



BEACON FEN ENERGY PARK

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Applicant's Closing Statement
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Quality information

Prepared by	Checked by	Verified by	Approved by
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Glossary

Abbreviation	Description
2008 Act	The Planning Act 2008
Applicant	Beacon Fen Energy Park Ltd
BAR	Bespoke Access Road
BBC	Boston Borough Council
BESS	Battery energy storage system
BNG	Biodiversity Net Gain
DCO	Development Consent Order
ES	Environmental Statement
ESG	Ecological Steering Group
ExA	Examining Authority
ISH	Issue Specific Hearing
LCC	Lincolnshire County Council
LCJMF	LCJ Mountain Farms Limited
LIR	Local Impact Report
Low Carbon	Low Carbon Ltd
LVIA	Landscape and Visual Impact Assessment
MW	Megawatts
NKDC	North Kesteven District Council
NSIP	Nationally Significant Infrastructure Project
oCEMP	Outline Construction Environmental Management Plan
oDEMP	Outline Decommissioning Environmental Management Plan
oLEMP	Outline Landscape and Ecological Management Plan
Proposed Development	The entire development to be constructed and operated within the Site, as set out in Schedule 1 of the draft DCO
PV	Photovoltaic
Site	The entire Order Limits or red line boundary located approximately 6.5 km northeast of the village of Sleaford and 2.5 km north of Heckington
SOCG	Statement of Common Ground
SoS	Secretary of State

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1. Introduction

1.1 Overview

- 1.1.1 This **Applicant's Closing Statement (Document Ref: 9.26)** 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 provides a high level summary of the Applicant's position on key substantive matters. The matters are included because they are substantive matters of disagreement between the Applicant and the local authorities and/or statutory bodies, or substantive matters which have drawn attention from the Examining Authority and/or Interested Parties during the Examination. In some limited instances, this document also addresses additional points raised by Interested Parties at Deadline 7 to the extent the Applicant has not previously addressed them during the Examination. The document does not introduce new material (other than in responding to Deadline 7 submissions, as noted) but provides clarity on the Applicant's final position on matters, by reference to the previous submissions it has made. This document is not intended to set out in full the Applicant's final position; instead it provides signposting to the Applicant's submissions which have been made over the course of the Examination to assist the Examining Authority and Interested Parties in accessing submissions the Applicant considers relevant to the matter(s) being discussed. The signposting is not intended to represent an exhaustive list of every submission on a given topic but draws attention to those the Applicant considers to be of most direct relevance.
- 1.1.3 Prior to and during the Examination, the Applicant has worked positively to address and resolve matters that have been raised by statutory consultees, interested parties and members of the public. At each Examination deadline, the Applicant has provided comprehensive responses to submissions from Interested Parties. The Applicant has agreed Statements of Common Ground with key stakeholders, with positions summarised in the Statement of Commonality (**Document ref. 8.19, Revision 8**). The Applicant has submitted final and signed Statements of Common Ground with the following parties:
1. Lincolnshire County Council ('LCC') (**REP7-035**)
 2. Boston Borough Council ('BBC') (**REP7-039**)
 3. South Kyme Parish Council (**REP7-043**)
 4. Anglian Water (**REP7-041**)
 5. Natural England (**REP7-045**)
 6. National Highways (**REP2-35**)
 7. Historic England (**REP3-005**)

8. Forestry Commission (**REP2-032**)
9. Black Sluice Internal Drainage Board (**REP2-033**)

To be submitted at Deadline 8

10. North Kesteven District Council ('NKDC') (**Document ref. 8.2, Revision 6**)
11. Environment Agency (**Document ref. 8.9, Revision 4**)
12. National Grid Viking Link Limited (**Document ref. 8.6, Revision 2**)
13. National Gas Transmission plc (**Document ref. 8.5, Revision 2**)

- 1.1.4 While the Applicant has been able to reach agreement with many of the interested parties on the majority of issues raised, there remain some points of disagreement that have not been possible to resolve during the Examination. The Applicant's position on these matters, as well as that of the relevant interested party, is set out in more detail in their respective SoCGs (including the SoCG with Ewerby and Evedon Parish Council (**REP4-021**) which has not been signed). Where these matters relate to substantive issues, they are also addressed in this closing statement.

2. Applicant's final position on key matters

TOPIC/MATTER	APPLICANT'S POSITION	CROSS REFERENCES TO EXAMINATION LIBRARY
General principle of development & matters in the planning balance		
Capacity of the BESS	<p>As set out in Applicant's Responses to Other Parties' Deadline 5 Submissions (REP6-038), the Works Plans (CR-004) and parameters set out in table 2.1 of ES Chapter 2 Proposed Development (REP6-017) control the scale of the BESS; it is typical for BESS projects to be controlled in this manner. Furthermore, this scale of BESS was proposed, consulted on under section 42 to 48 of the Planning Act 2008, fully assessed and justified within the Applicant's Planning Statement (REP7-018), and is entirely proportionate in footprint terms to the 400 MW solar array and acceptable in terms of its impact.</p> <p>The Planning Act 2008 Associated Development Applications for Major Infrastructure Projects guidance drives at the subordinacy of the use of the associated development, and proportionality of the nature and scale, and the Applicant has justified this in various submissions into examination including the Applicant's response to Action Point 7 in the Written Summary of Oral Submissions from ISH 1 and Responses to Action Points (REP1-030) and the Applicant's written summary for agenda item 3 within the Applicant's Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (REP4-026).</p> <p>The Applicant disagrees with LCC's Comments on any further information/submissions received by Deadline 4, and any other information requested by the Examining Authority for Deadline 4 (REP5-051) and subsequent submissions that suggest that the BESS, as proposed</p>	<p>Applicant's Responses to Other Parties' Deadline 5 Submissions (REP6-038)</p> <p>Works Plans (CR-004)</p> <p>ES Chapter 2 Proposed Development (REP6-017)</p> <p>Planning Statement (REP7-018)</p> <p>Written Summary of Oral Submissions from ISH 1 and Responses to Action Points (REP1-030)</p> <p>Applicant's Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (REP4-026)</p> <p>LCC's Comments on any further information/submissions received by Deadline 4, and any other information requested by the</p>

	<p>in the Application, does not meet those tests. This is set out in the Applicant's Responses to Deadline 5 Submissions (REP6-039).</p>	<p>Examining Authority for Deadline 4 (REP5-051)</p>
<p>Provision of funding contributions to mitigate effects of the Proposed Development</p>	<p>The Applicant has engaged extensively with the host local authorities in relation to additional mitigation measures, in particular the payment of funding contributions, in connection with the Proposed Development. As a result, the Applicant has agreed to funding commitments and these are set out below. Other than one request for a financial contribution that the Applicant does not agree with and is not required to address impacts of the Proposed Development (discussed further below), all others are agreed, including the mechanism by which such contributions and commitments are secured via the draft DCO. As a result, weight can be given to these secured commitments by the ExA and SoS in their consideration of the Application. This is addressed further in the following submission on "Policy compliance and the planning balance".</p> <p><u>Ecological Steering Group ('ESG') & Biodiversity Net Gain ('BNG') monitoring</u> Following discussions with BBC, NKDC and LCC, the Applicant has updated the Terms of Reference within oLEMP (Document Ref: 6.3 ES Vol 2, 6.3.19) submitted at Deadline 7, and included a new Article 50 within the Draft DCO (REP7-004) securing the allocation of funding contributions to NKDC, LCC and BBC for the ESG. This comprises £13,500 for each authority for participation in the ESG and a further £104,500 for NKDC for external BNG oversight/monitoring. With reference to BNG, this would address the time spent on site visits and NKDC's review of the Applicant's BNG monitoring reports, rather than NKDC undertaking the monitoring itself.</p> <p>As set out in NKDC's Responses to the ExQ3 (REP7-054), LCC's Comments on any further information/submissions received by deadline 6, and any other information requested by the ExA for deadline</p>	<p>Draft DCO (REP7-004), Articles 50 (Funding contributions) & 51 (Ecology and planting contribution), Requirement 7 (oLEMP)</p> <p>Explanatory Memorandum (REP7-007), paragraphs 8.1.29, 8.1.30 and 9.1.15.</p>

6 (REP7-053), BBC's Comments on any further information/submissions received by deadline 6, and any other information requested by the ExA for deadline 6 (REP7-055) the three host authorities agree with this approach.

As a result, the Applicant's documents secure the delivery of the ESG (NKDC's membership of which would entail monitoring of BNG) and the funding of the host local authorities' involvement in the ESG.

Stepping Out Walk

As set out in the Applicant's **Final Statement of Common Ground with North Kesteven District Council (Document ref. 8.2, Revision 6)** and **NKDC's Responses to the ExQ3 (REP7-054)**, the Applicant and NKDC have agreed funding of £1,470 in relation to the Stepping Out Walk and that it should be secured by way of article in the **draft DCO (REP7-004)**. This funding was included in a new Article 50 in the **draft DCO (REP7-004)**.

BBC Offsite Planting Contribution

As set out in the Applicant's **Final Statement of Common Ground with Boston Borough Council (REP7-039)** and **BBC's Comments on any further information/submissions received by deadline 6, and any other information requested by the ExA for deadline 6 (REP7-055)**, the Applicant and BBC have agreed funding of £15,000 in relation to an Ecology and Planting Contribution and that it should be secured by way of article in the **draft DCO (REP7-004)**. This drafting was included as a new Article 51 in the **draft DCO (REP7-004)**.

Outline Skills, Supply Chain & Employment Plan & contribution

Appendix 15.3 Outline Skills, Supply Chain and Employment Plan (OSSCEP) (REP7-030) discusses the beneficial impacts from employment creation and a substantial set of commitments that would be delivered by the Applicant, such as support for training, local supply chain enhancement,

development of partnerships with local education institutes and employers. The OSSCEP is secured via Requirement 17 in Schedule 2 of the **Draft DCO (REP7-004)** as NPS policy advises.

The Applicant considers the draft DCO adequately secures the delivery the measures within the OSSCEP (which is structured to specify which are delivered by the undertaker and which may require additional funding) and that benefits will accrue from their delivery by the undertaker which are capable of weighing positively in the planning balance. NKDC and LCC sought a substantial contribution to be specifically secured for the items in the OSSCEP requiring additional funding. The provision of funding at this level is not required to address impacts of the Proposed Development and is not considered necessary by the Applicant and so this remains an area of disagreement within the Applicant's **Final Statement of Common Ground with North Kesteven District Council (Document ref. 8.2, Revision 6)** and **Final Statement of Common Ground with Lincolnshire District Council (REP7-035)**.

Policy
 Compliance and
 Planning Balance

The **Planning Statement (REP7-018)** sets out how the Proposed Development complies with the designated National Policy Statements ('NPS') as well as generally according with local policy that may have importance or relevance.

This position remains unchanged by the revised NPSs that came into force in January 2026 and which are capable of being important and relevant considerations in the determination of this Application. As reported in the **Applicant's Response to ExQ3 GCT.3.2 (REP7-052)**, the Applicant does not consider the updates made are of a nature which is material to the consideration of the Application; the changes that are relevant to the Proposed Development relate to strengthening the existing need case, which was and remains strongly in favour of the urgent need for new renewable and low carbon energy infrastructure.

