Gashes Barn building itself and the proposed solar panel area, the solar panel area does encircle Gashes Barn from all 4 sides and, from most angles, the panel areas do come right up to the boundary with Gashes Barn land. In this context, can the applicant please explain its reasoning for finding that the property would not be "overly enclosed with no wider visibility"?</p>	<p>The Applicant has previously responded to the matter of offsets at Gashes Barn in response to LSV.2.1 (second paragraph) as well as LSV.2.4 within <b>Applicant Responses to ExQ2 (REP5-048)</b>.</p> <p>The Applicant has also provided two photomontages during the course of the examination <b>R4 View from Northern Elevation Photomontages (AS-031)</b> and <b>R4 View from Southern Elevation Photomontages (REP6-040)</b>. These visualisations demonstrate that views of energy infrastructure will be substantially screened by mitigation planting. To the north this mitigation planting comprises a hedgerow which is restricted to a maximum height of 3.5 allowing partial views of the landscape beyond including the mature vegetation which defines the skyline. To the south the view is foreshortened by the mitigation planting but is perceived in relation to existing structures and vegetation. In the southern view the land parcels used for agriculture defined by timber fencing is apparent between the property and the order limits. This results in a scenario where the solar panels and associated mitigation planting do not appear overly prominent in the view. The nature of the mitigation planting, native shrubs with trees as set out in section 1.5 of <b>Appendix 6.7 Outline Landscape and Ecological Management Plan (Revision 4) (REP6-022)</b>, has been specified specifically to avoid the perception that the planting in itself appears as a solid barrier. Rather the varied profile of the planting reduces the sense of enclosure as perceived in the 15 year photomontage within <b>R4 View from Southern Elevation Photomontages (REP6-040)</b>.</p>
<p>LSV.3.4</p>	<p>Applicant</p>	<p>The ExA acknowledges the applicant submission of REP5-065 Appendix 6.4 Visual Assessment (Revision 2) (Tracked). In this document the applicant has downgraded the effects of the proposed development on certain receptors, for example: View from Public Footpath Ewer 12/1, Great Hale, Northorpe Village, R1a Ewerby Thorpe Farm and b. Lodge, R3. Copperhill Kennels, R4 Gashes Barn, R10 White House Farm, R13 Kingtree Lodge, R14 Butlers, Acorn Lodge, Milldrain Lodge. Considering the comparative advantage of the assessment for the applicant, can the applicant please provide further justification for this "downgrade" of effects on a case by case basis?</p>	<p>The Applicant can confirm that LCC (<b>Local Impact Reports (LIRs) from Lincolnshire County Council (REP1-044)</b>) and NKDC (<b>Local Impact Reports (LIRs) from North Kesteven District Council (with Appendices A - D) (REP1-054)</b>) advised that there were inconsistencies in the original application documents; <b>Chapter 6 Landscape and Visual (APP-057)</b>, <b>Appendix 6.4 Visual Assessment (APP-086)</b> and <b>Appendix 6.5 Residential Visual Amenity Assessment (APP-087)</b>.</p> <p>The Applicant undertook a consistency check across all of these documents which culminated in the submission of <b>REP5-063, REP5-065 and REP5-67</b> at deadline 5. The purpose of this exercise was to provide the examination with a consistent set of documents, and any reduction in the significance of effects reported was purely a result of that consistency exercise, rather than any re-assessment of the individual conclusions themselves. In this respect the Applicant can also confirm that the update included an increase in the level of effect for receptor R7 Hall Farm to Moderate adverse (significant) so that it is consistent with the conclusions reached for this receptor within <b>Chapter 6 Landscape and Visual (APP-057)</b>, <b>Appendix 6.4 Visual Assessment (APP-086)</b> at paragraph 6.10.9.</p> <p>As requested, the Applicant has provided further narrative below in relation to the individual receptors in question.</p> <p><u>View from Public Footpath Ewer 12/1</u></p>

This footpath is located in close proximity to the north east corner of the Solar Array Area. The level of effect was reported as Major adverse (significant) at year 0, remaining Major adverse (significant) at (year 15) in **Appendix 6.4 Visual Assessment (APP-086)**. The level of effect has been corrected to be reported as Moderate adverse (significant) at year 15 to be consistent with the summary text at paragraph 6.6.140 within **Chapter 6 Landscape and Visual (APP-057)**. This is on the basis that these views will be substantially screened by measures to manage existing hedgerows to 3.5m and gapping up hedgerows. It is acknowledged that partial, close distance views of solar arrays will be available and effects will remain significant.

#### Great Hale

Great Hale is a settlement located approximately 1.5km to the west of the Cable Route Corridor. The level of effect was reported as Moderate adverse (significant) at year 0, reducing to Minor adverse (not significant) at year 15 in **Appendix 6.4 Visual Assessment (APP-086)**. The level of effect has been corrected to be reported as Minor adverse (not significant) at year 0. This is on the basis that following cessation of construction activity visual change associated with the Proposed Development will be limited to relatively small-scale loss of vegetation to facilitate introduction of the Cable Route. The level of assessment accords with the general finding that significant visual effects from any part of the Proposed Development will not be perceived beyond a maximum distance of 500m from the order limits.

#### Northorpe Village

Northorpe Village is a settlement located approximately 1.5km to the southeast of the Cable Route Corridor (including Bicker Fen substation). The level of effect was reported as Moderate adverse (significant) at year 0, reducing to Minor adverse (not significant) at year 15 in **Appendix 6.4 Visual Assessment (APP-086)**. The level of effect has been corrected to be reported as Minor adverse (not significant) at year 0. This is on the basis that following cessation of construction activity visual change associated with the Proposed Development will be limited to modifications to Bicker Fen substation which will not be generally perceptible from the settlement.

#### R1a Ewerby Thorpe Farm and b. Lodge

These individual properties are located to the northwest of the Solar Array Area. The level of effect was reported as Major adverse (significant) at year 0 reducing to Moderate adverse (significant) at year 15 in **Appendix 6.4 Visual Assessment (APP-086)**. The level of effect has been corrected to be reported as Minor adverse (not significant) at year 15 which is consistent with the summary text at paragraph 6.6.139 within **Chapter 6 Landscape and Visual (APP-057)**.

This is on the basis that the Proposed Development will only be visible from eastern elevations of the property, separated from energy infrastructure by an intervening field unit (a distance of approximately 190m) with the establishment of mitigation planting supplementing existing vegetation to this field boundary. Views of solar arrays to the south will be comprehensively screened by intervening farm buildings to the south of Ewerby Thorpe Farm. The Applicant acknowledges the ExA's concerns regarding the effects of mitigation planting in its own right but notes in this case that the planting to the east of these properties is aligned with an existing field boundary with remnant hedgerow and would, therefore, not be an entirely new landscape element.

