

Date: 23 February 2026  
PINS Ref: EN010151

Ms Naoual Margoum  
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By email to: [BeaconFen@planninginspectorate.gov.uk](mailto:BeaconFen@planninginspectorate.gov.uk)

Dear Ms Margoum,

#### **BEACON FEN ENERGY PARK**

**APPLICATION FOR DEVELOPMENT CONSENT UNDER SECTION 37 'APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT' OF THE PLANNING ACT 2008 FOR A GROUND MOUNTED SOLAR PHOTOVOLTAIC ELECTRICITY GENERATING FACILITY OF OVER 50MW CAPACITY AND BATTERY ENERGY STORAGE SYSTEM.**

**LAND 6.5 KM NORTHEAST OF SLEAFORD AND 2.5 KM NORTH OF HECKINGTON, LINCOLNSHIRE.**

The Applicant writes with its response to Deadline 8 submissions, its updates to certain protective provisions and in response to the **Examining Authority's Rule 17 Request for further information letter dated 18 February 2026 (PD-018)**, which relates to articles 50 and 51 of Revision 8 the **draft Development Consent Order (dDCO)** (the letter quotes the deadline 7 versions **REP7-004/5**), although the latest versions comprised **REP8-004/5**).

For the avoidance of doubt the **Applicant's Closing Statement (REP8-029)** remains accurate in all respects besides the specific matters covered in this letter. This letter is accompanied by:

- **3.1 Final Draft Development Consent Order (Clean & Tracked, Word SI Template, and - following on shortly - the Validation Report)**
- **3.1 Schedule of Changes to the Draft Development Consent Order (Revision 10)**
- **3.2 Explanatory Memorandum (Revision 10) (Clean & Tracked)**
- **7.3 Biodiversity Net Gain Strategy (Revision 5) (Clean & Tracked)**
- **7.4 Biodiversity Net Gain Strategy Metric (Excel metric and PDF condition assessment proformas)**

#### **Applicant's Response to Deadline 8 Submissions**

The Applicant notes North Kesteven District Council have made a number of submissions in respect of ecology and biodiversity net gain (BNG) in **their closing statement (REP8-032)**. Whilst the Applicant considers the majority of these matters relate to points in which the respective positions have been clearly set out in the **SoCG** between the parties submitted at Deadline 8 (**REP8-019**) and in the **Applicant's own closing statement (REP8-029)**, the Applicant does wish to address some of the specific methodological/classification queries raised in relation to the BNG calculation.

Firstly, in relation to the "transcription errors" asserted in relation to the condition scoring of hedgerows within the solar array area – the Applicant has cross-checked these figures within the Biodiversity Net Gain Strategy Metric (Excel) and believes that confusion may have arisen as the hedgerows in this area are not in numerical order. This was based on a the BNG metric undertaken following the initial **Preliminary Ecological Appraisal (APP-092)**. Whilst the notes column and the hedgerow baseline tab of the metric do correspond correctly (such that there was no actual informational discrepancy), the Applicant has amended the ordering so they do run numerically (where there are numbers missed, these now lie outside the Order Limits) to hopefully address this confusion. To confirm, the Applicant considers this was a labelling/clerical amendment only.

Further, the Applicant notes the comments made against individual hedgerows and in particular comments raised against the adequacy of the gaps in places. The Applicant acknowledges this and confirms its intention to enhance hedgerows with 'significant' gaps (i.e. gaps of more than 5m) to ensure sufficient space for new sapling planting is provided. On this basis, four lines of the hedgerow baseline within the BNG metric have been amended to ensure all the hedgerows proposed for enhancement are ones with existing significant gaps.

These changes have collectively necessitated a further update to the both the Biodiversity Net Gain Strategy and Biodiversity Net Gain Strategy Metric at this final deadline. For completeness and noting some of the other comments in NKDC's submission, the updated BNG strategy also now includes a map showing ditches only for clarity (previously it was shown as part of a broader Habitats map), and we have further submitted (within the **7.4 Biodiversity Net Gain Assessment Report Revision 5**) the condition assessment for hedgerows and ditches, previously shared directly with NKDC as part of the on-going engagement on this topic. We are including this to supplement the evidence base for the condition assessments.