Planning Statement (REP7-018)

Section 7 of the Planning Statement sets out how the Applicant considers the Proposed Development complies with NPS policy, and addresses the planning balance in relation to the benefits and adverse impacts of the Proposed Development, in accordance with Section 104 of the Planning Act 2008. It is considered that the benefits of the Proposed Development as set out in paragraph 7.4.1 are all adequately secured and remain beneficial. The delivery of Biodiversity Net Gain has been strengthened by the Applicant's commitment to an Ecological Steering Group (as well as funding for that group) as set out in the **oLEMP (Document Ref: 6.3 ES Vol 2, 6.3.19)** and secured in the **draft DCO (REP7-004)**. Furthermore, the Applicant has, during examination committed to additional benefits in liaison with the host authorities, namely a Stepping Out Walk and additional planting in the administrative area of BBC as secured within the **draft DCO (REP7-004)**.

Importantly, as set out in the **Planning Statement (REP7-018)** and addressed elsewhere in this Closing Statement, the Applicant has applied the mitigation hierarchy in order to minimise the residual impacts of the Proposed Development. In particular in this respect are the landscape and visual effects anticipated as a result of the Proposed Development. Landscape and visual effects are addressed in the following section of this Statement, including where significant adverse effects are expected to remain despite application of the mitigation hierarchy. NPS EN-1 acknowledges that "[v]irtually all nationally significant energy infrastructure projects will have adverse effects on the landscape" (paragraph 5.10.5) and similarly that "[a]ll proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites". The Applicant has designed the Proposed Development carefully, built in appropriate controls around detailed design, and included appropriate mitigation in order to minimise harm.

Policy relating to Critical National Priority infrastructure applies in relation to the limited residual impacts from the Proposed Development and as a result, they should be outweighed by the urgent need for such infrastructure.

Landscape and visual

Landscape and Visual –
 Landscape character effects on Fenland Sub Area

Impacts from the Proposed Development on the character of the Fenland Sub Area have been discussed extensively through the course of the examination including the response to paragraphs 7.18, 13.24 and 13.25 within the **Applicant's Comment's on LIR (REP2-041), Written Summary of Oral Submissions from Issue Specific Hearing 2 (ISH2) and Responses to Action Points (REP4-026)** and at the meetings held between LCC, NKDC, AAH Consultants and the Applicant on the 20th November 2025 and 22nd January 2026. The latest position of the respective parties is summarised within the **Statement of Common Ground (Final) with Lincolnshire County Council (REP7-035)** and **Statement of Common Ground (Final) with North Kesteven District Council (Reference: 8.2)** as an area of disagreement based on a difference of professional judgement.

A summary of the Applicant's position is that residual effects on the Site (Solar Array Area), which lies within the Fenland Sub Area, will be Moderate adverse (significant) on the basis that there will be fundamental land use change resulting from the presence of energy infrastructure. In relation to the wider host Fenland Sub Area the Applicant's position is that residual effects will be Minor adverse (not significant) on the basis that beyond the immediate context of the Site the Proposed Development will have a limited visual presence. Therefore, the potential to influence key characteristics of the Sub Area are similarly limited.

Key perceptual characteristics including, '*extensive vistas to level horizons and huge skies*' will not be significantly affected across the Sub Area as a whole. In close distance views where energy infrastructure is visible, views will usually be partially screened or backdropped by mature vegetation which frequently defines the skyline in views despite the relatively open nature of the landscape.

Chapter 6 Landscape and Visual (REP5-011)

Appendix 6.3 Landscape Character Baseline and Sensitivity (APP-085)

Applicant's Comment's on LIR (REP2-041)

Landscape Strategy Plan Part 1 (CR-019)

Appendix 6.7 Outline Landscape and Ecological Management Plan (REP7-025)

Statement of Common Ground (Final) with Lincolnshire County Council Document (REP7-035)

Statement of Common Ground (Draft) with North Kesteven District Council Document (Document Ref. 8.2)

The existing physical fabric of the Solar Array Area including; hedgerows, scrub, woodland and drainage channels will largely be retained and enhanced. Therefore, adverse landscape effects will arise as a result of the characterising influence of energy infrastructure rather than through the loss of landscape elements. The approach to landscape mitigation as illustrated in the **Figure 6.31 Landscape Strategy Plan Part 1 (CR-019)** has been to enhance the landscape of the Solar Array Area through the introduction of linear planting features (hedgerows and native shrubs with trees) to reconnect the partially fragmented landscape of the Site.

Management measures which will complement the landscape strategy are also proposed and include gapping up existing hedgerows and maintaining these features to a height of 3.5 metres as set out within paragraphs 1.5.10, 1.5.11, 1.6.7 and 1.6.8 of **Appendix 6.7 Outline Landscape and Ecological Management Plan (REP7-025)**.

The proposed landscape and management measures will combine to provide a less fragmented landscape framework which provides the basis for assimilation and minimises wider landscape character influences.

Visual effects for residents in properties in close proximity to the Solar Array Area

Several residential properties are located in close proximity to the Solar Array Area. Visual effects and the residential visual amenity for residents of these properties have been considered within **Chapter 6 Landscape and Visual (REP5-011)**, **Appendix 6.4 Visual Assessment (REP5-064)** and **Appendix 6.5 Residential Visual Amenity Assessment (REP5-25)**.

Further clarification has been provided through the course of the examination in response to LSV.1.9, LSV.1.10 (Gashes Barn) and LSV.1.11 within **Applicant's Responses to Examining Authority's First Questions (ExQ1) REP2-040**. The Applicant's response to paragraph 13.43 in **Applicant's Comment's on LIR (REP2-041)** provides an explanation of the role of mitigation planting and how this has been considered in the assessment and paragraph 13.44 sets out how visual change will only be experienced from

Chapter 6 Landscape and Visual (REP5-011)

Appendix 6.4 Visual Assessment (REP5-064)

Appendix 6.5 Residential Visual Amenity Assessment (REP5-25)

Applicant's Responses to Examining Authority's First Questions (ExQ1) (REP2-040)

some aspects of property group R20 (Crown Cottage and Keepers Cottage). A summary of the Applicant's position in relation to property R4 (Gashes Barn) and other relevant properties is set out in response to *Visual Impacts and RVAA at Gashes Barn* and *Visual Impacts and RVAA at other residential properties in proximity to the Solar Array Area* (pages 32-34) within **Statement of Common Ground (Final) with North Kesteven District Council (Document Reference: 8.2)**.

The Applicants response to Action Point 2 (pages 37,38) within **Written Summary of Oral Submissions from Issue Specific Hearing 2 (ISH2) and Responses to Action Points (REP4-026)** provides the justification for the assessed (not significant) residual level of effects at properties R1, R2, R3(3a) and R20. The response primarily focuses on the visual experience at property R3a (Howell Fen Farmhouse) following discussions within ISH2 and draws the distinction between visual effects experienced at a specific viewpoint and those experienced in relation to the property as a whole. The response to Action Point 3 provides justification in relation to property R4 Gashes Barn, acknowledging that there will be residual significant visual effects but that these will be partially mitigated by established mitigation planting. Responses to LSV.2.1 to 2.4 in **Applicant's Responses to Examining Authority's Second Questions (ExQ2) REP5-048** and to LSV.3.2 and 3.3 in **Applicant's Responses to ExQ3 (REP7-052)** provide more detail relating to visual effects, visualisations and proposed mitigation at Gashes Barn.

In summary it has been found that there will be residual Moderate adverse (significant) visual effects for one property, R4 Gashes Barn, because views of (set back) energy infrastructure will be available from all aspects of the property and from the Black Drove access road. It has also been determined that the RVAA threshold will be reached for this property for a period for 10 years until the point where mitigation planting becomes sufficiently

Written Summary of Oral Submissions from Issue Specific Hearing 2 (ISH2) and Responses to Action Points (REP4-026)

Applicant's Responses to Examining Authority's Second Questions (ExQ2) (REP5-048)

Applicant Responses to ExQ3 (REP7-052)

Statement of Common Ground (Final) with North Kesteven District Council (Document Reference: 8.2)

established to partially screen views of solar arrays and reduce the visual prominence of energy infrastructure in the visual experience for residents.

There would be no other residual significant adverse effects for any other residential properties following establishment of mitigation planting or from defined settlements within the LVIA Study Area at any stage of the Proposed Development. Solar (PV) array exclusion zones have been introduced with belts of native shrubs with trees to provide a buffer between the Solar Array Area and nearby properties and screen views of energy infrastructure. These properties differ from Gashes Barn in that views of the Proposed Development will be more restricted, for example, views will only be available from first floor windows or are partially screened by existing vegetation.

Gashes Barn is discussed further below in this closing statement.

The latest position of the respective parties is summarised within the **Statement of Common Ground (Final) with Lincolnshire County Council (REP7-035)** and **Statement of Common Ground (Draft) with North Kesteven District Council (REP7-037)** as an area of disagreement based on a difference of professional judgement.

Bespoke Access Road

The purpose of the Bespoke Access Road (BAR) and its options appraisal and pre application consultation are described at **ES Appendix 3.2 Bespoke Access Road Appraisal (APP-080)**. The design of Bespoke Access Road is controlled by the Outline Design Principles at Appendix 1 of the **Design and Access Approach Document (Document Ref. 5.6)**, which also contains a plan demonstrating how the stockpiles will be designed.

The Applicant has responded to landscape and visual matters relating to the BAR in various submissions. Initial routing has been informed by an options appraisal which is summarised in Table 3.3 of **Chapter 3 Alternatives and Design Evolution (APP-054)**, with further detail provided within **Appendix 3.2 Bespoke Access Road Appraisal (APP-079)**. The design approach to

Chapter 6 Landscape and Visual (REP5-011)

Chapter 3 Alternatives and Design Evolution (APP-054)

ES Appendix 3.2 Bespoke Access Road Appraisal (APP-080)

Appendix 3.2 Bespoke Access Road Appraisal (APP-079)

the Bespoke Access Road has been informed by the Design Objectives set out in Table 4.1 of **Design and Access Approach Document (Document Ref. 5.6)**, specifically BAR4, BAR5 and BAR6, which are focused on minimising landscape and visual impacts. Additionally, the Outline Design Principles set out in Appendix 1 relating to Work No.8 includes a requirement for the Bespoke Access Road to be routed towards the edge of field boundaries to avoid excessive fragmentation and where existing hedgerows can provide visual assimilation. The response to LSV.1.6 within **Applicant Responses to ExQ1 (REP2-40)** summarises the design intention and rationale for the routing of the Bespoke Access Road in terms of minimising adverse landscape and heritage impacts.