#### R3. Copperhill Kennels

Views from Copperhill Kennels Cattery have been considered as part of group receptor R3 which also includes views from Waithe Farmhouse, The Grange, Ferry Farm and Mere House. These individual properties are located to the north of the Solar Array Area. The level of effect was assessed as Moderate adverse (significant) at year 0 reducing to Negligible adverse (significant) at year 15 in **Appendix 6.4 Visual Assessment (APP-086)**. The level of effect has been revised to Minor adverse (not significant) at year 0. This is on the basis that existing intervening vegetation combined with the solar PV exclusion zone to the south of Copperhill Kennels will reduce the extent to which views of energy infrastructure are available.

#### R4 Gashes Barn

The level of effect was assessed as Major adverse (significant) at year 0 remaining Major adverse (significant) at year 15 in **Appendix 6.4 Visual Assessment (APP-086)**. The level of effect has been revised to Moderate adverse (significant) at year 15 which is consistent with the summary text at paragraph 6.6.139 within **Chapter 6 Landscape and Visual (APP-057)**. This is on the basis that establishment of hedgerow planting to the northern aspect and access road and native shrubs with trees to the other elevations of the property.

Visual effects and Residential Visual Amenity at Gashes Barn have also been discussed extensively during the course of the examination. This matter has most recently been addressed above in response to LSV.3.1, 3.2 and 3.2 as well as in **Applicant Responses to ExQ2 (REP5-048)** GCT.2.1 and LSV.2.1 and also in **Responses to Action Points (REP4-026) (Action point 3)** and **Applicant's Responses to Remaining Action Points (REP5-046)**. The matter is also addressed in LSV.1.10 and LSV.1.11 in **Applicant's Responses to Examining Authority's First Questions (ExQ1) (REP2-040)** (Approach to mitigation planting/measures).

#### R10 White House Farm

R10 White House Farm is an individual property located approximately 200m to the west of the Cable Route Corridor. The level of effect was reported as Moderate adverse (significant) at year 0 reducing to Minor adverse (not significant) at year 15 in **Appendix 6.4 Visual Assessment (APP-086)**. The level of effect has been corrected to be reported as Minor adverse (not significant) at year 0. This is on the basis that following cessation of construction activity visual change associated with the Proposed Development will be limited to relatively small-scale loss of vegetation to facilitate installation of the Cable Route.

#### R13 Kingtree Lodge

R13 Kingtree Lodge is an individual property located approximately 188m to the east of the Cable Route Corridor. The level of effect was reported as Moderate adverse (significant) at year 0 reducing to Minor adverse (not significant) at year 15 in **Appendix 6.4 Visual Assessment (APP-086)**. The level of effect has been corrected to be reported as Minor adverse (not significant) at year 0. This is on the basis that following cessation of construction activity visual change associated with the Proposed Development will be limited to relatively small scale loss of vegetation to facilitate installation of the Cable Route.

#### R14 Butlers, Acorn Lodge, Milldrain Lodge

Property group R14 Butlers, Acorn Lodge, Milldrain Lodge is an individual property located approximately 332m to the east of the Cable Route Corridor. The level of effect was reported as Moderate adverse (significant) at year 0 reducing to Minor adverse (not significant) at year 15 in **Appendix 6.4 Visual Assessment (APP-086)**. The level of effect has been corrected to be reported as Minor adverse (not significant) at year 0. This is on the basis that following cessation of construction

LSV.3.5	Applicant	<p>Can the applicant also please check both documents REP5-064 Appendix 6.4 Visual Assessment (Revision 2) and REP5-066 Appendix 6.5 Residential Visual Amenity Assessment (Revision 2) for consistency? For example, effect on R10 is assessed as Minor adverse (not significant) at Operation (Year 0) in REP5-064 but Minor adverse (significant) in REP5-066.</p>	<p>activity visual change associated with the Proposed Development will be limited to relatively small-scale loss of vegetation to facilitate installation of the Cable Route.</p> <p>Minor adverse effects are identified as 'not significant' in accordance with the methodology for determining the level of effects in <b>Appendix 6.2 Landscape and Visual Methodology (APP-084)</b>. This is the correct level of effect for residential receptor R10.</p> <p>For clarity the text relating to R10 should read Minor adverse (not significant). The Applicant has checked the respective documents and can confirm that there are no further inconsistencies.</p>
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**Water environment and flood risk**

	Applicant EA	<p>The ExA acknowledges [REP6-044] submitted by the Environment Agency (EA) which highlights that issues in relation to the effects of the proposed development on Flood Risk remain outstanding, namely issue EA23 Credible Maximum Scenario and issue EA29 Floor Risk.</p> <p>In light of the above and considering the examination timetable, the ExA would like to state that it has now significant concerns regarding the ability to adequately scrutinise the overall applicant's assessment on flood risk or any outstanding concerns that main remain from other any interested party in relation to flood risk.</p>	<p>The Applicant acknowledges the ExA concerns and in order to provide reassurance the Applicant submitted <b>Additional Submission (AS-033)</b> on 30 January 2026 to provide early confirmation of the agreement reached with the Environment Agency. As confirmed in that submission, the matters outstanding in the Environment Agency's submission [REP6-044] have now been resolved. A draft revision of <b>Appendix 11.1 Flood Risk Assessment (Revision 4) (Document Ref: 6.3.81)</b> addressing these matters was issued to the EA for review on 19/01/2026. The Environment Agency responded on 23/01/2026 (Letter Reference: XA/2025/100481/03-L01 and attached to the Applicant's <b>AS-033</b>) confirming that the draft revised Flood Risk Assessment adequately addresses these matters, subject to <b>Appendix 11.1 Flood Risk Assessment (Revision 4) (Document Ref: 6.3.81)</b> being formally submitted into the Examination at Deadline 7. The Applicant confirms that the updated Flood Risk Assessment, as shared with the Environment Agency, has now been formally submitted as part of the Applicant's Deadline 7 submission. The updated <b>Statement of Common Ground with the Environment Agency (Revision 4) (Document Ref: 8.9)</b> is to be submitted at Deadline 8.</p>
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# Appendix 1: Applicant's Response to ExQ3 NED.3.2



# BEACON FEN

## ENERGY PARK

Planning Inspectorate Reference: EN010151

Applicant's Response to ExQ3 NED.3.2  
February 2026



## Quality information

Prepared by	Checked by	Verified by	Approved by
SR, LC	SR, JD		JG

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# 1. Introduction

## 1.1 Further information on comparative analysis

1.1.1 At Deadline 5, in response to Action Point 2 from CAH 1, the Applicant submitted analysis comparing the Applicant's Cable Route Corridor with an alternative route proposed during the examination by LCJ Mountain Farms Limited ("LCJMF"). This was submitted as Appendix 1 of the **Applicant's Response to Remaining Action Points (REP5-046)** (the "**Comparative Analysis**").