Finally, it should be noted that whilst the Applicant has sought to engage with NKDC to address the residual points of disagreement in relation to BNG (and continues to do so, as evidenced by the above), the Applicant has in any case committed to securing the BNG through Requirement 8 of the draft DCO and which explicitly specifies that prior to commencement of the authorised development, the BNG strategy must be approved by the relevant planning authority (which will include NKDC for their area) and such strategy must detail how a "*minimum of 30% biodiversity net gain in area-based habitat units, a minimum of 10% biodiversity net gain in hedgerow units, and 10% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development, using the Department of Environment, Food and Rural Affairs' Statutory Metric (February 2024)*" will be secured. The Applicant does not understand there to be any disagreement as to the securing mechanism or the specific wording of the Requirement itself. As such, the Applicant considers that to the extent there is any residual further information/clarification required on the application/output of the metric, that this can be resolved as part of the discharge process in the usual way and always (importantly from a decision perspective) through the prism of that minimum BNG commitment specified in the Requirement.

#### **Applicant's Response to Rule 17 request**

The ExA's questions to the Applicant and the Applicant's responses are as follows:

**From the Applicant and Boston Borough Council further information on why should the contributions secured by Art.51 only be spent within the administrative area of Boston Borough Council, particularly considering that the proposed development extends across other local authorities?**

As set out against paragraph 2.8 in Table 5 of the **Applicant's Responses to Other Parties Deadline 4 Submissions (REP5-047)**, the Applicant agreed to fund provision by Boston Borough Council (BBC) of hedgerow planting, gapping up of existing hedgerows or another improvement to connectivity for biodiversity between natural habitats in the Borough of Boston and outside of the Order Limits in order to provide ecological benefits within the administrative area of BBC. The Change Request altered the proposals here resulting in slightly more loss of plantation woodland. This is a specific benefit for Boston borough at the request of BBC that has its origins in the **Boston Borough Council Local Impact Report (REP1-059)** in particular paragraphs 5.3.7 and 5.4.4).

The Applicant's position is as follows. Broadly the issue is twofold.

There is a small amount of loss of plantation woodland near to the substation that cannot be avoided. This is replaced with a slightly increased footprint of new planting, as set out in paragraph 1.4.15 of the **Outline Landscape and Ecological Management Plan (REP8-017)** within Work No. 5E, but it is not possible to deliver a materially enhanced footprint of replacement planting (particularly in the south west corner and south edge of the substation) due to the land and functional constraints here. The limited replacement planting in the south west corner could also mean slightly greater visual prominence of energy infrastructure for some localised receptors, but no new or significant visual effects. For these reasons it is considered that some off site planting is warranted so that the woodland habitat replacement can be regarded as enhancement of the current position (in the absence of a statutory BNG approach) and could provide a degree of visual containment in views from the south west, south and south east.

This could not be addressed via non statutory biodiversity net gain because the habitat creation/improvements included as part of the Proposed Development are (as set out in the objectives at paragraph 1.2.3 of the **Outline Landscape and Ecological Management Plan (REP8-017)** located within the Solar Array Area which is within the administrative area of NKDC. No regime for DCO BNG is published at the time of writing although is set to be mandatory for DCO applications submitted from May 2026. As such there is no specific process by which multi LPA DCO BNG is to be delivered. The siting adopted by the Applicant for new habitat delivery via the oLEMP objectives within the application has been considered during examination and involves all BNG uplift for the Project via habitat delivery within NKDC.

Article 51 ensures that BBC's area would receive habitat enhancements via the means of a financial contribution. Given that it is the southern edge of the substation (facing BBC's administrative area) where non-significant visual amenity improvements could be realised, the wording relating to BBC's administrative area is appropriate. We have liaised with BBC in relation to this Rule 17 request and their position is consistent with the above and we understand the authority is writing a Rule 17 response confirming this.