The Applicant's position with regard to the design and layout of the soil stockpiles is set out in **Applicant's Responses to Other Parties' Deadline 6 Submissions (Document Ref: 9.24)** and at LSV.2.5 within **Applicant Responses to ExQ2 (REP5-48)**. In summary, the stockpiles will be a necessary element of the Bespoke Access Road to allow reinstatement of the agricultural land following decommissioning. They will be relatively low, up to a maximum of 1m as set out within appendix 1 of **Design and Access Approach Document (Document Ref. 5.6)**. The stockpiles will be vegetated as set out in paragraphs 1.2.3 and 1.5.22 of **Appendix 6.7 Outline Landscape Ecological Management Plan (Revision 5) (Clean) (REP7-025)** and shaped to create a 'false cutting' with a shallow outer slope which provides a gradual transition with the existing landform. They will be strategically placed to screen views of the Bespoke Access Road, principally from short sections of the public rights of way network and in relation to views of St. Andrews Church from the west. The indicative location of the stockpiles is shown in **Landscape Strategy Plan Part 2 (CR-020)**. Beyond the immediate landscape context of the Bespoke Access Road the stockpiles will have a limited visual presence because of their relatively small scale and surface vegetation cover. The creation and maintenance of the soil stockpiles will be implemented in accordance with the requirements set out in section

Applicant's Responses to Examining Authority's First Questions (ExQ1) (REP2-040)

Written Summary of Oral Submissions from Issue Specific Hearing 2 (ISH2) and Responses to Action Points (REP4-026)

Design and Access Approach Document (Document Ref 5.5)

Applicant's Responses to Other Parties' Deadline 6 Submissions (Document Ref: 9.24)

Appendix 6.7 Outline Landscape Ecological Management Plan (REP7-025)

Figure 6.31 Landscape Strategy Plan Part 2 (CR-020)

	<p>7.3 and 7.4 of the Outline Soil Management Plan (Revision 3) (Clean) (REP5-031).</p> <p>Other mitigation measures such as the introduction of hedgerows to screen views were not considered to be appropriate on the basis that they would result in landscape fragmentation and excessively emphasise the linear nature of the route as well as potentially impacting below ground archaeology. Following decommissioning of the BAR and reinstatement of the agricultural land, the role of any introduced hedgerows would become redundant and, therefore, not a logical element within the landscape (as no obvious purpose in the absence of the Proposed Development), whereas the stockpiles will be removed to facilitate reinstatement.</p> <p>In terms of the impact from the stockpiles in heritage terms on St Andrew's Church, this is dealt with further below in this statement.</p>	
<p>Cumulative effects</p>	<p>Following representations from NKDC and LCC the Applicant has updated paragraphs 6.5.67 – 6.5.69 in Chapter 6 Landscape and Visual (REP5-011) to acknowledge that energy infrastructure is likely to be a more influential aspect of the future baseline scenario. However, the Applicant maintains the position that the focus of the assessment should be the contribution of the Proposed Development to cumulative landscape and visual effects in association with schemes identified at scoping, within the defined LVIA Study Area. In this respect it has been found that introduction of the Proposed Development would not result in any significant cumulative landscape or visual effects. This position is described further in paragraphs 7.20 and 13.62 – 13.71 within Applicant's Comment's on LIR (REP2-041) and in Table 6.1 – List of Matters not agreed within the Statement of Common Ground (Final) with Lincolnshire County Council (Document Reference: 8.1).</p>	<p>Chapter 6 Landscape and Visual (REP5-011)</p> <p>Applicant's Comment's on LIR (REP2-041)</p> <p>Statement of Common Ground (Final) with Lincolnshire County Council (Document Reference: 8.1)</p>

Gashes Barn

The Proposed Development is anticipated to result in significant visual effects for Gashes Barn, albeit by Year 15 (the time period used for the purposes of the EIA) establishment of mitigation planting will provide considerable screening of views of energy infrastructure which will reduce the scale of the significant adverse effects somewhat. In terms of the Residential Visual Amenity Assessment, the visual experience for residents is anticipated to be "overwhelming" but not "overbearing" for a period for 10 years until the point where mitigation planting becomes sufficiently established, and the Applicant has expanded on the justification for these findings in its **response to ExQ3 LSV 3.2 and 3.3 (REP7-052)**.

As recorded in the **Applicant's Response to ExQ3 LSV 3.1 (REP7-052)** the Applicant has reached a confidential 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.

The response at **Applicant's Response to ExQ3 LSV 3.1 (REP7-052)** sets out its position that the agreement with the Owners of Gashes Barn should not 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 ExQ3 LSV.3.2, 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 **ES (REP5-011)** and also in response to ExQ3 LSV 3.2, 3.3 and 3.4) and **Planning Statement (REP7-018)** and as summarised previously in response to ExQ2 CA.2.1.), that the Applicant has applied the mitigation hierarchy and

Applicant Responses to ExQ3 (REP7-052), DCO.3.2, LSV.3.1, LSV.3.2, LSV.3.3

Applicant Responses to ExQ2 (REP5-048), CA.2.1

ES Chapter 6: Landscape and Visual (REP5-063)

Planning Statement (REP7-018), paragraph 7.5.1, second bullet point, and policy compliance tables addressing compliance with EN-1 paragraphs 5.10.14 & 5.10.37, EN-3 paragraph 2.10.131)

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 **Planning Statement (REP7-018)**, paragraph 7.5.1, second bullet point, and policy compliance tables addressing compliance with EN-1 paragraphs 5.10.14 & 5.10.37, EN-3 paragraph 2.10.131).

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 in the response to ExQ3 LSV.3.2.), the Applicant maintains that the effect on this receptor would still be outweighed by the overwhelming benefits of the scheme, and have been appropriately avoided, minimised and mitigated through the setbacks and other design elements and benefit from the Critical National Priority policy under EN-1.

In terms of any impact on access to Gashes Barn via the private access road (Black Drove) as a result of the Proposed Development, the Applicant has set out its position in its **Response to ExQ3 DCO.3.2 (REP7-052)** and updated the **Outline CEMP (Document Ref: 6.3 ES Vol 2, 6.3.7)** at Deadline 7 to include commitments in terms of notification and maintaining access during construction.

Ecology

Great Hale Eau Local Wildlife Site (LWS)

Within representations from NKDC (**Responses to ExQ3 (REP7-054)**), NKDC have questioned whether there is an alternative to the trenched crossing of the Great Hale Eau LWS and whether the Great Hale Eau meets the definition of a 'ditch'. The Applicant has responded to these points in turn below.

There are two watercourses within the Order Limits referred to as Great Hale Eau. One is the Great Hale Eau LWS, which is a small culverted ditch that is unnamed on Ordnance Survey mapping and runs roughly west to east (see **APP-241 Figure 7.3 Local Wildlife Sites Within 2 km**). The other is a larger ditch running roughly south to north (to the west of Great Hale Eau LWS), referred to as Great Hale Eau on Ordnance Survey mapping.

The section of Great Hale Eau which is designated as a LWS (see **APP-241 Figure 7.3 Local Wildlife Sites Within 2 km**) has been assessed within the botanical survey against the LWS criteria (**APP-104 Appendix 7.15 Botanical Survey Report (Cable Route and Access Road)**), and is in part designated for "*a fringe of emergent vegetation along the edges of the channel*" as well as "*rank grassland and tall ruderal vegetation*" along the banks.

The watercourse referred to as Great Hale Eau LWS (see **APP-241 Figure 7.3 Local Wildlife Sites Within 2 km**), is 1-2 m wide and meets the criteria of a ditch. The other watercourse called Great Hale Eau, that is not designated as a LWS is at a point on the northern Order Limits it is approximately 6m wide as reported in (**Chapter 11 Water Resources and Flood Risk (REP5-015)** and **Appendix 11.3 Summary of Watercourse Crossings and Photographs (REP5-029)**). However, this is where it approaches a corner outside the Order Limits and widens. The sections within the order Limits were measured during surveys and are narrower and the Applicant considers it meets the definition of a ditch.

Appendix 2.4 Outline Construction Environmental Management Plan (CEMP) (Document Ref: 6.3 ES Vol 2, 6.3.7)

Appendix 14.4 Outline Soils Management Plan (SMP) (REP7-028)

Chapter 7 Ecology (Document Ref: 6.2 ES Vol 1, 6.2.7)

Figure 7.3 Local Wildlife Sites Within 2 km (APP-241)

Appendix 7.15 Botanical Survey Report (Cable Route and Access Road) (APP-104)

Chapter 11 Water Resources and Flood Risk REP5-015

Appendix 11.3 Summary of Watercourse Crossings and Photographs (REP5-029)

North Kesteven District Council Responses to ExQ3 (REP7-054)

The Applicant's position with regards to the Great Hale Eau LWS which will be crossed on the cable route is as follows. Standard trenching (including such methods as open-cut and cofferdam) is the primary method to be utilised for crossings within the Proposed Development. Trenchless techniques, such as auger boring, HDD or micro-tunnelling, are only proposed for crossings where it was identified as being required due to design complexity or to avoid potential significant environmental effects. This is explained in 'cable route parameters' within Table 2.1 of **Chapter 2 (REP6-017)** of the ES Volume 1. When considering the likely effects of crossings, the use of standard trenching on the Great Hale Eau can be sufficiently mitigated to a non-significant level using the measures outlined within **Chapter 7 Ecology (Document Ref: 6.2 ES Vol 1, 6.2.7)** and secured within **Appendix 2.4 oCEMP (Document Ref: 6.3 ES Vol 2, 6.3.7)** and **Appendix 14.4 oSMP (REP7-028)**. These measures include the retention of habitats as seed bank in topsoil and turfs during construction. Each component of the substrate (subsoils, topsoil and turf) will be removed and stored separately. Turf may be watered during storage if required. Following construction (i.e. completion of the crossing) the components would be replaced in reverse order (subsoil, topsoil and finally turf) which will allow the plants (which are the key components of this Local Wildlife Site) to quickly re-establish. The mitigation would include restoration of the vegetation in the channel as well as the banks, within the 2 m temporarily removed for the ditch crossing. Furthermore, the water discharges downstream of the working area will have sediment treatment (e.g. settlement tanks, silt fencing, siltsock, strawbales etc.) to maintain the water quality. Over the small area of habitat to be impacted by the crossing of the Cable Route, this approach would result in a negligible impact with a residual not significant effect.