1.1.2 In response to that analysis, LCJMF submitted two documents at Deadline 6: **REP6-046** and **REP6-047**. The ExA then referred to these documents in ExQ3 NED.3.2:

*As set out in NED.3.1 the ExA asked the applicant to carry a comparative analysis between the applicant's cable route corridor and LCJ Mountain Farm Ltd's proposed alternative route.*

*Having reviewed the information submitted into examination up to this point, there seems to not be a direct response to Table ES-1 of LCJ Mountain Farm Ltd's submission [REP6-046]. The ExA asks for the applicant to provide a concise response to Table ES-1, respecting the structure of the Table and:*

- Confirms if the numbers and information set in the table in relation to all different "aspects" is correct or not? And amend accordingly if not correct;*
- Add any other comments, in summary, that the applicant wishes to raise and respond to in relation to any of the information included in table ES-1 of [REP6-046].*

1.1.3 As a preliminary point, the Applicant reiterates the important background set out in section 1.2 of the Comparative Analysis, including the fact that no law or policy requires it to have undertaken the extent of analysis comprised in that document to evaluate its Cable Route Corridor against LCJMF's proposed alternative, that alternative only having been established for the purpose of comparison at Deadline 2 of the examination. The Applicant also reiterates that the methodology for its analysis, including certain constraints inherent in comparing the Applicant's developed routing proposal against LCJMF's more nascent suggestion, was explained in section 2.2 of the Comparative Analysis.

1.1.4 Against the above context, this document addresses ExQ3 NED.3.2 by first providing commentary on LCJMF's Table ES-1 and then providing, for completeness and ease of reference, an updated version of Table 1 from the Applicant's Comparative Analysis. Despite some minor adjustments to the comparison to address LCJMF's comments, the Applicant's overarching conclusion in the Comparative Analysis that the majority of factors weigh in favour of the Applicant's Cable Route Corridor remains unchanged.

## 2. Response to LCJMF's Table ES-1

### 2.1 Summary comments on Table ES-1

2.1.1 The table below replicates Table ES-1 from LCJMF's **REP6-046**. Summary comments from the Applicant have been added in the righthand column in blue and are further detailed in the subsections below the table. Where the Applicant's conclusions differ from LCJMF's, these are noted in blue text in the body of the table.

Row	Aspect	Beacon Fen Indicative Cable Route	LCJMF's Amended Alternative	LCJMF comments	Applicant's summary comments at Deadline 7
1	Total Corridor Length	6,818 metres  <u>Applicant's position (unchanged from Comparative Analysis):</u>  6.87km	6,786 metres  <u>Applicant's position (unchanged from Comparative Analysis):</u>  6.93km	The LCJM Hybrid route can be even shorter by going across John Cope's field LL432195 (which we farm). Low Carbon already have an agreement in place with John Cope for a more northerly crossing.	Using its professional-grade GIS software, the Applicant cannot replicate the lengths that LCJMF has generated using Google Earth.  The LCJMF Amended Alternative adopted for the Applicant's Comparative Analysis was the route proposed by LCJMF in <b>REP2-051</b> and which LCJMF directed in <b>REP4-037</b> must be used for the comparison. The Applicant cannot reasonably be expected to pre-empt further amendments to that route for the purpose of its analysis or have to continually repeat its analysis as LCJMF

					<p>changes its proposal to respond to criticisms of its route.</p> <p>See further <b>section 2.2</b> below.</p>
2	East-West Field Crossing	<p>All fields across LCJM land in Great Hale Fen in the west to east pathway will cross north / south land drains every 21 yards</p> <p><u>Applicant's position (unchanged from Comparative Analysis):</u></p> <p>10 fields crossed and c. 4.5km of cable route in an east-west orientation</p>	<p>No LCJM fields will have land drainage cut due to north south passage alongside north south drainage (parallel existence)</p> <p><u>Applicant's position (unchanged from Comparative Analysis):</u></p> <p>12 fields crossed and c. 4.3km of cable route in an east-west orientation</p>		<p>LCJMF's information for this factor only relates to drain crossings on <u>its own land</u>, rather than considering drain crossings on other landowners' fields. That clearly does not provide an objective overall comparison between the routes.</p> <p>LCJMF does not dispute the figures provided by the Applicant for this factor, but unfairly suggests that they cannot be relied upon without further (and, the Applicant would say, disproportionate) contextual information.</p> <p>See further <b>section 2.3</b> below.</p>
3	Number of affected landowners	<p>11</p> <p><u>Applicant's position:</u></p> <p>As at the date of the Comparative Analysis, the Applicant's tally of <b>13</b> distinct</p>	<p>6</p> <p><u>Applicant's position:</u></p> <p><b>19</b> distinct registered freeholders and at least <b>2</b> distinct unregistered</p>		<p>The difference in numbers between LCJMF and the Applicant primarily results from differing methodologies for counting being applied. To the extent it understands LCJMF's</p>

		<p>registered freeholders and <b>3</b> distinct unregistered freeholders was correct using the Applicant's original methodology.</p> <p>Reflecting a subsequent transfer of land, the tally is now <b>16</b> distinct registered freeholders and <b>3</b> distinct unregistered freeholders using that same methodology, as title LL135546 has been transferred by Shirley Ann Pugh to Stephen Pugh, Miranda Pugh, Kathryn Pugh and Pengethley Potatoes Limited.</p> <p>Treating joint co-owners of a registered title as a single negotiation counterparty results in there being <b>13</b> negotiation counterparties. If LCJMF is combined with Leslie and Patricia Mountain, this reduces to <b>12</b>.</p>	<p>freeholders, the tally in the Comparative Analysis, remains correct using the Applicant's original methodology.</p> <p>Treating joint co-owners of a registered title as a single negotiation counterparty results in there being <b>15</b> negotiation counterparties. If LCJMF is combined with Leslie and Patricia Mountain, this reduces to <b>14</b>.</p>		<p>methodology, the Applicant does not agree with elements of it. Adopting the elements that it considers valid, the number of distinct negotiation counterparties remains fewer for the Applicant's Indicative Cable Route than for the LCJMF Amended Alternative.</p> <p>See further <b>section 2.4</b> below.</p>
	Notes		3 <b>new</b> landowners introduced by LCJM Hybrid and 10 Beacon Fen landowners dropped	Net reduction of 7 landowners affected	Please see row immediately above.
4	Ecology – Local Wildlife	1,650 metres of LWS 4722 – both the north and south side	0 metres		Notably, LCJMF's table does not reproduce the number of