**As drafted Art.51 potentially allows for the ecology and planting contributions to be spent in areas other than those affected by the proposed development as long as within the administrative boundary of Boston Borough Council. The ExA requests further information from the applicant in relation to how the proposed wording of Art.51 is in accordance with National Planning Statement (NPS) EN-1 which states that the Secretary of State should only impose requirements that are, amongst others, relevant to the development to be consented, precise, and reasonable in all other respects?**

We refer firstly to the Applicant's overall position, which is set out in response to the previous question. We have liaised with BBC in relation to this Rule 17 request and understand their position to be consistent with the above.

In relation to the tests for planning requirements, our position is as follows.

A similar commitment (similar wording) was included in Schedule 3 of the Heckington Fen S106 Agreement. This was, however, limited to a small pool of landowners and we considered a similar limitation would be too restrictive and not meet the purposes outlined above, since it would not include much, if any, land south of the existing substation.

Paragraph 4.1.16, which states requirements must be necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects, relates to requirements as defined in Section 120 of the Planning Act 2008. We would note that Article 51 is not a requirement as defined in Section 120, but a method of securing benefits of the Proposed Development, ensuring they can be given positive weight in the planning balance, and which is nevertheless relevant to the Proposed Development.

**The Applicant to clarify why the approach to Art.51 differs from the approach to Art.50, which appears to be sufficiently tied to the proposed development?**

Please refer to the response to the previous question.

**The ExA requests the applicant to suggest alternative wording, preferably in agreement with Boston Borough Council and the other HLAs, which more strictly and clearly ties the proposed ecology and planting contributions to the proposed development and its impacts.**

Reflecting on the purpose along with the ExA's Rule 17 request, the Applicant has proposed a slight amendment to the "ecology purpose" in Article 51 to specify how the planting should be sited, as follows (amendments in red):

*" "ecology purpose" means the provision of hedgerow planting, gapping up of existing hedgerows or another improvement to connectivity for biodiversity between natural habitats or visual amenity within the administrative area of Boston Borough Council and in reasonable proximity to the southern boundary of the existing substation;"*

This amended wording is included in the draft DCO submitted at this deadline and has been agreed with BBC. They are writing separately at this deadline to confirm.

**How will funding be secured for the delivery of proposals developed by the Beacon Fen ecological steering group and the Stepping Out programme (or successor), considering that Art.50 states in paragraph (2) that the monies secured in Art.50 (1)(a), (b) and (c) are for reasonable costs of representatives being part of the Beacon Fen ecological steering group only?**

In relation to the Beacon Fen Ecological Steering Group, the drafting refers to 'the reasonable costs of their representatives in being part of the Beacon Fen Ecological Steering Group pursuant to the Landscape and Ecological Management Plan (LEMP) approved pursuant to requirement 7'.

'Reasonable costs' could include officer time as charged on an hourly basis along with reasonable disbursements, such as travel. Paragraph 1.6.59 of the **outline LEMP (REP8-017)** expands upon this

further, setting out the expected involvement of Council representatives in the Ecological Steering Group (ESG), giving details of anticipated days of travel, reviewing reports, delivering follow up actions.

Where the ESG identifies recommendations in relation to the implementation of the detailed landscape and ecological management plan, the Applicant will be required to rectify these under part (3) of Requirement 7 in Schedule 2 of the **final draft DCO (Document Ref. 3.1)**. The Applicant is the only member of the ESG who will be required to carry out further actions.

We wish to clarify that funding for the Stepping Out programme is secured by Article 50 as drafted, as set out in paragraph (3) of Article 50 which sets out that funding under paragraph (1)(d) is to specifically be spent on measures relating to the Stepping Out programme. Paragraph (2) refers to paragraphs (1)(a) – (c). No further drafting is required. We understand NKDC to hold the same position.

We look forward to receiving PINS' confirmation of receipt of this letter. If you have any questions or clarifications with regards to the documents submitted alongside this letter or other parts of the Application, please do not hesitate to contact me.

Yours sincerely,

For and on behalf of DWD