It is, therefore, not considered proportionate to apply trenchless methods to this crossing when this measure is not necessary in order to avoid likely significant effects. The Applicant is satisfied that the mitigation hierarchy has

	<p>been followed appropriately, by ensuring mitigation is in place to avoid any residual significant environmental effect, as reported in Chapter 7 Ecology (Document Ref: 6.2 ES Vol 2, 6.2.7). As such the mitigation hierarchy policy in the NPS is complied with and the limited impact falls to be considered in the overall planning balance in S104 and having regard to the Critical National Infrastructure policy.</p>	
<p>Skylark habitat</p>	<p>The Applicant has noted comments on skylark from the local planning authorities. There were small numbers of birds recorded on site as detailed in Appendix 7.6 Breeding Bird Report (APP-095). 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 (as noted in Solar Energy UK 2024¹ and Jarcuska <i>et al.</i> 2024²) by providing a reliable food resource in a relatively barren landscape during the breeding and non-breeding seasons. The Applicant considers these measures will result in a not significant effect on skylark alone or cumulatively with other projects. Nevertheless, the Applicant met with Lincolnshire Wildlife Trust (LWT) on 17th December 2025 to discuss the potential to consider offsite enhancements for skylark. LWT are reviewing the options on their land and with partners. Details of these options have not yet been received by the Applicant and therefore this matter remains an area of disagreement.</p>	<p>Appendix 7.6 Breeding Bird Report (APP-095)</p>
<p>Scarce arable flora</p>	<p>The Applicant has discussed this matter in the meeting with the LPA Ecologist on 28th January 2026, and final wording was agreed via email on 11th February 2026, to be included within the SoCG with NKDC submitted at Deadline 8. The Applicant has committed to undertaking pre-commencement surveys following Plantlife guidance. The detail of the pre-commencement survey including the overarching methods to be followed and the timings, has</p>	<p>Appendix 2.4 Outline Construction Environmental Management Plan (CEMP) (Document Ref: 6.3 ES Vol 2, 6.3.7)</p>

¹ Solar Energy UK 2024 Solar Habitat 2024: Ecological trends on solar farms in the UK <https://solarenergyuk.org/wp-content/uploads/2024/05/SEUK-2024-Solar-Habitat-Report.pdf>

² Jarcuska, B Solar parks can enhance bird diversity in agricultural landscape DOI: 10.1016/j.jenvman.2023.119902

	<p>been included within Appendix 2.4 oCEMP (Document Ref: 6.3 ES Vol 2, 6.3.7). Where it is necessary to either manage scarce arable flora in situ or translocate away to drain buffer habitats. The areas where the flora are found or translocated to will be subject to annual cultivation (exposing bare ground), to maintain the population. This has been secured within Appendix 6.7 oLEMP (Document Ref: 6.3 ES Vol 2, 6.3.19).</p>	<p>Appendix 6.7 Outline Landscape and Ecological Management Plan (LEMP) (Document Ref: 6.3 ES Vol 2, 6.3.19)</p>
<p>Biodiversity net gain</p>	<p>The Proposed Development has been designed to deliver significant Biodiversity Net Gain ('BNG'). The Applicant has committed to a requirement in the draft DCO (REP7-004) securing a minimum 30% of BNG for area-based habitat units, 10% in hedgerow units and 10% in watercourse units.</p> <p>The Application is not subject to mandatory BNG (nor is there any information available to the Applicant regarding the structure and format of any incoming mandatory BNG regime for DCO). As the application spans multiple local authority areas and is for a NSIP, the BNG approach in the DCO application adapted existing BNG approaches and sought to demonstrate compliance with and exceedance of NPS policy on BNG.</p> <p>The baseline assessment was undertaken in line with biodiversity net gain guidance. The Biodiversity Net Gain Strategy (REP7-032) has been updated to include reference to watercourses which have been excluded as they will not be impacted by the development (that is, there is no construction within the riparian zone of the watercourse).</p> <p>A review of hedgerows to be enhanced has been undertaken and the Applicant has identified hedgerows with sufficient gaps to consistently plant up new shrubs to enhance to species rich hedgerows. The Applicant has amended the watercourse enhancement to acknowledge the potential gain from creating watercourse buffers (that is removing 'encroachment' from the riparian zone of the watercourse). As discussed in meetings with the LPA Ecologists on 30th October 2025, Appendix 6.7 oLEMP (Document Ref: 6.3 ES Vol 2, 6.3.19) provides a high level approach to habitat management, with further detail to be provided in the detailed LEMP(s).</p>	<p>Biodiversity Net Gain Strategy (REP7-032)</p> <p>Appendix 6.7 Outline Landscape and Ecological Management Plan (LEMP) (Document Ref: 6.3 ES Vol 2, 6.3.19)</p> <p>Appendix 7.20 Preliminary Ecological Appraisal Report Cable Route and Access Road (REP6-025)</p> <p>Appendix 7.21 Solar Farm Great Crested Newt Survey Report Cable Route and Access Road (APP-114).</p> <p>Change Request - 10.5 Environmental Statement Addendum (CR-029)</p> <p>Ecology Chapter 7 (Document Ref: 6.2 ES Vol 1, 6.2.7).</p>

The attenuation pond within Bicker Fen Substation was subject to proportionate surveys and reported on in **Appendix 7.20 Preliminary Ecological Appraisal Report Cable Route and Access Road (REP6-025)** and **Appendix 7.21 Solar Farm Great Crested Newt Survey Report Cable Route and Access Road (APP-114)**. It is dominated by reeds and was created with the substation in between 2005 and 2007. It does not meet any of the criteria of the UK Biodiversity Action Plan description of Priority Pond (<https://freshwaterhabitats.b-cdn.net/app/uploads/2023/03/UKBAP-BAPHabitats-42-Ponds.pdf>).

In line with the Flood Risk Assessment, Section 11.2 of the **Change Request - 10.5 Environmental Statement Addendum (CR-029)** a replacement attenuation pond of an equivalent size will be incorporated. To make sure that the re-instated attenuation pond recovers rapidly and achieves the target condition within 2 years (the timescales required to be considered temporary loss), the topsoil/seedbank of the pond will be retained and replanted in line with Section 7.6.15 of the **Ecology Chapter 7 (Document Ref: 6.2 ES Vol 1, 6.2.7)**. The existing pond had vegetation covering at least 50% of the surface area of the water on aerial images from December 2007. Given that the land is shown as arable field in images of April 2005, the Applicant considers it reasonable to assume a re-created pond seeded with plants from the existing pond would reach the target condition (including at least 50% coverage of emergent, submerged or floating plants) within 2 years.

The Applicant has therefore demonstrated that BNG of 30% for habitat units, 10% for hedgerows and 10% for watercourses (see **Biodiversity Net Gain Strategy (REP7-032)**) is achievable. These percentage figures are secured by a Requirement as noted above and therefore NPS policy on BNG is complied with and exceeded, which the Applicant considers is capable of weighing positively in the planning balance.

HRA

During the HRA process, including meetings between the Applicant and Natural England, potential impacts on otters (a qualifying feature of the Wash and North Norfolk Coast SAC), and lapwing and gadwall (qualifying features of the Wash SPA and Ramsar) were considered. Natural England agreed to mitigation outlined within the **Habitat Regulation Assessment (REP7-016)** submitted in April 2025, and no further discussion was required to resolve potential impacts on the Wash and North Norfolk Coast SAC.

During a meeting held 4th February 2026 between the Applicant and Natural England, the approach to avoiding potential impacts to gadwall and / or lapwing was agreed (see **Statement of Common Ground with Natural England (REP7-045)** submitted at D7). On the basis that existing average ambient sound levels (as listed within Table 10.12: Measured Noise Levels of **Chapter 10 Noise & Vibration (APP-061)** of the Environmental Statement) at the Site are 50 dB LAeq,T, it was agreed that a noise limit of 60 dB LAeq,T would be appropriate as any birds present would be acclimatised to the existing baseline and the increase of 10 dB would be the threshold at which the change would become discernible. In respect of gadwall, it was agreed that, should 1% (i.e. $\geq 1x$ individuals) of the Wash SPA and Ramsar population be present at the reservoir, a buffer (of no construction activity) of circa 200m from the water's edge would be adopted for the duration that the gadwall are present. For both gadwall and lapwing, it was agreed that, should 1% of the Wash SPA and Ramsar population (i.e. $\geq 1x$ individual gadwall or a flock(s) of $\geq 450x$ individual lapwings) be present at the Site, appropriate mitigation (comprising of a default 200 buffer, but which may comprise of an alternative suitable approach(es) to be agreed at the time) to ensure that the 60 dB noise threshold would not be exceeded in that area. The Ecological Clerk of Works (ECoW) would be responsible for ensuring that any flocks comprising 1% or more of the Wash SPA and Ramsar population(s) present are not subject to levels above 60 dB, with measures remaining in place until the birds move on (anticipated to be no longer than one week) or the numbers present fall below the 1%. The above is reflected within Section 6.7 of the updated **Appendix 2.4 oCEMP (Document**

Statement of Common Ground with Natural England (REP7-045)

Chapter 10 Noise & Vibration (APP-061)

Appendix 2.4 Outline Construction Environmental Management Plan (CEMP) (Document Ref: 6.3 ES Vol 2, 6.3.7)

Habitat Regulation Assessment (REP7-016)

Ref: 6.3 ES Vol 2, 6.3.7) and Section 5.2 of the updated **Habitat Regulation Assessment (REP7-016)** submitted at D7. As per section 7 of the **HRA**, with the proposed mitigation measures in place, the Proposed Development will have no adverse effects on the Wash SPA and Ramsar or the Wash and North Norfolk Coast SAC or the qualifying features of these designated sites, either alone, or in combination with other projects. This point is also reflected within the **Statement of Common Ground with Natural England (REP7-045)** submitted at D7.

Cultural Heritage

Kyme Tower

Kyme Tower is a Grade I listed building located approximately 1.25km north-east of the Solar Array Area. The impact of the Proposed Development on Kyme Tower during construction, operation and decommissioning was considered within **Chapter 8 Cultural Heritage (APP-059)** and **Appendix 8.2 Heritage Statement (APP-118)**.

LCC has welcomed the Applicant's supplementary heritage appraisal of Kyme Tower and broadly accepts the conclusion that the Proposed Development would result in less than substantial harm to the asset's significance, as detailed within LCC's **Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-041)**. LCC's remaining concern relates to methodology, specifically the absence of a ZTV or similar desk-based intervisibility analysis, as detailed within LCC's **Comments on any further information/submissions received by deadline 6, and any other information requested by the ExA for deadline 6 (REP7-053)**.

NKDC acknowledges that the additional analysis of Kyme Tower provides greater clarity on potential impacts, but considers that a ZTV is necessary to properly understand panel visibility within the wider landscape, as detailed within NKDC's **Responses to the ExQ3 (REP7-054)**.

Chapter 8 Cultural Heritage (APP-059)

Appendix 8.2 Heritage Statement (APP-118)

Appendix 4 Kyme Tower Heritage Appraisal

Applicants Responses to Outstanding Action Points (REP7-049)

Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-041)

Comments on any further information/submissions received by deadline 6, and any other

The Applicant's position is that the assessment presented within **Appendix 4 Kyme Tower Heritage Appraisal** (of the **Applicants Responses to Outstanding Action Points (REP7-049)**), supported by verified visualisations, provides a proportionate and robust basis for understanding the effect of the Proposed Development on the asset. Following Issue Specific Hearing 2 (ISH2), a site visit was undertaken by the Examiner, with access achieved to the top of the tower. Subsequently the Applicant also obtained access to the tower (09/12/25), to undertake the appraisal based on a direct, first-hand assessment of views and setting effects, supported by photographic evidence and professional judgment.

The Applicant considers that this approach provides a more reliable understanding of setting effects than a theoretical ZTV, which would necessarily be conservative and would not capture experiential or contextual factors. Accordingly, the assessment meets the intent of Action Point 8 (of **Action Points from Issue Specific Hearing 2 (ISH2) (EV4-010)**), and no further work is considered necessary. Nevertheless, **Appendix 4 Kyme Tower Heritage Appraisal** (of the **Applicants Responses to Outstanding Action Points (REP7-049)**) was updated to provide additional information on the views from the tower towards the Proposed Development.