	<p>Site occupation</p>	<p>(and already affected in 2023 by Viking Link – i.e. cumulative impact)</p> <p><u>Applicant's position:</u></p> <p>2 LWS crossed (Great Hale Eau and South Forty Foot Drain)</p> <p>1,650m of haul roads running within 50m of an LWS</p> <p>(both unchanged from the Comparative Analysis)</p>	<p><u>Applicant's position:</u></p> <p>3 LWS crossed (Mill Drain, Old Forty Foot Drain and South Forty Foot Drain) (unchanged from the Comparative Analysis).</p> <p>0m of haul roads running within 50m of an LWS appears to be based on LCJMF's proposal for an amended haul road. The Applicant does not dispute that the amended route does not longitudinally interact with an LWS, but cannot verify whether it is suitable for cable route construction access.</p>	<p>LWSs crossed by each indicative route.</p> <p>LCJMF instead focusses its attention on the longitudinal interaction of the Applicant's proposed haul roads with LWS 4722, replicating information from the Applicant's Comparative Analysis for the Beacon Fen Indicative Cable Route and asserting 0m of interaction for the LCJMF Amended Alternative.</p> <p>See further <b>section 2.5</b> below.</p>
5	<p>Landscape &amp; Visual – residential properties &lt;350 metres</p>	<p>10</p> <p><u>Applicant's position:</u></p> <p>Adopting 'on-the-ground' information from LCJMF on non-residential properties, there remain <b>6</b> residential receptors</p>	<p>5</p> <p><u>Applicant's position:</u></p> <p>Adopting 'on-the-ground' information from LCJMF on non-residential properties, there are <b>6</b> residential receptors</p>	<p>The Applicant has updated its counts of residential properties in the vicinity of the routes based on ground-based observations by LCJMF that contradict the information the Applicant obtained from the industry standard residential</p>

		<p>within <u>300m</u> (unchanged from the Comparative Analysis).</p> <p>1 PRow is crossed (Swhd/13/1) (unchanged from the Comparative Analysis).</p>	<p>within <u>300m</u> (update to the Comparative Analysis).</p> <p>5 PRow are crossed (GtHa/2/1, GtHa/1/2, LHal/4/1, LHal/5/1 and Bick/1/1) (unchanged from the Comparative Analysis).</p>		<p>address database it used for its desk-based analysis.</p> <p>However, the Applicant cannot verify the different numbers asserted by LCJMF, nor does it understand why an increased radius of 350m, as used by LCJMF, is justified.</p> <p>Further, LCJMF omits the number of PRow crossed by each route from its Table ES-1 – the Applicant continues to consider this a relevant comparator.</p> <p>See further <b>section 2.6</b> below.</p>
6	Cultural Heritage – Historic Environment Farm Environment Record crossing	<p>0</p> <p><u>Applicant's position (unchanged from Comparative Analysis):</u></p> <p>2 non-designated heritage assets within 100m</p>	<p>0</p> <p><u>Applicant's position (unchanged from Comparative Analysis):</u></p> <p>12 non-designated heritage assets within 100m</p>		<p>The Applicant's counts are derived from Lincolnshire County Council Historic Environment Record data and the Applicant continues to consider this an appropriate source for this comparison.</p> <p>See further <b>section 2.7</b> below.</p>
7	Traffic & Access	<p><b>Four highway crossings:</b></p> <p>Great Hale Drove crossed</p> <p>North Drove crossed</p>	<p>Little Hale Drove crossed only</p> <p><u>Applicant's position:</u></p>		<p>Using the LCJMF Amended Alternative route as specified in LCJMF's <b>REP2-051</b> (as specifically directed to in LCJMF's <b>REP4-037</b>), there is</p>

		Vicarage Drove crossed	Great Hale Drove crossed but could be avoided by a further amendment to the route.		a crossing of Great Hale Drove. However, if the route were minorly amended, this crossing could be avoided.
8	Noise & Vibration <350 metres	10  <u>Applicant's position:</u>  Adopting 'on-the-ground' information from LCJMF on non-residential properties, there are <b>6</b> residential receptors within <u>300m</u> (unchanged from the Comparative Analysis).	5  <u>Applicant's position:</u>  Adopting 'on-the-ground' information from LCJMF on non-residential properties, there are <b>6</b> residential receptors within <u>300m</u> (update to the Comparative Analysis).		As per row 5 above, the Applicant has amended the counts to reflect non-residential properties identified through new information provided by LCJMF.  The Applicant's counts are based on a 300m radius, which reflects the study area in <b>ES Chapter 10: Noise and Vibration (APP-061)</b> . There is no justification for LCJMF's 350m radius.
9	Air Quality <250 metres including construction access	7  <u>Applicant's position:</u>  Adopting 'on-the-ground' information from LCJMF on non-residential properties, there are <b>4</b> residential receptors within <u>250m</u> (unchanged from the Comparative Analysis).	5  <u>Applicant's position:</u>  Adopting 'on-the-ground' information from LCJMF on non-residential properties, there are <b>6</b> residential receptors within <u>250m</u> (update to the Comparative Analysis).		As per row 5 above, the Applicant has amended the counts to reflect non-residential properties identified through new information provided by LCJMF.  Whilst both the Applicant and LCJMF adopt a 250m radius, the Applicant is unable to verify LCJMF's counts. For the avoidance of doubt, the radii used by the Applicant extend

					from the outer edge of the indicative corridors identified on the figures appended to the Comparative Analysis.
10	Water Resources & Flood Risk	<p>17 water crossings</p> <p><u>Applicant's position:</u></p> <p><b>15</b> watercourse crossings (unchanged from the Comparative Analysis)</p>	<p>16 water crossings</p> <p><u>Applicant's position:</u></p> <p><b>18</b> watercourse crossings with a further amendment to the route (update to the Comparative Analysis)</p>	No appreciation of Anglian Water South Lincs Reservoir flood modelling (an NSIP that took away Beacon fen South)	<p>Whilst the Applicant's counts in the Comparative Analysis were correct using the LCJMF Amended Alternative as proposed, with an amendment to the route in one area, three watercourse crossings can be avoided.</p> <p>Save for that point, the other assertions raised by LCJMF are refuted.</p>
11	Soils & Agricultural land	<p>Passes through majority Grade 2 potato land</p> <p><u>Applicant's position (unchanged from Comparative Analysis):</u></p> <p>2.21km of route on Grade 1 land 4.66km of route on Grade 2 land Route is wholly on BMV land</p>	<p>Grade 3 a and b – as evidenced by AGR3 ALC land classification in 2021 AND 3 generations of farming by LCJM</p> <p><u>Applicant's position (unchanged from Comparative Analysis):</u></p> <p>6.93km of route on Grade 2 land Route is wholly on BMV land</p>	<b>ALC consultant to be appointed</b>	<p>LCJMF does not engage with the Applicant's comments on the relevance of the AGR3 survey data. The Applicant maintains its position that using the provisional ALC data is the best means of ensuring a fair comparison of the routes as a whole.</p>

