

**Application for a Development Consent Order for the Beacon Fen Energy Park:**

**Lincolnshire County Council (LCC) Closing Statement**

There remain several matters which the Council consider have not been resolved to their satisfaction during the examination, these are set out below.

**Soils and Agriculture**

The Council's position regarding soils and agriculture is that there is a clear conflict and tension with Central Lincolnshire Local Plan (CLLP) policies S14 and S67, South East Lincolnshire Local Plan (SELP) policy 31 and the Overarching National Policy Statements (NPS) for Energy (EN-1) and Renewable Energy Infrastructure (EN-3), in relation to agricultural land impacts which needs to be factored into the planning balance.

It is noted paragraph 2.10.29 of the National Policy Statement for Renewable Energy Infrastructure (EN-3) confirms that land type is not a determining factor, and the Council fully accept that agricultural land impacts are one of a number of material planning considerations that the Examining Authority needs to consider and weigh in the overall planning balance. The Council also recognises that onshore and offshore electricity generation methods that do not involve fossil fuel combustion are considered to be Critical National Priority (CNP) infrastructure by virtue of the 2024 NPSs.

Nevertheless, taken collectively those policies remain clear and consistent in reiterating that only where the proposed use of any agricultural land over and above despoiled and brownfield land has been shown to be necessary, poorer quality land should be preferred to higher quality land. In addition, whilst dating from 2015, the Written Ministerial Statement referenced HCWS488 sets out that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. The Written Ministerial Statement (15 May 2024) is also an important and relevant consideration. This WMS emphasises elements of the 2024 NPSs and specifically mentions Lincolnshire in regard to clustering of solar farms and the need to give consideration to the cumulative impacts on agricultural land due to a number of solar farms in a small geographical area.

The updated NPPF (December 2024) remains an 'important and relevant' matter for the purpose of determination under section 104 of the PA 2008. The NPPF should be given significant weight as national planning policy. The updated NPPF notably removed footnote 63 that supported policy at Section 15 "Conserving and enhancing the natural environment" with regard to the availability of land for food production. To understand the context of the removal of footnote 63, it is helpful to refer to the "Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning

system consultation” (12/12/2024). The Government response to question 82 (the removal of footnote 63) states that the reason for proposing the removal of the text was because it was unclear whether it “provided material benefit, especially as it gives no indication of how local authorities were to assess and weigh the availability of agricultural land when making planning decisions”. As many representations echoed these concerns, the footnote has been removed.

The Government, however, go on to state that national policy remains clear that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The removal of the text in footnote 63 does not change this commitment. The Council’s position is that the removal of footnote 63 does not change the policy context for the determination of the Beacon Fen Energy Park Project. The Government remains clear in that food security is important for our national security, and where the significant development of agricultural land is necessary, poorer quality land should be used in preference to land of a higher quality.

The Council has worked positively with the applicant throughout the pre-application process. However, it remains the case that 493.27ha agricultural land would be lost to the development, of which 277.3ha (56%) is classified as BMV (ALC Grade 2 and 3a). The Council does not consider this to be insignificant. The Council position therefore is that any loss of BMV land for development of this nature is too much.

Whilst consideration is given to ‘alternatives’ (including avoidance) in the context of land use, the general premise is that the majority of the land lost would not be permanent, this is broken down to 20.37ha permanent loss and 256.93 ha temporary loss of BMV land (47%), based on the applicant’s contention that the proposal is temporary in nature with an operational lifespan of up to 40 years.

The Council’s position is that the ‘temporary’ loss of 256.93ha of BMV land is significant in its own right and that 40 years represents a ‘generational’ change of land use. Whilst the Council accept that the applicant has applied for a ‘temporary’ 40-year permission, consistent with other solar NSIP schemes, in the Council’s view there is somewhat of an inevitability that many of these proposals, including at Beacon Fen, will be repowered. Indeed, paragraph 163 (c) of the NPPF notes in the case of applications for the repowering and life-extension of existing renewable sites that decision makers should ‘give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable’.

The effect of loss of BMV soils from the application site for a period of 40 years, which is viewed by most as permanent not temporary loss, is considered to represent a high sensitivity resource, with the loss of more than 277ha a major adverse impact. The loss of 277ha of BMV land would be considered a major (significant) effect in EIA terms.