The Applicant does not consider that additional theoretical modelling would materially alter the conclusions already reached, with which LCC is in broad agreement, particularly given the separation distance and the limited contribution that the Site makes to the Tower's overall significance. **Appendix 4 Kyme Tower Heritage Appraisal** (of the **Applicants Responses to Outstanding Action Points (REP7-049)**), clearly explains that the asset's significance derives primarily from its evidential and historical value, landmark presence and associative interest, rather than from uninterrupted long-distance views across the surrounding fenland. From the elevated and panoramic vantage point at the top of the Tower, the Site forms only a very small and peripheral component of the wider landscape. The verified views demonstrate

information requested by the ExA for deadline 6 (REP7-053)

Responses to the ExQ3 (REP7-052), HEN.3.1.

that only the north-eastern corner of the Solar Array Area would be marginally perceptible, and at considerable distance. In this context, additional planting along Midfodder Dyke or minor adjustments to panel layout would not meaningfully screen or remove views of the Site. Given the height of the viewing platform and the open, flat character of the fenland, such measures would not materially alter the visibility of the northeastern-most corner of the Solar Array Area from the Tower, nor would they change the way in which the asset's significance is experienced or understood. Any such measures would be imperceptible at that scale and distance and would not alter the viewer's ability to understand or appreciate the heritage asset. **Appendix 4 Kyme Tower Heritage Appraisal (of the Applicants Responses to Outstanding Action Points (REP7-049))** demonstrates that the Proposed Development would give rise to less than substantial harm (a conclusion that LCC broadly accepts), at the lower end of the scale, and the level of information provided is sufficient and proportionate to support that conclusion.

St Andrews Church, Asgarby

NKDC made submissions that further clarity is required on the detailed design of the Bespoke Access Road (BAR) and the effectiveness of stockpiles in mitigating effects on the setting of St Andrew's Church, particularly in views from the west. NKDC's preferred solution was a hedgerow; however, both the Applicant's Landscape Architect and NKDC Landscape Architects agreed that this would materially alter the landscape. Additionally, a hedgerow would become a permanent feature, and its roots could damage shallow, significant archaeology.

The stockpiles would be constructed to blend with the surrounding landscape, resembling the historic drainage bunds characteristic of the Asgarby and Howell area; a landscape defined by a mix of agricultural lands and historic earthworks, including drainage ditches and bunds. The stockpiles are designed to create a 'false cutting' using an asymmetric profile, with a relatively gentle slope to the external aspects of the road corridor and a steeper slope adjacent to the road. The incline of the stockpiles (to be confirmed at the detailed design stage) will be appropriate to ensure stability whilst limiting the extent to which

Design and Access Approach Document Ref. 5.6)

Draft DCO (REP7-004)

Change Request - 6.4.42 Figure 6.31 Landscape Strategy Plan (CR-019 to CR021)

Applicant Responses to ExQ2 (REP5-048)

Appendix 14 4 Outline Soils Management Plan (SMP) (REP7-028)

the stockpiles are perceived as engineered features in the gently undulating landscape. The stockpiles will vary in height up to 1.0m and will be seeded with a neutral grassland mix to facilitate an appropriate visual association within the agricultural landscape; thereby maintaining the visual character of the area.

The Applicant considers that the information submitted as part of the original application and during the Examination provides a sufficient and appropriate level of detail for the DCO stage. The BAR and stockpiles are necessary components of the scheme, with the stockpiles required for long-term soil storage and reinstatement following decommissioning. Appendix 1 of the **Design and Access Approach Document (DAAD) (Document Ref. 5.6)** outlines the ES Design Parameters and Additional Design Principles for the BAR (Work No.8), which contribute to keeping the impact of the BAR to a minimum during its operation. These parameters and principles will be adhered to and secured within requirement 5 of the **Draft DCO (REP7-004)**. Indicative locations are shown on **Change Request - 6.4.42 Figure 6.31 Landscape Strategy Plan (CR-019 to CR021)** and indicative details of stockpile height, profile and cross-sections are shown on Appendix 2 of the **Applicant Responses to ExQ2 (REP5-048)**. These illustrate how the stockpiles would screen views of the BAR while limiting its appearance as an engineered feature, thereby reducing effects on heritage assets and public viewpoints. Design parameters for the BAR, including surfacing and the absence of lighting or signage except where required for safety, are secured in Outline Design Principles and its associated Requirement in the Draft DCO.

NKDC raised concerns that a topsoil stockpile for use decades later is not likely to be effective. The characteristics of the soil are likely to change over a protracted period of time when in a stockpile, and in their experience, unlikely to be useable. In response to this, the Applicant has stated that proposed maximum BAR stockpile height of 1m will help ensure that soil quality is retained over the duration of the storage period and the soils remain viable for reinstatement at the point of decommissioning. The stockpiles will be seeded

Draft Statement of Common Ground with North Kesteven District Council (NKDC) (REP7-037)

with a neutral grassland mix and actively managed throughout the operational period to protect the soils from surface erosion and minimise soil nutrient loss and maintain soil biological activity. The seed mixture will include a wide range of plant species with a variation in rooting depths. This will help ensure the soils remain active throughout the profile depth. During a meeting held between the Applicant and NKDC on the 22nd January 2026, NKDC agreed to the above approach (**see draft Statement of Common Ground with NKDC (REP-037)**) and the above is reflected within **Appendix 14.4 Outline Soils Management Plan (SMP) (REP7-028)**.

The Applicant does not consider that further consideration is required and the **draft Statement of Common Ground with NKDC (REP7-037)** has been updated to reflect the above. The effects have been appropriately assessed based on defined parameters, with mitigation secured through DCO requirements and outline management plans.

Water Resources & Flood Risk

Water Resources & Flood Risk

All of the Environment Agency's (EA) concerns with respect to water resources and flood risk, as detailed in their **Relevant Representations (RR-006)**, have been addressed through pro-active consultation between the Applicant and the EA during the pre-examination and Examination period. The Applicant has submitted updates to **ES Chapter 11 Water Resources and Flood Risk (APP-062)**, **Appendix 11.1 Flood Risk Assessment (APP-162)** and **Appendix 11.3 Summary of Watercourse Crossings and Photographs (APP-164)** both in draft form to the Environment Agency between Examination deadlines, and also formally into the Examination at Deadlines 5, 6 and 7. The EA has confirmed in their formal responses to these submissions (**REP2-046; REP3-012; REP5-053; REP6-044; REP7-057**) that the updated documents address all outstanding **Relevant Representation (RR-006)** matters with respect to water resources and flood risk. The Applicant has included a DCO requirement (requirement 20)

The Applicant's submissions into the Examination that address the EA's RR matters are:

Chapter 11 Water Resources and Flood Risk: (REP5-015)

Appendix 11.1 Flood Risk Assessment: (REP5-068; REP6-029; and REP7-026)

Appendix 11.3 Summary of Watercourse Crossings and Photographs (REP5-029)

specifically dealing with flood risk mitigation and securing the outcomes of the Flood Risk Assessment, and that has also been agreed with the EA. With regards to the Sequential Test, at Deadline 5 the Applicant updated the Sequential Test Assessment (at **Annex G of Site Selection Report (SSR)** at Appendix 2 of the **Planning Statement (REP5-010)**) in order to include non-contiguous sites that are incomparable to the Proposed Development and not considered to be viable in response to comments raised by LCC. This updated Sequential Test considered an additional 7 alternative sites which were made up of smaller fields separated by physical features but otherwise in close proximity to each other.

We understand from LCC's **Comments on any further information/submissions received by deadline 6, and any other information requested by the ExA for deadline 6 (REP7-053)** that LCC would have preferred to see alternatives made up of smaller sites, over 100 metres from each other.

At the outset it is important to reiterate the requirements in relation to the Sequential Test. The Planning Practice Guidance ('PPG') is clear that "The sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need." With respect to reasonably available sites, the PPG provides that sites should be considered reasonable available "if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal".

The High Court's decision of *R (Mead and Redrow) v SoS LUHC* [2024] EWHC 279 (Admin)³ is instructive in this respect. The judgment referred to the approach taken to the sequential assessment in the context of retail policy

The Applicant's position on water resource and flood risk matters has also been detailed within the draft Statement of Common Ground with the Environment Agency, which has been updated throughout the Examination: **(REP1-024; REP3-003; REP5-040; REP7-004)**

³ This decision that was subsequently upheld by the Court of Appeal, and related to the application of the sequential test in the context of planning permissions under the Town and Country Planning Act 1990 and considering the NPPF and PPG provisions in relation to reasonable available sites.

and the need for “flexibility and realism” in the approach. This referenced that there was a balance between a developer taking an inflexible approach to their requirements and on the other hand, that a local planning authority refusing permission based on an alternate site may be effectively taking an entirely inappropriate business decision on behalf of the developer. The decision continues, rejecting the claimants’ highly prescriptive interpretation of the sequential test and emphasising the need for flexibility on all sides.

The Applicant has set out in Annex G to the **Planning Statement (REP7-018)** the justification for its approach to the parameters set for the application of the Sequential Test, which is considered to be proportionate, pragmatic and realistic and in line with the PPG and case law. In response to comments from Interested Parties and to ensure a flexible approach was taken, the Applicant agreed to consider non-contiguous sites specifically for the purposes of the Sequential Test and reran the test for Deadline 5. Annex G further expands upon the Applicant's approach and the steps it has taken to ensure it has not been overly prescriptive (see section 2.4, **Planning Statement (REP7-018)**).

The Deadline 7 submissions made by LCC reflect that it would have preferred the Sequential Test and the approach to reasonably available sites to have been done differently, having regard to different parameters. The factors informing what is an appropriate site and location reflect the application of national policy and the need to apply the mitigation hierarchy to a range of impacts as well as balancing typical engineering and technical requirements. As a result, there may well be differing views as to how it should be undertaken and how a range of considerations should be factored in. It is a matter of judgment for the decision maker in this case to decide whether the Applicant is justified in carrying out the sequential assessment in the way it has. The Applicant considers it has achieved the required balance of flexibility and realism, and has taken a robust, reasonable and proportionate approach.

LCC make reference to Cottam Solar Project as being an example of a solar project spread across four separate sites. The Proposed Development and Cottam Solar Park are two fundamentally different projects and without knowing the detail it is not possible to comment on the viability of another project. Further, as noted above, there are judgments to be made as to what factors will inform the considerations each applicant takes to the Sequential Test, and it is overly prescriptive and inflexible to simply point to one example of a different approach and criticise the Applicant for not having adopted that here.

LCC also make reference to the Cottam Solar Project SSR. It is notable that in the Cottam Solar Project SSR the chosen alternatives were made up of single or adjacent sites wherever possible and even where separate sites were used they were in relatively close proximity, whereas the sites that make up Cottam Solar Project's were separated by greater distances so alternatives were less constrained than the proposed development in this regard. The Applicant, on the other hand, considered sites that were more constrained in this regard, for the purposes of the Sequential Test.

In light of the above, the Applicant remains of the firm opinion that the location of the Proposed Development has passed the Sequential Test.

The Proposed Development would pass the Exception Test, given it would provide significant wider sustainability benefits and would be safe for its lifetime without increasing flooding elsewhere (as demonstrated by agreement with the EA in relation to the flood risk assessment).