## 2.2 Total Corridor Length

- 2.2.1 LCJMF disputes the route lengths generated by the Applicant and presents alternative lengths supported by a screenshot of a Google Earth measurement tool (**ExD 6.8** in **REP6-047**). Based on this, LCJMF asserts that its Amended Alternative is shorter than the Beacon Fen Indicative Cable Route.
- 2.2.2 The Applicant calculated the lengths included in its Comparative Analysis using the Calculate Geometry tool in ArcGIS Pro. The measure was planar length in kilometres using the British National Grid coordinate system. The Applicant has been unable to replicate the lengths LCJMF has generated using Google Earth. It is noted that LCJMF's measurements reduce the length of both routes. As the overall differences are relatively minor (< 0.5% of the overall route lengths under consideration) it is considered the difference is likely to be due to slight variations in the paths plotted by either party.
- 2.2.3 The overall route lengths were provided as this was one of the comparative factors included in LCJMF's 'Core-12 matrix'. However, due to the relatively minor difference between the two routes, it is not considered a key distinguishing factor in comparing potential environmental effects.
- 2.2.4 LCJMF also states that its Amended Alternative could be made shorter by further amending its route to cross another landowner's field, as illustrated on **ExD6.4** of **REP6-047**. However, the fact that the Applicant did not unilaterally pre-empt such a change (or any other change to the route) for the purpose of its comparative analysis cannot reasonably be held against it by LCJMF given that LCJMF directed that *"the Applicant's comparative matrix must use the ExD2.11 yellow dotted line (REP2-051, p.15) as the LCJMF comparator"* at Deadline 4 (**REP4-037**). If the Applicant had unilaterally made changes to this route, it inevitably would have been criticised for not adopting LCJMF's route exactly as proposed.

## 2.3 East-West Field Crossings

- 2.3.1 LCJMF accepts the Applicant's analysis for this factor *"as a relevant comparator in principle"* but suggests that the Applicant's numeric comparison *"should be treated as partial context only"* without detailed consideration of additional factors, including landowners' drain-jetting capacity, irrigation main locations and field-specific land-use sensitivities.
- 2.3.2 However, the Applicant considers such a level of further detail to exceed what could reasonably have been expected from this comparative exercise and indeed to exceed the express scope of LCJMF's request, which was for a *"[p]roportionate one-page "Core-12" matrix"* where the *"[r]ows are objective, map-based metrics (lengths, angles, buffers, counts) obtainable from the Applicant's*

*GIS/ES and Book of Reference*" (LCJMF's **REP4-037**). The information provided by the Applicant reflects that requested by LCJMF in Row 3 of its 'Core-12 matrix' in **REP4-037**.

## 2.4 Affected Landowners

- 2.4.1 LCJMF's Table ES-1 suggests that there are 11 landowners affected by the Applicant's Indicative Cable Route and 6 affected by the LCJMF Amended Alternative. A list of the 6 said to be affected by the LCJMF Amended Alternative is provided in **ExD6.17** of **REP6-047**, though the Applicant notes that LCJMF then suggests in **ExD6.18** that 8 landowners would be affected. It is unclear which number represents LCJMF's position.
- 2.4.2 In any event, the difference in numbers between the Applicant and LCJMF appears to predominantly stem from the different methodologies each has adopted for counting. The Applicant counted all distinct owners registered on each affected freehold title, in accordance with LCJMF's 'Core-12' matrix, which suggested that the analysis "*count each beneficial freehold owner once, irrespective of number of titles; no title-counting*" (**REP4-037**). If a freehold title were to be affected by one of the cable routes and that title has two co-owners, this was counted as two affected owners for the purpose of Table 1 and Appendix C of the Comparative Analysis. If either owner also owned another title, they were not counted again. That is why some title numbers appear multiple times in each list, because they have multiple owners. The Applicant appreciates that this may not have been readily apparent to LCJMF given the redactions applied to the Applicant's submission by PINS.
- 2.4.3 In contrast, LCJMF appears to have adopted a methodology that groups or excludes certain freehold owners on the basis of LCJMF's perception of whether they are a distinct negotiation counterparty to the Applicant, and also for other unknown reasons:
- In some cases this has involved multiple co-owners of a single freehold title being counted as a single owner. This differs from the methodology originally requested by LCJMF and thus adopted by the Applicant (as above) but is considered by the Applicant to be a valid approach if consistently applied across both routes. The Applicant would expect to enter into a single voluntary agreement with both co-owners of a freehold title. In the reproduction of Table ES-1 above, the Applicant has provided numbers of distinct negotiation counterparties for each route applying this approach, which results in 13 for the Applicant's Indicative Cable Route and 15 for the LCJMF Amended Alternative (or 12 and 14, respectively, if LCJMF is combined with Leslie and Patricia Mountain).
  - In other cases, this has involved a limited company owner of one freehold title (e.g. REN Farming Limited) not being counted because one of the company's directors is the owner of a separate freehold title in his personal capacity. The Applicant does not consider this a supportable approach – the individual in question does not have sole control over the company and, in any event,

would be under specific duties in his capacity as a director of a company compared to acting in his personal capacity. Furthermore, when negotiating voluntary agreements, the Applicant would expect to enter into separate agreements with the company and the individual in their distinct capacities as owners of the relevant plots of land.

- For some owners, LCJMF has completely excluded them from its count – e.g. John Cope and the freeholders of the unregistered land crossed by the LCJMF Amended Alternative. The Applicant disagrees with these exclusions and is not clear what justification there is for doing so. The explanation may be found in LCJMF's complaints that some owners have been listed despite it not being clear that the LCJMF Amended Alternative crosses their land, or that the route only crosses a small area of their land and no "*materiality threshold*" has been applied. The Applicant refers to **Figure 5** in Appendix D to its Comparative Analysis which shows the two routes and the titles crossed. If only a small part of a person's land is crossed, the Applicant would require rights either by voluntary agreement or compulsory acquisition. They are therefore an affected owner and are rightly counted in the respective tallies. It is not appropriate to incorporate a materiality threshold.

2.4.4 Applying a justifiable methodology, the Applicant therefore disagrees with LCJMF's assertion that the LCJMF Amended Alternative affects fewer distinct freehold owners or negotiation counterparties than the Applicant's Indicative Cable Route. This remains the case despite one of the titles affected by the Applicant's Indicative Cable Route (title reference LL135546) having been transferred by Shirley Ann Pugh to Stephen Pugh, Miranda Pugh, Kathryn Pugh and Pengethley Potatoes Limited after the finalisation of the Comparative Analysis, increasing the freeholder count for this route.

## 2.5 Ecology

2.5.1 LCJMF does not dispute the number of LWS crossings identified within Table 1 of the Comparative Analysis (2 LWS crossed for the Applicant's Indicative Cable Route and 3 LWS crossed for LCJMF's Amended Alternative). LCJMF instead focuses its response on the interaction of construction compounds and haul roads with LWS.

2.5.2 LCJMF asserts that considering only the respective indicative cable routes themselves within the body of Table 1 of the Comparative Analysis does not present a full picture. The Applicant acknowledged that concern in its original analysis and consequently provided further qualitative (and, to an extent, quantitative) analysis of its construction compounds and haul roads against potential equivalents for the LCJMF Amended Alternative in section 3.2 of the Comparative Analysis.