More NSIP and TCPA scale solar developments continue to come forward within Lincolnshire. It is acknowledged that Beacon Fen has considered cumulative loss of agricultural land and consider that their findings broadly align with the figures submitted to the One Earth Solar Examination [REP5-046]. The One Earth calculations based on

'reasonably foreseeable' schemes and information available at the time show that the total loss of BMV land within Lincolnshire would be 7,044ha. This is a significant figure and one that continues to increase as project after project comes forward with no threshold set by the Government or Secretary of State as where the cumulative amount of BMV being lost reaches a tipping point beyond which no further loss of BMV should be permitted.

Whilst the Applicant would no doubt state that they should not be "penalised" for soil and land use changes brought about by other projects, this is exactly what is required from a cumulative assessment – to ensure that the negative effect as a whole does not occur even if each project along the way may be individually acceptable.

Plainly, the loss of over 7,000ha of BMV soils in Lincolnshire is not acceptable and it is in the gift of the Secretary of State who decides on these application to set a limit as to what is acceptable and what the tipping point from acceptability to unacceptability is for Lincolnshire farmland. In the absence of such judgement, the purpose of cumulative assessment will never be actioned as each project on its own may be able to demonstrate an acceptable loss of BMV when considered in the planning balance, whilst the cumulative figure continues to grow without ever being checked to identify when the tipping point into unacceptability is reached.

### **Landscape and Visual Impact**

The assessment of landscape and visual effects, in particular cumulative effects remains an area of disagreement. LCC has set out its position in its LIR [REP1-044], and in further submissions most recently through REP6-041 following updates to the Environmental Statement and through the Statement of Common Ground (SoCG).

In summary, the scale and massing of the Development would cause significant adverse landscape and visual effects throughout all key phases. It would fundamentally transform the site from open farmland to a large solar installation, leading to a substantial, long-term loss of openness, tranquillity, and rural character. Although the LVIA describes the residual impacts as partially reversible, the extent and duration of the scheme mean the effects should be considered effectively permanent.

The broader landscape character area (Fenland character area) would be subject to long-term significant adverse change, which even after mitigation at Year 15 would be moderate adverse which would be significant.

Significant adverse visual effects are also anticipated for a range of receptors, arising from the change from rural agricultural views to views dominated by large-scale solar installations. Particular concern arises where above-ground infrastructure is positioned in very close proximity to several properties, with minimal offsets. The Council does not agree with the applicant's conclusion that these effects would reduce to 'not significant' by Year 15 and maintains that they would remain 'significant'.

There are significant concerns about cumulative landscape and visual effects arising from this Development together with other renewable and energy infrastructure projects in the wider area. While nearby cumulative schemes assessed in the ES are relatively modest, the

scale of other proposed NSIPs and large-scale energy developments could collectively lead to extensive and lasting changes to the regional landscape.

The combined mass and scale of multiple NSIP energy projects has the potential to create significant adverse effects on landscape character across large parts of Nottinghamshire and Lincolnshire. Together, these schemes would introduce widespread land-use change and substantial energy infrastructure into areas that are currently predominantly agricultural, leading to extensive and lasting alterations across several recognised landscape character areas.

A similar position of adverse cumulative landscape and sequential visual effects of several NSIP scale solar developments was also adopted by the Council on the Tillbridge Solar Project, and the Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Energy Security and Net Zero, 14 July 2025 agreed with this argument.

The Council are of the view that the development would result in an unacceptable significant negative impact upon the landscape character and visually both individually and cumulatively with other projects, which results in the conclusion that the scheme would be contrary to Development plan policies, CLLP policies S5 (Development in the Countryside), S14 (Renewable Energy), S53 (Design and Amenity) and SELP policies 3 (Design of New Development and 31 (Climate Change and Renewable and Low Carbon Energy) .

As such, the following statements in EN-1 are considered important matters for the Secretary of State to take into account when reaching a decision. Paragraph 5.10.35 of EN-1 states that the 'scale of energy projects means that they will often be visible across a very wide area'. It goes on to stress that the SoS 'should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project'. Paragraph 5.10.36 then sets out that the SoS should 'consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable'.