In the event the ExA and SoS disagree with the Applicant in terms of satisfying the Sequential Test, that is not a reason in itself to refuse consent but rather it would amount to a point of policy compliance, to be weighed alongside the benefits of the Proposed Development. As noted above, agreement as to flood risk has been reached with the EA and they have found

the Proposed Development to be acceptable in flood risk terms. There would therefore be "no real world harm" in flood risk terms as a result of the Proposed Development and any conclusion that the Sequential Test has not been passed would therefore not justify weighing heavily against granting consent for the Proposed Development.

Soils & Agricultural Land

Cumulative effects

A cumulative impact assessment for soil and agricultural land was carried out (in accordance with the scope detailed within **Chapter 4 Scope and Methodology (APP-055)** and utilising **Appendix 4.2 Cumulative Assessment Short List (APP-082)**) as part of the assessment detailed within **Chapter 14 Soils and Agricultural Land (APP-065)** and **Chapter 18 Cumulative Effects (APP-069)** of the Environmental Statement (ES). Inter-cumulative effects for the loss of agricultural land have been assessed. When considering the impact of all considered developments (within Chapter 14 Soils and Agricultural Land) across the Lincolnshire County Council administrative area, 2% (11,962.85 ha) of all the agricultural land is involved of which 0.82% is (4,927 ha) BMV land. The majority of the considered developments are solar developments where most of the land take may be considered temporary and reversible, with the permanent land take limited to areas of built development. Assuming that embedded mitigation allows for reinstating these sites to agricultural production and that the soil resources are protected during all phases of the developments, the inter-cumulative impact is deemed to be moderate and, therefore, significant. It is considered that a robust and proportionate inter-cumulative assessment has been undertaken.

During ISH3 LCC raised a concern that the cumulative assessment does not accurately reflect the situation in Lincolnshire and required revision, as detailed in their **LIR (REP1-044)**. During ISH3, LCC also flagged discrepancies between the cumulative BMV figures for the Proposed

Local Impact Report (REP1-044)

Chapter 4 Scope and Methodology (APP-055)

Appendix 4.2 Cumulative Assessment Short List (APP-082)

Chapter 14 Soils and Agricultural Land (APP-065)

Chapter 18 Cumulative Effects (APP-069)

Written Summaries of Oral Submissions Beacon Fen ISH 2 & ISH 3 (REP4-030)

Development and One Earth Solar Farm (paragraph 22 of Written Summaries of Oral Submissions Beacon Fen ISH 2 & ISH 3 (REP4-030)).

The Applicant has, in response to an ISH3 action point, evaluated the additional schemes identified by the host authorities, as presented within the **Technical Note: Cumulative Effects Assessment Update (Document Ref. 9.21)**. In summary, the schemes identified by the host authorities have either already been considered within the cumulative assessment, are not likely to result in significant effects with the Proposed Development, or have insufficient information available to undertake a meaningful assessment. Therefore, it is not considered that an update to the cumulative assessment is required to consider these schemes.

In addition, the Applicant reviewed the discrepancies with One Earth Solar Farm and an error within the One Earth Solar Farm figures was corrected. The findings of the two projects now broadly align, as detailed within Table 4.1 of **Applicant's Responses to Remaining Action Points (REP5-046)**.

The Applicant therefore considers that the cumulative impact has been appropriately quantified and assessed.

The Applicant concludes that the loss of agricultural land will be significant, both in isolation and in cumulation, as stated within **ES Chapter 14 Soils and Agricultural Land (APP-065)**. As set out in the Planning Statement (**REP7-018**) at paragraph 7.65 the residual soils impacts are considered policy compliant by reference to the test in NPS policy at paragraphs 5.11.12 and 5.11.13 of EN-1 (paragraph references same in both 2023 and 2025 NPS).

Waste

Waste over lifetime of project

The Applicant considers that the volume of waste that will be produced throughout the lifecycle of the development, including a phased approach at decommissioning, will not be significant and will be manageable by local / regional waste facilities (construction, operational waste) and then by continental waste facilities (decommissioning wastes). Waste volumes will be fully considered as part of the Site Waste Management Plan and DEMP (as secured by **Appendix 2.4 OCEMP (Document Ref: 6.3 ES Vol 2, 6.3.7)** and **ODEMP (REP7-022)**). Whilst waste outlets may not exist in the United Kingdom at present for solar panel wastes, this is likely to be offset by emergent waste sites and export to sites beyond the UK where panels will be recycled rather than sent to landfill in line with [Waste Electrical and Electronic Equipment](#) (WEEE) Regulations. The Applicant has committed to annual reporting during operation of the planned replacement schedule for solar infrastructure components, as detailed at paragraphs 7.2.10 to 7.2.14 of the **Waste and Recycling Strategy (REP5-033)** and secured by requirement 22 to the draft DCO.

An industry understanding exists that it is reasonable to assume that processing capacity and the market for solar panel recycling, as well as supporting infrastructure will grow in response to demand. This assumption is supported by recent planning decisions, for example in the decision to grant development consent for the East Yorkshire Solar Farm where the Examining Authority concluded (at paragraph 3.13.50 of its report) that whilst the capacity of facilities to deal with decommissioned solar PV panels is still evolving, there was no reason to disagree with the view that the system will respond to demand over time. That conclusion was accepted by the SoS.

OCEMP (Document Ref: 6.3 ES Vol 2, 6.3.7)

ODEMP (REP7-022)

Waste and Recycling Strategy (REP5-033)

Compulsory Acquisition & interactions with Interested Parties

LCJ Mountain Farms

The Applicant is conscious that there has been a large volume of submissions from LCJ Mountain Farms Limited ("**LCJMF**") during the examination, which have been responded to in detail by the Applicant at various deadlines and in Issue Specific Hearings (listed in the adjacent column). The Applicant has reviewed LCJMF's most recent submissions at Deadline 7 (**REP7-062** and **REP7-063**). Save for one point in relation to compensation and blight which is addressed below, the Applicant does not consider they advance any points that have not already been addressed in the Applicant's previous responsive submissions or the Applicant's update to its comparative analysis between its Cable Route Corridor and LCJMF's proposed alternative route, which the Applicant submitted as Annex 1 to its **Responses to ExQ3 (REP7-052)**. The Applicant commends its previous submissions to the ExA and does not seek to repeat their contents in this Closing Statement. That notwithstanding, the Applicant makes the following remarks by way of summary and emphasis.

As expressed in ISH3 (see **REP4-027**), the Applicant understands the disappointment of LCJMF and Mr Mountain that the Applicant ultimately decided not to contract with LCJMF to site solar PV panels and/or BESS on LCJMF's land. However, that site selection decision – which was carefully considered and robustly justified, as per the **Site Selection Report at Appendix 2 to the Planning Statement (APP-277)** – does not mean that the site ultimately chosen, and the Cable Route Corridor necessary to connect it to the grid, is somehow contrary to law or policy.

The Applicant set out the relevant law and policy on alternatives in response to Action Point 6 in its **Written Summary of Oral Submissions from ISH 1 and Responses to Action Points (REP1-030)**. That document explained how the Applicant has satisfied the relevant requirements under (i) the EIA

Responses to Relevant Representations (REP1-029)

Written Summary of Oral Submissions from ISH 1 and Responses to Action Points (REP1-030) (Action Point 6)

Comments on Written Representations (REP2-043)

Responses to ExQ1 (REP2-040) (NED.1.6)

Response to Other Parties' Deadline 2 submissions (REP3-016)

Responses to Deadline 3 submissions (REP4-025)

Written Summary of Oral Submissions from ISH 3 and Responses to Action Points (REP4-027)

Written Summary of Oral Submissions from CAH 1 and Responses to Action Points (REP4-028)

Regulations, (ii) section 122 of the PA 2008 and the CA Guidance⁴ and (iii) has acted consistently with national planning policy, including NPS EN-1.

The extent to which LCJMF disagrees that these requirements have been satisfied, and the outcome that it seeks from the ExA and SoS, remains unclear to the Applicant. In any case, there are no justifiable grounds on which to conclude that they are not satisfied and, as a result, there is no basis on which development consent, or the CA powers sought in connection therewith, should be withheld.

Indeed, throughout the examination LCJMF has regularly affirmed that it does not wish for the Proposed Development to be refused consent (see e.g. **REP1-043**, **REP3-015**, **REP5-060** and **REP7-062**). It has also confirmed that it is not asking that the solar and BESS layout be redesigned at this stage of the project (**REP5-060**). The focus of LCJMF's summary of its residual concerns in **REP7-062** appears to be that the Applicant, including by its most recent comparative analysis in Appendix 1 to **REP5-046**, has not sufficiently justified its Cable Route Corridor over LCJMF's alternative route (this purported alternative now being in its third evolution since the start of the examination). LCJMF alleges that this purportedly incomplete consideration of alternatives is relevant to the ExA's consideration of the necessity and proportionality of the CA powers sought over LCJMF's land, though the Applicant does not understand LCJMF to go as far as to say that the Applicant fails to satisfy the test in section 122 of the PA 2008 for the grant of such powers.

To be clear, the Applicant's Cable Route Corridor as applied for is essential to the delivery of the Proposed Development. The Applicant's route was selected following a robust optioneering process documented in the **Cable Route Corridor Appraisal (APP-079)**, which included (in paragraphs 5.1.8 onwards) specific consideration of the alternative proposed at that time by

Appendix 1 to Responses to Remaining Action Points (REP5-046)

Responses to Other Parties Deadline 4 submissions (REP5-047)

Responses to Deadline 5 submissions (REP6-039)

Appendix 1 to Responses to ExQ3s (REP7-052)

⁴ 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land', DCLG (2013)

LCJMF. Notwithstanding this comprehensive and evidently adequate evaluation, the Applicant went above and beyond the requirements of law and policy to provide further comparative analysis between its Cable Route Corridor and the second iteration of LCJMF's proposed alternative route in Appendix 1 to its **Responses to Remaining Action Points (REP5-046)**. When presented with responsive comments and further suggested iterations of the alternative route in LCJMF's Deadline 6 submissions, the Applicant provided yet further analysis in Annex 1 to its **Responses to ExQ3 (REP7-052)**. The Applicant's submissions evidence an extensive consideration of alternatives to the Cable Route Corridor, more than satisfying the requirements of the CA Guidance, law and policy.

Whilst multiple routing options have been considered by the Applicant in preparing its application and during the examination, there is ultimately one proposal for the route of the Cable Route Corridor before the ExA as part of the application, and this has been fully justified and assessed. As per the Applicant's comparative analysis in **Appendix 1 to REP5-046** and **Annex 1 to REP7-052**, no iteration of LCJMF's purported alternative has been reliably shown to be preferable to the Applicant's Cable Route Corridor, considering a range of environmental factors and the routes' respective interference with land rights. Were the ExA to conclude to the contrary and go even further to find that the cable route should follow LCJMF's proposed alignment rather than the Applicant's, the inevitable consequence would be a refusal of consent for the Proposed Development or a grant of consent without any deliverable grid connection. Either approach would jeopardise the viability of the Proposed Development and thus be directly contrary to the urgent need for this Critical National Priority infrastructure, which NPS EN-1 (2024) directs should be "*progressed as quickly as possible*" (para. 3.3.63). That would be unsupportable.