2.5.3 LCJMF has taken issue with this approach, criticising the potential haul roads assumed by the Applicant for the LCJMF Amended Alternative and expressing concern that these have been represented as having been promoted by LCJMF itself. The Applicant does not accept that criticism – it explained the reasons for its approach to construction compounds and haul roads, including that this was

necessitated by no proposals having been advanced in these respects by LCJMF, in section 2.2 of the Comparative Analysis. In section 3.2, the Applicant set out the basis on which it had assumed the location of compounds and haul roads for the LCJMF Amended Alternative. It was clear from the Applicant's submission that these had not been proposed by LCJMF itself.

- 2.5.4 LCJMF asserts that Access Option 1 is not an agreed route and unfairly increases the LWS interaction of the LCJMF Amended Alternative. As per section 3.2 of the Comparative Analysis, Access Option 1 is based upon the access proposals for the Land South of Little Hale Drove Solar Farm (23/1021/FUL), for which permission was granted on appeal. On this basis, this must be an access that has been considered acceptable for a similar construction access use. Nonetheless, the Applicant also considered Access Option 2, which utilises only public highways, and which has no LWS interaction. However, this access would have increased proximity to residential receptors due to it passing through Heckington, Great Hale and Little Hale, as noted in section 3.2 of the Comparative Analysis. These potential accesses were considered by the Applicant, in the absence of any defined option being provided by LCJMF, to provide a balanced and comprehensive view of the potential impacts of the two routes.
- 2.5.5 The Applicant emphasises that paragraph 4.3.29 of NPS EN-1 (2024) provides that *"where an alternative is first put forward by a third party after an application has been made, the Secretary of State may place the onus on the person proposing the alternative to provide the evidence for its suitability as such..."* There is thus no obligation on the Applicant to undertake detailed optioneering for modes of accessing the LCJMF Amended Alternative where such work has not been undertaken by LCJMF.
- 2.5.6 LCJMF's Table ES-1 (**REP6-046**) repeats the Applicant's data from Table 2 of the Comparative Analysis for the Beacon Fen Indicative Cable Route's longitudinal interaction but states that the LCJMF Amended Alternative would have 0m of interaction. This appears to be based on the proposed access shown as the dotted black line on **ExD6.24** in LCJMF's **REP6-047**. Whilst the Applicant does not contest that this may be a potential access route to the LCJMF Amended Alternative, it does not have sufficient information to confirm that it is a viable construction access, in comparison to the route the Applicant had assumed as Access Option 1 (the dark blue line in that exhibit), which is based on a proposed access to another consented solar farm in the area.

## 2.6 Landscape & Visual

### Residential properties in the vicinity

- 2.6.1 As per LCJMF's expectations (which were that the Comparative Analysis would be of *"map-based metrics"* where *"[n]o new surveys are sought"* (**REP4-037**), the Applicant compiled its counts of residential properties within 300m of each indicative cable route through desk-based analysis, using the industry standard address database OS AddressBase to identify residential addresses. The Applicant considered (and considers) this a reasonable data source to use for a desk-based assessment, particularly when it can be difficult

and disproportionately time-consuming to discern from aerial imagery whether properties are residential in nature, and how many residences a group of properties may contain.

- 2.6.2 In its **REP6-046** and **REP6-047**, LCJMF drew the Applicant's attention to the fact that some farm buildings and now-abandoned residences have been counted as residential addresses, with Mr Mountain visiting these addresses and taking photographs of them (see **ExD6.9-6.12** of **REP6-047**). The Applicant having reviewed this information against aerial imagery and Google Streetview (where available), notes it appears that three properties on Bicker Drove that its desk-based analysis identified as residential are not residential. One appears to be agricultural only, and the other two appear to be former residential properties that are disused/have fallen into disrepair. LCJMF also states that there are only two residential properties at Willow Farm, rather than three, which the Applicant has no reason to dispute.
- 2.6.3 On the basis of the above, the residential receptors within 300m of the LCJMF Amended Alternative are reduced to 6 and those within 300m of the Beacon Fen Indicative Cable Route remain at 6.
- 2.6.4 LCJMF claims that properties just beyond the 300m buffer should be included and has itself adopted a 350m buffer for its Table ES-1. Paragraph 2.3.10 of the Comparative Analysis explained why a 300m radius was selected and this accords with the radius utilised to consider noise receptors. The Applicant sees no reason to depart from this approach.
- 2.6.5 In any event, the Applicant has been unable to verify the numbers stated by LCJMF within a 350m buffer. LCJMF states that 10 residential receptors will be within 350m of the Beacon Fen Indicative Cable Route but evidence of the properties that make up this number is not provided and the Applicant has been unable to identify what 10 properties these may constitute. LCJMF states that 5 residential receptors would be within 350m of the LCJMF Amended Alternative but has only evidenced a reduction to 6.

#### Treatment of construction compounds and haul roads

- 2.6.6 LCJMF states that construction compounds and haul roads should be considered as well as the cable route itself. However, as discussed above and originally detailed in section 2.2 of the Comparative Analysis, the Applicant's identified construction compounds and haul roads were not factored into the main quantitative comparison exercise because LCJMF has not proposed equivalents for its Amended Alternative. Instead, a qualitative consideration of the construction compounds and haul roads (along with assumed equivalents for the LCJMF Amended Alternative) was provided in section 3.2, addressing the factor that LCJMF identified as of principal importance in its 'Core-12 matrix' in **REP4-037**: LWS interaction from the compounds and haul roads. With this approach, the Comparative Analysis was a reasonable and proportionate response to the ExA's action – particularly given the context (referenced above) that no further analysis of alternatives at all was required of the Applicant by law or policy at this stage.

- 2.6.7 In any event, by reference to **Figure 8** in Appendix D to the Comparative Analysis, any reasonably practicable construction access to the LCJMF Amended Alternative would in all likelihood pass in the proximity of the same or a greater number of residential receptors as the Applicant's accesses, as it would either need to utilise Great Hale Drove (in the same manner as the Applicant's access – see the overlap between the dark blue line (Access Option 1) and the Applicant's redline boundary on Figure 8) or pass through heavily residential areas in Heckington, Great Hale and Little Hale (Access Option 2 – the purple line as it continues west off the edge of Figure 8).
- 2.6.8 LCJMF complains that residential properties along Great Hale Drove have not been properly considered in the Applicant's count (6.45 in **REP6-046**). However, these properties would likely be equally affected by the construction access to either of the cable routes being compared (assuming that the access option to the LCJMF Amended Alternative avoids the heavily residential areas in Heckington, Great Hale and Little Hale). Furthermore, two of these are already identified as receptors within 300m of the Applicant's Indicative Cable Route (see **Figure 2** in Appendix D to the Comparative Analysis).