## **Ecology**

In relation to Ecology and Biodiversity, the Council has set out in its response to the Examining Authority's Third Written Questions [REP7-053] that the Applicant has not yet addressed the Council's concerns regarding insufficient mitigation provision for ground nesting farmland birds, in particular skylark. REP5-013 predicts a "permanent very low adverse impact" on skylark [REP5-013, 7.6.61]. The Council therefore remains concerned about the potential for cumulative impacts on ground nesting bird species, particularly skylark, arising from the number of similar developments across the County.

The Council believes that each development should ensure that it provides adequate mitigation for its own impacts on ground nesting birds to avoid the potential for cumulative impacts as far as possible. A significant negative effect could occur if this and other developments result in the loss or degradation of habitat which impacts the long-term

viability of ground nesting bird populations within the county. The Council is of the opinion that measures currently proposed by the Applicant to mitigate its own impacts on ground nesting farmland birds are inadequate and considers that additional mitigation measures are required in order to be confident that cumulative impacts on species such as skylark will not occur.

The Council does note however that in the Applicant's Responses to ExQ3s [REP7-052] at BIO3.2, the Applicant refers to ongoing engagement with Lincolnshire Wildlife Trust in relation to opportunities for delivering offsite enhancements for skylark. The Council encourages the Applicant to continue seeking opportunities to avoid a negative impact on skylark populations. Should such opportunities be identified, they should be included in final LEMP(s) should the development be granted consent.

The Council also maintains its position that, given the current uncertainties surrounding the impacts of large-scale solar developments on bat populations, it is important that a robust programme of post construction bat monitoring is secured. The Council considers that the requirement for such a programme is proportionate and would help to address existing knowledge gaps and ensure that any unforeseen adverse effects are identified allowing them to be mitigated appropriately. It would also contribute to the wider evidence base needed to inform mitigation approaches for similar developments both within Lincolnshire and nationally. The Applicant has not yet committed to the establishment of such a programme.

Until the above matters are satisfactorily addressed, LCC is of the opinion that the ExA cannot be confident that the ecological impacts of the Proposed Development have been fully mitigated.

### **Waste Matters**

The Council still has areas of disagreement relating to waste matters. The Council continues to raise concerns over the potential cumulative impact of waste arising from NSIP and TCPA scale solar projects within Lincolnshire. The Council's concerns are not necessarily concerned exclusively with decommissioning, but also with the ongoing annual failure rates of solar panels cumulatively across the NSIPs that Lincolnshire is hosting and TCPA schemes which are operational, under construction or approved. Varying operational photovoltaic (PV) failure rates of 0.05%, 0.2% and 0.45% are specified in five solar DCO applications, including the Beacon Fen project. When these percentages are applied to the anticipated total number of solar panels to be installed in Lincolnshire where the Council acts as the host authority, they equate to approximately 7,800, 31,200, and 62,400 panel failures annually, respectively.

The Council continues to raise concerns surrounding recycling facilities for solar waste, as above this concern also relates to annual failure rates rather than to decommissioning alone. At present there are limited recycling facilities across the UK for solar waste. LCC has concerns that these facilities would not be present nor operational in time for waste arising from the Beacon Fen and other Solar Projects across Lincolnshire.

### **Other Matters**

Finally, the Councils SoCG also identifies the methodology used for the assessment of Built Heritage, in particular Kyme Tower, scope of the public health assessment, the socio-economic impact on the agricultural economy, the need for a financial contribution to secure skills and training commitments and sequential test, as areas of disagreement, please see the SoCG [REP7-035] for further details.

### **Closing Remarks**

In conclusion the Council has set out the matters it considers that have not been addressed to its satisfaction in relation to ecology, waste matters, landscape and visual impact, soils and agriculture, and the approach to cumulative impacts in relation to these topics.

Taking this into consideration with the identified unacceptable impacts on ecology, landscape character, visual amenity and loss of BMV land as a result of this project on its own and combined with the other Nationally Significant Infrastructure Projects locally and across Lincolnshire, when all these unacceptable impacts are all considered in the planning balance of the need for the scheme the only acceptable decision for the Secretary of State is to refuse this application for a Development Consent Order.