If development consent were granted for the Proposed Development as-is but compulsory acquisition powers were withheld for the section of the Cable

Route Corridor across LCJMF's land, that would also jeopardise the viability of the Proposed Development, in similarly direct conflict with national policy.

The CA powers sought by the Applicant are justified, as explained in general terms in the **Statement of Reasons (REP6-008)**. The Cable Route Corridor is an unavoidable and essential link between the Solar Array Area and the point of connection to the grid. The CA Guidance is clear that applicants should "*seek to acquire land by negotiation wherever practicable*" but that compulsory acquisition powers can be sought "*if attempts to acquire by agreement fail*". Whilst the majority of landowners along the route have entered into voluntary agreements to grant the necessary rights for the installation of the Cable Route, the quantum of compensation and onerous additional terms presently being demanded by LCJMF are preventing agreement being reached with this landowner, despite the Applicant's diligent efforts (see e.g. the **Land and Rights Negotiations Tracker (REP7-014)**). CA powers are therefore necessary to ensure the delivery of this Critical National Priority infrastructure.

The urgency of need for the Proposed Development supports that there is a compelling case in the public interest for the grant of the powers sought. As above, reasonable alternatives have been considered and discounted and the powers are necessary. Whilst CA powers are sought over a certain corridor to allow necessary siting flexibility post-consent to accommodate ground conditions and other utilities, the construction corridor over which rights will ultimately be required will be 30m wide, with the final Cable Route easement being only 12m wide. Agricultural activity will be able to continue above the installed underground cable. The extent of powers sought is therefore wholly proportionate. To the extent that LCJMF can evidence any loss in due course, it will be entitled to make a compensation claim using the ordinary statutory regime.

In relation to compensation, the Applicant notes LCJMF's response to ExQ3 CA.3.2 in **REP7-062**, where it provides its own definition of 'blight'. The Applicant observes that the legal definition of 'blight' is found in Schedule 13 of the Town and Country Planning Act 1990 and is relevant in the present case only to the land within the draft order limits for the Beacon Fen Energy Park DCO. The LCJMF definition is broader than this legal definition and aligns more closely with the concept of 'generalised blight,' which is based primarily on individual perception.

The concerns raised by LCJMF in its submission are matters that can be addressed through the application of the 'compensation code', and/or the articles within the DCO in due course. In any event, it is noted that LCJMF has confirmed that, even applying its definition of blight, the business would not become economically unviable. Whether LCJMF would suffer material detriment, and its claim that any of its retained agricultural units would be economically unviable, would be questions for determination by the Upper Tribunal (Lands Chamber) in due course. The Applicant maintains that the proposed works would, once completed, allow the existing land to continue to be used for agricultural purposes, and any residual impacts on the land (including the retained land) will be compensated in accordance with the 'compensation code,' relevant DCO articles and/or (if one can be agreed) a voluntary agreement.

In overview, nothing in LCJMF's submissions warrants a refusal of consent for all or part of the Proposed Development (and that does not appear to be sought by LCJMF), nor justifies withholding any of the CA powers sought by the Applicant. The powers are justified by reference to all relevant law, policy and guidance. There is a compelling case in the public interest for LCJMF's land to be subject to compulsory acquisition and the extent of powers sought is necessary and proportionate, with reasonable alternatives having been adequately considered. Given the failure to secure rights by voluntary agreement with this landowner, the deliverability of the Proposed

	<p>Development would be severely threatened if the requested CA powers are not granted.</p>	
<p>Statutory undertakers / Protective Provisions</p>	<p>The Applicant's Responses to ExQ 3 (REP7-052) demonstrate how the Applicant has been engaging throughout the pre-application, pre-examination and examination stages with all relevant statutory undertakers to ensure that adequate protections are secured and there is no serious detriment caused to a statutory undertaker's undertaking accordingly. Specifically, the response to CA.3.4 provided an overview of the status of negotiations with each relevant statutory undertaker and the outstanding actions required to reach an agreed position.</p> <p>For those labelled as 'almost agreed' in the table responding to CA.3.4, a status update is provided as follows:</p> <ul style="list-style-type: none"> - AGR Solar 2 Limited – a private side agreement in relation to Bicker Fen Solar Farm is substantially agreed, with limited minor drafting points remaining to be resolved. Agreement is expected to be reached imminently, and agreed confidential side agreements with AGR Solar 3 Limited and Vicarage Drove BESS Limited will follow shortly thereafter. - Anglian Water - The parties have agreed provisions relating to the interface between the Proposed Development and the proposed Lincolnshire Reservoir Project and these were included in the Outline CEMP (REP7-020) (paragraphs 2.8.8, 3.6.11 & 12), and Outline DEMP (REP7-022) (paragraphs 1.6.3 & 4) submitted at Deadline 7. The Applicant has updated the protective provisions included at Part 3, Schedule 11 of the draft DCO submitted at Deadline 8 (Document Ref. 3.1) and it is understood that these provisions are in agreed form, pending Anglian Water's internal governance process. It is understood that Anglian Water will provide confirmation to the Examining Authority that the protective provisions are agreed once this process is complete. 	<p>Draft DCO (Document Ref: 3.1)</p> <p>Applicant's Responses to ExQ 3 (REP7-052)</p> <p>Detailed Land and Rights Negotiations Tracker (Document Ref: 4.4)</p>

- **National Grid Electricity Transmission plc** – the form of provisions have been agreed and are included within the updated **Draft DCO (Document Ref: 3.1)** submitted at Deadline 8. The side agreement has also been agreed in substance and so the Applicant understands the position to be fully agreed as at Deadline 8.
- **Triton Knoll OFTO Limited** – the Applicant has further engaged with this undertaker and significantly narrowed the points of difference. The Applicant has updated the provisions in updated **Draft DCO (Document Ref: 3.1)** submitted at Deadline 8 to reflect its latest position in the discussions but these provisions are not fully agreed by Triton Knoll. There is one outstanding point of difference between the parties related to the extent of expenses to be paid by the Applicant to Triton Knoll for its supervision and surveillance of the Proposed Development. The Applicant considers that expenses should only be payable to the extent that such costs are incurred within the parameters of what Triton Knoll has the power and authority to undertake pursuant to the protective provisions (i.e. the power to ‘watch and inspect the execution of those works’ pursuant to paragraph 95(6)(b) of Schedule 11). The Applicant has included the additional wording ‘under paragraph 95(6)(b)’ at the end of paragraph 96(1)(a)(f) to clarify the position accordingly. This is not agreed by Triton Knoll. Engagement remains ongoing but this position reflects the last remaining point between the parties.

For those labelled as ‘under discussion’ in the table responding to CA.3.4, a status update is provided as follows:

- **National Grid Electricity Distribution (East Midlands) PLC (NGED)** – the form of protective provisions is understood to be agreed and are included in the **Draft DCO (Document Ref: 3.1)**. A side agreement is being negotiated and the Applicant will continue to progress discussions with NGED and provide an update to the ExA (or the

Secretary of State should discussions conclude post the close of the examination) once these discussions conclude.

- **Vicarage Drove Energy Centre Limited (VDEC)** – the latest version of protective provisions under discussion are those included within the Deadline 7 version of the **Draft DCO (Document Ref: 3.1)**. The Applicant understands that these provisions are still being reviewed by VDEC and will continue to engage to try and reach an agreed position once feedback is received. In the meantime, technical discussions between the parties remain ongoing. In any event, the Applicant remains confident that the combination of reducing the area of new rights being acquired over VDEC's land, together with the protective provisions included for VDEC's benefit ensure that there will be no serious detriment to its undertaking.

The only two third parties where there are substantive matters of difference on the form of protective provisions relate to Network Rail Infrastructure Limited and Fidra (UK Transition Power Holdings Limited / Bicker Drove Limited). The Applicant's substantive position in respect of these two parties is provided below. As noted above, the Applicant is confident that, even with disagreement outstanding with these parties, there are no statutory undertakers within the Order limits who would suffer a serious detriment as a result of the Proposed Development. Accordingly, the Applicant is confident that the statutory tests in sections 127 and 138 of the PA 2008 are met.

Likewise, the Applicant is confident that, as is demonstrated through the **Detailed Land and Rights Negotiations Tracker (Document Ref: 4.4)**, the relevant tests for satisfying the necessary powers of compulsory acquisition have been met and that there is a compelling case in the public interest for the land to be acquired compulsorily in accordance with section 122 of the PA 2008.

Network Rail	<p>The Applicant made detailed submissions on the position with Network Rail in the Applicant's Responses to ExQ 3 (REP7-052) response to CA.3.3. The Applicant's solicitors have followed-up with Network Rail's solicitors but are still yet to receive any substantive response and so the position remains as set out in Applicant's Responses to ExQ 3 (REP7-052) response to CA.3.3.</p>	<p>Applicant's Responses to ExQ 3 (REP7-052)</p>
Fidra	<p>Fidra Energy Limited ("Fidra") have made a number of representations into the examination, most recently at Deadline 7. The Applicant provided an update on the status of discussions between the parties in its response to ExQ3.CA.3.4 (REP7-052), and noted that due to the fundamental disagreement between the parties on the nature and scope of any proposed interface agreement and corresponding protective provisions, the Applicant did not consider it likely that agreement would be reached prior to the close of the examination. This position has not changed since Deadline 7 and indeed the parties' respective submissions at that Deadline serve to demonstrate the distance between them and their respective expectations.</p> <p>Firstly, as a point of clarity and to distinguish from some of the submissions discussed in the rows above regarding the status of protective provisions/commercial agreements – sections 127 and 138 of the Planning Act 2008 are not engaged by Fidra's representations into the Examination. Whilst representations have been made by Fidra to the Examination and the Applicant has been engaging with Fidra with regards to the prospective interface, the relevant Affected Person, with an option over part of the Order limits, is UK Transition Power Holdings Limited (a member of the Fidra group). Fidra are seeking protective provisions for the benefit of its subsidiary, Bicker Drove Limited. Bicker Drove Limited has an electricity generating licence, but as yet, has no undertaking within the Order limits and no land interest within the Order limits. No planning permission has been secured for the Fidra proposed development, let alone development built out. Accordingly, and as noted in Applicant's Responses to ExQ 3 (REP7-052), there is no serious detriment being caused to Bicker Drove Limited's undertaking by</p>	<p>Applicant's Responses to ExQ 3 (REP7-052)</p> <p>Summary of the Applicant's Oral Submissions from the Compulsory Acquisition Hearing (REP4-028)</p> <p>Applicant's Response to Other Parties Deadline 2 Submissions (REP3-016)</p>

virtue of the Proposed Development because there is no such undertaking to detriment.

Secondly, it is incorrect to assert (as Fidra's D7 submission does) that the Applicant has not meaningfully engaged with Fidra in respect of the prospective interface and any potential agreement in its respect. The Applicant has held a number of calls with Fidra in this respect, including on multiple occasions during the Examination; however, the divergent expectations held by both parties has precluded agreement being reached (and indeed even meaningful discussion on any Heads of Terms being possible). The absence of agreement does not signify a lack of engagement.