[Exclusion of public rights of way \(PRoW\) crossings from comparison](#)

- 2.6.9 LCJMF has excluded the comparison of the PRoW crossed by the two routes from its Table ES-1, presumably because a far greater number are crossed by the LCJMF Amended Alternative than the Applicant's Indicative Cable Route. LCJMF justifies this on the basis of Mr Mountain's personal perception that the PRoW are rarely used. The Applicant disagrees that ProW can be excluded as a receptor on this basis and continues to consider this a valuable comparator between the routes.

## 2.7 Cultural Heritage

- 2.7.1 LCJMF states that the number of non-designated heritage assets for each route is not auditable. The basis for these counts is illustrated on **Figure 3** of Annex D to the Comparative Analysis, which is based on Historic Environment Record Data as provided by Lincolnshire County Council.
- 2.7.2 Assets on the HER have been considered as potential non-designated heritage assets. The identification and consideration of HERs is the first stage undertaken in the assessment of non-designated heritage assets. Once a record is identified that could potentially be affected by a proposed development, it is then reviewed in greater detail through desk study and fieldwork (where required) in order to establish the importance of the record and assess the likely effect. It is not considered proportionate to undertake this level of assessment for the Comparative Analysis and thus the HERs have been assumed to be non-designated heritage assets in the absence of contrary information to ensure a worst case assessment.
- 2.7.3 The HERs within 100m of each route, as illustrated on Figure 3, are as follows:

Beacon Fen Indicative Cable Route	LCJMF's Amended Alternative
MLI89908	MLI89908
MLI122001	MLI122005
	MLI122006
	MLI84663
	MLI89958
	MLI122016
	MLI122021
	MLI122025
	MLI90810
	MLI90808
	MLI116631
	MLI116632

2.7.4 LCJMF's revised Table ES-1 (**REP6-046**) amends the comparative factor to refer only to *crossings* of HERs, reducing the count to 0 for both routes. This is correct for the Beacon Fen Indicative Cable Route but not for the LCJMF Amended Alternative, which crosses HER MLI90808 (as illustrated on **Figure 3**).

## 2.8 Traffic & Access

2.8.1 LCJMF disputes the need for the LCJMF Amended Alternative to cross Great Hale Drove, stating that this could be avoided by altering the route. As stated above, the Applicant has used the precise route proposed by LCJMF in **REP2-051**, as LCJMF directed be done in **REP4-037**, for the Comparative Analysis. This route crosses Great Hale Drove. The Applicant did not wish to make unilateral

adjustments to the LCJMF Amended Alternative given the clear direction from LCJMF to the contrary (see paragraph 2.2.4 above), and the Applicant considers LCJMF's criticism for not doing so to be misplaced. This notwithstanding, in this specific area of the route the Applicant agrees that an amendment to the route could allow a crossing of Great Hale Drove to be avoided. Given that the Applicant's Indicative Cable Route already crosses four highways, this does not materially affect the comparison for this factor.

## 2.9 Noise & Vibration

- 2.9.1 The Applicant refers to the explanation provided in section 2.6 above, which applies equally to this comparator, including in relation to the consideration of construction compounds and haul roads.
- 2.9.2 Excluding properties which appear not to be in current residential use based on LCJMF's new evidence, there are 6 residential receptors within 300m of the LCJMF Amended Alternative and also 6 within 300m of the Beacon Fen Indicative Cable Route. 300m is the appropriate radius to use, as this reflects the study area adopted in **ES Chapter 10: Noise and Vibration (APP-061)**. LCJMF provides no justification for instead adopting a 350m radius.

## 2.10 Air Quality

- 2.10.1 The Applicant refers to the explanation provided in section 2.6 above, which applies equally to this comparator, including in relation to the consideration of construction compounds and haul roads.
- 2.10.2 Excluding properties which appear not to be in current residential use based on LCJMF's new evidence, there are 6 residential receptors within 250m of the LCJMF Amended Alternative and 4 within 250m of the Beacon Fen Indicative Cable Route. 250m is the appropriate radius to use, as this reflects the study area adopted in **ES Chapter 16: Air Quality (APP-067)**. Whilst LCJMF appears to also adopt a 250m radius, the Applicant has been unable to verify the counts it asserts. This may be because of a difference in methodology – the Applicant's radii are measured from the outer edge of the indicative cable route corridors for each route.
- 2.10.3 LCJMF asserts that a residential receptor has been identified as within the 250m radius of the LCJMF Amended Alternative despite actually being 273m away (see **ExD6.27** in LCJMF's **REP6-047**). However, that measurement is drawn from Little Hale Drove rather than the indicative cable route corridor for the LCJMF Amended Alternative. Paragraphs 2.2.4 – 2.2.7 of the Comparative Analysis explain why the Applicant cannot restrict a potential cable route corridor to just the width of the highway itself. As per Figure 2 in Annex D to the Comparative Analysis, the identified receptor is within 250m of the edge of the indicative cable route corridor.

## 2.11 Water Resources & Flood Risk

- 2.11.1 By reference to **ExD6.25** in **REP6-047**, LCJMF states that two water crossings are missing from the Beacon Fen Indicative Cable Route and that four crossings are incorrectly included for the LCJMF Amended Alternative.
- 2.11.2 The two crossings that LCJMF states are missing from the Beacon Fen Indicative Cable Route do not need to be crossed. The crossing count for both routes was based on the centreline of the indicative cable route corridors and the watercourse that LCJMF asserts has been missed merely intrudes into the outer edge of the indicative corridor.
- 2.11.3 For the LCJMF Amended Alternative, LCJMF states that two crossings could be avoided by amending the route (though the yellow dotted line in **ExD6.4** would in fact avoid *three* crossings). The Applicant refers to its comments in paragraph 2.8.1 above regarding its approach of considering the LCJMF Amended Alternative precisely as proposed, without making unilateral adjustments. That route would cross the watercourses identified in the Applicant's Comparative Analysis. This notwithstanding, the Applicant agrees that an amendment to the route could avoid three crossings.
- 2.11.4 LCJMF also asserts that two further crossings are not watercourses – one being a *"farm track"* and one *"a water free shallow field boundary"* (see **ExD6.25** in **REP6-047**). However, both are identified as watercourses on Ordnance Survey mapping, which was utilised for the Applicant's desk-based assessment. The Applicant notes that, contrary to other topics, no photographic evidence is provided by LCJMF to rebut the Applicant's desk-based information and the Applicant therefore considers it reasonable to adopt a conservative approach and continue to regard these as watercourses. This also ensures a consistent approach across the study area.
- 2.11.5 On the basis of the above, the watercourse crossing count for the LCJMF Amended Alternative could be reduced to 18. The number of watercourse crossings for the Beacon Fen Indicative Cable Route would remain at 15.

## 2.12 Soils & Agricultural Land

- 2.12.1 LCJMF argues that the Applicant's reliance on the provisional agricultural land classification (ALC) dataset published by Natural England is not sufficient, and further details such as crop rotation evidence should be considered. The Applicant considers that this level of detail, which would need to be considered for all agricultural landowners on both routes, is not proportionate or required in order to provide a comparison of potential environmental effects.
- 2.12.2 LCJMF states that the Applicant has failed to engage with the ALC implications of AGR3. However, the Applicant has considered this data within section 3.2 of the Comparative Analysis – the data from the AGR3 site does not overlap with either indicative cable corridor



and therefore cannot be relied upon as evidence of the ALC of the actual corridors. As stated at paragraph 2.3.23 of the Comparative Analysis, if an assumption is made that the LCJMF Amended Alternative is on lower quality agricultural land on the basis of detailed surveys of land *only in the vicinity of* that route, this assumption would also apply to the Beacon Fen Indicative Cable Route on the basis of the Viking Link surveys conducted in the vicinity of that route. Applying assumptions of this nature would therefore not clearly benefit either route and would reduce the certainty of the data on which the comparison is based.

## 3. Updated Table 1 from the Applicant's Comparative Analysis

### 3.1 Updated Table 1

3.1.1 Changes to the Applicant's Table 1 within the Comparative Analysis submitted at Deadline 5 are shown in tracked changes below.

ROW	ASPECT	BEACON FEN INDICATIVE CABLE ROUTE	LCJMF'S AMENDED ALTERNATIVE
1	Total Corridor Length	6.87km	6.93km
2	<p>East-West Field Crossing</p> <p><i>The lengths of each option deemed to be 'east-west' are shown hatched on <b>Figure 9</b>.</i></p>	<p>10 fields crossed and c. 4.5km of cable route in an east-west orientation.</p>	<p>12 fields crossed and c. 4.3km of cable route in an east-west orientation.</p>
3	<p>Number of affected landowners</p> <p><i>The registered titles affected by each option are shown on <b>Figure 5</b>. The distinct freeholders affected by each option are listed in <b>Appendix C</b>.</i></p>	<p>16 <del>13</del> distinct registered freeholders.</p> <p>3 distinct unregistered freeholders.</p> <p><i>Treating joint co-owners of a registered title as a single negotiation counterparty results in there being 13 negotiation counterparties. If LCJMF is combined with Leslie and Patricia Mountain, this reduces to 12.</i></p>	<p>19 distinct registered freeholders.</p> <p>A minimum of 2 distinct unregistered freeholders (full land referencing has naturally not been carried out for areas outside the Applicant's redline boundary).</p> <p><i>Treating joint co-owners of a registered title as a single negotiation counterparty results in there being 15 negotiation counterparties. If LCJMF is combined with Leslie and Patricia Mountain, this reduces to 14.</i></p>

4	<p>Ecology</p> <p><i>The LWSs in the vicinity of the options are shown on <b>Figure 4</b>.</i></p>	<p>2 LWS crossed (Great Hale Eau and South Forty Foot Drain).</p> <p>In response to the specific query in the LCJMF Core-12 Matrix, the indicative cable route corridor does not run longitudinally within 30 m of the bank-top of any LWS. Interactions between construction compounds and haul roads and LWSs are discussed in section 3.2 [of the Comparative Analysis].</p>	<p>3 LWS crossed (Mill Drain; Old Forty Foot Drain; and South Forty Foot Drain).</p> <p>In response to the specific query in the LCJMF Core-12 Matrix, the indicative cable route corridor does not run longitudinally within 30 m of the bank-top of any LWS. Interactions between construction compounds and haul roads and LWSs are discussed in section 3.2 [of the Comparative Analysis].</p>
5	<p>Landscape &amp; Visual</p> <p><i>PRoW and residential properties proximate to the options are shown on <b>Figure 2</b>.</i></p>	<p>1 PRoW crossed (Swhd/13/1).</p> <p>6 residential properties within 300m.</p>	<p>5 PRoW crossed (GtHa/2/1; GtHa/1/2; LHa/4/1; LHa/5/1; and Bick/1/1).</p> <p>6 <del>10</del> residential properties within 300m.</p>
6	<p>Cultural Heritage</p> <p><i>Non-designated heritage assets proximate to the options are shown on <b>Figure 3</b>.</i></p>	<p>2 non-designated heritage assets within 100m.</p>	<p>12 non-designated heritage assets within 100m.</p>
7	<p>Traffic &amp; Access</p> <p><i>Highway crossings are shown by diamonds and longitudinal interaction with highway</i></p>	<p>Four highway crossings:</p> <ul style="list-style-type: none"> <li>• Great Hale Drove crossed.</li> <li>• North Drove crossed.</li> <li>• Bicker Drove crossed.</li> <li>• Vicarage Drove crossed.</li> </ul>	<p>One highway crossing:</p> <ul style="list-style-type: none"> <li>• Great Hale Drove crossed. <b>This could be avoided by amending the route.</b></li> </ul> <p>c. 4.38km of cable route running longitudinally along highways:</p>

	<i>is shown by hatching on <b>Figure 10.</b></i>	No sections of the route run longitudinally along a highway.	<ul style="list-style-type: none"> <li>• Route runs longitudinally along Little Hale Drove for c. 2.5km.</li> <li>• Route runs longitudinally along Bicker Drove for c. 1.7km</li> <li>• Route runs longitudinally along Vicarage Drove for c. 175m</li> </ul>
8	Noise & Vibration  <i>Residential properties proximate to the options are shown on <b>Figure 2.</b></i>	6 residential properties within 300m.	6 <del>40</del> residential properties within 300m.
9	Air Quality  <i>Residential properties proximate to the options are shown on <b>Figure 2.</b></i>	4 residential properties within 250m.	6 <del>40</del> residential properties within 250m.
10	Water Resources & Flood Risk  <i>Flood zone areas are shown shaded and watercourse crossings are shown by circular symbols on <b>Figure 6.</b></i>	c. 0.7km of the route in Flood Zone 2 c. 5.5km of the route in Flood Zone 3  15 watercourse crossings	c. 1.1km of the route in Flood Zone 2 c. 4.7km of the route in Flood Zone 3  18 <del>21</del> watercourse crossings
11	Soils & Agricultural Land	2.21km of route on Grade 1 land 4.66km of route on Grade 2 land  Route is wholly on BMV land	6.93km of route on Grade 2 land  Route is wholly on BMV land

	<i>Provisional ALC dataset shown shaded on Figure 7.</i>		
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## 3.2 Conclusion

- 3.2.1 The above changes do not result in any changes to the conclusions in paragraphs 4.1.1, 4.1.2 or 4.1.3 of the Comparative Analysis, except that there is greater equivalence in the number of residential properties in the vicinity of the two routes for the purpose of visual and noise effects.
- 3.2.2 Therefore, the Applicant maintains its overall conclusion in paragraph 4.1.4 of the Comparative Analysis that the majority of factors weigh in favour of the Applicant's Cable Route Corridor. In any event, as per paragraph 1.2.8 of the Comparative Analysis, even if this were not the case, policy would not require an alternative route to be adopted in place of the Applicant's.