It was the Applicant's hope and expectation earlier in the Examination that it would be possible to reach agreement on pragmatic interface arrangements, and this was alluded to in summary fashion at November's Compulsory Acquisition Hearing. However, this was always in the context of the limited flexibility within the cable route corridor in this area and the need to preserve the deliverability of the Proposed Development, as described in the summary of the Applicant's Oral Submissions from the Compulsory Acquisition Hearing **(REP4-028)**. Fidra's representations and recently proposed protective provisions (for reasons elaborated upon below) are fundamentally in conflict to that position which makes the ongoing disagreement unsurprising.

It should also be noted that subsequent to that November Hearing and the submissions made by the Applicant as to the proposed interface, Fidra's planning application remains undetermined (with a decision having previously been anticipated in Autumn 2025). This ongoing delay and consequent uncertainty in relation to the Fidra scheme (which is also discussed below in comments on the protective provisions) strengthens the case that the nature of the provisions/restrictions requested by Fidra are wholly unjustified in the circumstances.

As set out in **Applicant's Response to Other Parties Deadline 2 Submissions (REP3-016)**, it is vital that the Applicant retains the full extent of Plot 18-11 due to potential cable routing obstacles which would require a variance in the cable route to the Bicker Fen substation. Whilst only 30m within the 100m+ area will ultimately be required for the construction corridor (with the area further reducing to 12m for the permanent easement), the Applicant needs to be able to route the 30m strip anywhere within that area to ensure the Proposed Development is deliverable. Accordingly, the tests in Section 122 of the Planning Act 2008 are satisfied. The 30m working width and 12m easement width are secured within the **Outline Construction Environmental Management Plan (REP7-020)** at paragraph 6.14.4. This document is secured by virtue of Requirement 12 (construction environmental management plan) of the **Draft DCO (Document Ref. 3.1)**. Accordingly, it is not necessary, as Fidra assert in their Deadline 7 submission, to additionally secure this control for a specific land parcel with protective provisions because the principle applies across the entire Order limits. That would simply duplicate existing control.

Whilst the Applicant rejects Fidra's case for, and the detail of its protective provisions, in general for the reasons outlined above, the Applicant has highlighted particular provisions within their draft (included as Appendix 1 to their Deadline 7 submission) to emphasise to the ExA why they represent such a potential impediment to the Proposed Development and could not be the basis for any possible agreement between the parties:

- Whilst the application of the protective provisions is dependent on the Fidra Project 'proceeding' (Paragraph 1(2) of their draft provisions), there are no parameters around what that means and no tie, for example, to the Fidra Project having secured planning or a viable grid connection agreement. Fidra could maintain it is 'proceeding' with the Fidra Project for a number of years in the absence of either of these key milestones being met and with little credible prospect of bringing forward the scheme yet still exercise controls over the Proposed

Development. As drafted, it is a purely subjective metric at Fidra's discretion and would introduce considerable uncertainty to the construction and delivery of the Proposed Development.

- The provisions prevent the exercise of powers of compulsory acquisition over any area outside of the 'western corridor' (paragraph 1(5)(d)) without Fidra's consent. The Applicant understands this to mean the area encroaching 30m in an easterly direction from the western edge of plot 18-11 but this is not clear from the definition currently applied in the provisions. This would restrict the cable corridor to that western edge, which would prevent the ability avoid potential obstacles within the western corridor identified. As explained above, flexibility for routing of the cable corridor in this area is fundamental to the delivery of the Proposed Development and the control sought through these provisions would prevent this and potentially threaten the delivery of the Proposed Development.
- Even within the western corridor, the Applicant would be prevented from exercising powers of compulsory acquisition or temporary possession without the consent of Bicker Drove Limited (paragraph 6). This places the Applicant in a potential ransom position regarding this stretch of land, which would impede delivery and is the reason why such powers of compulsory acquisition are provided for in NSIP projects.
- The proposed terms related to provision of alternative apparatus would go beyond what it is possible for the Applicant to deliver within the scope of the Proposed Development. In the highly unlikely event that the Fidra Project comes forward ahead of the Proposed Development, there will necessarily be removal of apparatus for which there is not space within the Order limits to provide an alternative.
- The protective provisions also require that the plans as submitted for approval under the requirements do not unreasonably impede or interfere with the construction of the Fidra Project (Paragraph 1(4)). This would mean the Applicant needs to ensure/alter all plans in this

	<p>area to accommodate a future project, which may never actually come forward (an issue compounded by the unprecise conditionality proposed by Fidra, as discussed above).</p> <p>For all of the above reasons, the Applicant considers both the principle of including protective provisions for the benefit of Bicker Drove Limited, as well as the specific provisions proposed by Fidra, are not only unnecessary but would significantly fetter the ability for the Applicant to deliver the Proposed Development.</p> <p>Notwithstanding the Applicant's firm position on this point, if the ExA or Secretary of State were minded to incorporate a form of protective provisions for the benefit of Bicker Drove Limited, the Applicant requests the opportunity to comment on such detail at that point in time and with that specific direction on a without prejudice basis.</p>	
<p>Melbourne Holdings Limited ('MHL')</p>	<p>The Applicant addressed MHL's concerns with the routing of the Cable Route Corridor through its landholding as part of the Applicant's Responses to Deadline 5 Submissions (REP6-039). Further to this, the Applicant's approach to evaluating and refining the potential Cable Route Corridor options that could facilitate the Proposed Development is set out in Appendix 3.1: Cable Route Corridor Appraisal (APP-079). The identification of the Cable Route Corridor was an iterative process which took into account environmental constraints as well as technical, engineering and planning perspectives. In accordance with section 122(2) of the Planning Act 2008, the Applicant also sought to minimise the land subject to powers of compulsory acquisition in the Draft DCO (Document Ref. 3.1) to no more than is reasonably required for the purposes of the Proposed Development. At Deadline 7, MHL helpfully acknowledged that an alternative routing would not satisfy this 'test' as part of its Written Representation (REP7-064): <i>'avoiding our holding would require a substantial diversion of the cable route rather</i></p>	<p>Applicant's Responses to Deadline 5 Submissions (REP6-039)</p> <p>Appendix 3.1: Cable Route Corridor Appraisal (APP-079)</p> <p>Draft DCO (Document Ref. 3.1)</p> <p>Written Representation (REP7-064)</p> <p>Land Plans (REP7-003)</p> <p>Appendix 2.4 Outline Construction Environmental Management Plan (oCEMP) (Document Ref: 6.3 ES Vol 2, 6.3.7)</p>

than a minor adjustment' and 'avoiding our land would require a longer cable route'.

Although, the Applicant is seeking the flexibility to acquire new rights over Plot 7-2, shown on Sheet 7 and 8 of the **Land Plans (REP7-003)**, the Applicant's maximum construction corridor would be limited to only 30 metres width within the plot. This is documented in **Appendix 2.4 Outline Construction Environmental Management Plan (oCEMP) (Document Ref: 6.3 ES Vol 2, 6.3.7)**, a detailed version of which will be submitted via a Requirement in the **Draft DCO (Document Ref. 3.1)**. Within the construction corridor, permanent rights would be vested over a maximum corridor of just 12 metres width to facilitate the operation and maintenance of the Proposed Development.

Impacts to soil structure and drainage/irrigation infrastructure arising from construction will be mitigated through various Requirements and measures in the **Draft DCO (Document Ref. 3.1)** and/or the voluntary land agreement currently being sought by the Applicant. Within this agreement, the Applicant remains willing to engage with any reasonable landholding specific requirements. The Applicant maintains that following completion of the proposed works, MHL's land can continue to be used for agricultural purposes, with any residual impacts on the land (including the retained land) to be compensated in accordance with the 'compensation code,' relevant DCO articles and/or the voluntary land agreement.

As set out in the **Detailed Land and Rights Negotiations Tracker (Document Ref: 4.4)**, the Applicant began engaging with MHL in early 2023 with regards to initial proposals for the Cable Route Corridor. Engagement in 2023 and 2024 centred around requests for access to undertake surveys and information gathering as part of the Applicant's land referencing due diligence, along with project update information and invitations to participate in non-statutory and statutory consultations on the Proposed Development.

**Detailed Land and Rights
Negotiations Tracker (Document
Ref: 4.4)**

Statement of Reasons (REP6-008)

Detailed Heads of Terms for a voluntary land agreement were issued to MHL and its agent in January 2025 with the objective of securing the rights required to construct, operate, maintain and decommission the Proposed Development by agreement. Between January and July 2025, the Applicant regularly engaged with MHL's agent as part of the Land Interest Group ('LIG'), which was formed to negotiate voluntary agreements on behalf of the majority of landowners included in the Cable Route Corridor. Template Heads of Terms were agreed with the LIG before bespoke landowner specific Heads of Terms were re-issued to MHL and its agent in July 2025. The Applicant has since made regular attempts to engage with MHL via its appointed agent, which has included offers to meet to discuss the Heads of Terms and work through any concerns MHL may have. Following the publication of MHL's **Written Representation (REP7-064)** at Deadline 7, the Applicant followed up with MHL's agent with a further offer to meet. Whilst there has not been a substantive response from MHL for a number of months, the Applicant will continue seeking to reach agreement voluntarily. The colour coding in the **Detailed Land and Rights Negotiations Tracker (Document Ref: 4.4)** has been updated at Deadline 8 to reflect MHL's position, however, the Applicant maintains that agreement is achievable if MHL is prepared to constructively engage.

In the absence of a voluntary land agreement with MHL, the Applicant requires the ability to compulsorily acquire the rights in land it needs to construct and operate this critical national priority infrastructure. The **Statement of Reasons (REP6-008)** explains why it is necessary, proportionate and justifiable for the Application to seek powers of compulsory acquisition for the Proposed Development, and why there is a compelling case in the public interest for the Applicant to be granted these powers. This justification includes certainty that all the land required for the Proposed Development can be acquired in order to realise the Proposed Development's significant public benefits, an approach which accords with the Compulsory

	Acquisition (“CA”) Guidance related to procedures for the compulsory acquisition of land ⁵ .	
Other Land Interests	<p>The Detailed Land and Rights Negotiations Tracker (Document Ref: 4.4) submitted at Deadline 8 sets out the status of negotiations with each land interest.</p> <p>Throughout Examination, the Applicant has made constructive progress with regards to securing the land and rights required to construct, operate, maintain and decommission the Proposed Development voluntarily. At the close of Examination, the Applicant has agreed terms for 100% of the land included in the Solar Array Area and Bespoke Access Corridor and 70% of the land included in the Cable Route Corridor, over which voluntary agreements are considered necessary. This equates to approximately 93% of the land required for the Proposed Development. Where terms have not yet been agreed, the Applicant will continue seeking to reach agreement voluntarily, wherever possible.</p>	Detailed Land and Rights Negotiations Tracker (Document Ref: 4.4)
Crown consent	Crown consent pursuant to section 135 of the Planning Act 2008 was recently granted by The Crown Estate Commissioners, and we understand this has been submitted by the Crown Estate into the Examination.	
Draft DCO		
Draft DCO	There are no outstanding substantive points raised by the ExA or Interested Parties in relation to the drafting of the Articles and Requirements in the draft DCO.	

⁵ Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land, Department for Communities and Local Government, 2013.

