

25 June 2026

The Rt. Hon. Ed Miliband MP
Secretary of State for Energy Security and Net Zero
Department of Energy Security and Net Zero
3-8 Whitehall Place
London
SW1A 2AW

Your Ref: EN010151
Our Ref: TAE/SHX/406888-00002

By email only to: beaconfen@planninginspectorate.gov.uk

Dear Secretary of State

Application by Beacon Fen Energy Park Limited for an order granting development consent for the Beacon Fen Energy Park Project

Planning Inspectorate reference EN010151

Interested party reference F82934B89

Response to the Secretary of State's Request for Information dated 12 June 2026 on behalf of Vicarage Drove Energy Centre Limited

1. This firm acts for Vicarage Drove Energy Centre Limited ("VDECL") and is instructed to provide this response to the Secretary of State in respect of the application for a Development Consent Order ("DCO") submitted by Beacon Fen Energy Park Limited ("the Applicant") for development of a 400MW solar photovoltaic farm incorporating up to 600MVA Battery Energy Storage System and other related development ("the Proposed Development").
2. VDECL's submissions to the Examining Authority ("ExA") are:
 - 2.1. Relevant representation reference RR-034;
 - 2.2. Written representation reference REP1-061;
 - 2.3. Written summary of oral submissions (CAH1) reference REP4-042; and
 - 2.4. Closing summary statement reference AS-049.

Update on status of negotiations and protective provisions

3. The Secretary of State's Request for Information seeks an update on the following:

“The Applicant and the following statutory undertakers are requested to provide an update on the status of negotiations in relation to its protective provisions, including any updates to drafting of protective provisions:

...

Vicarage Drove Energy Centre Limited”

4. The status of negotiations between the Applicant and VDECL are substantially the same as at the close of the Examination and summarised by VDECL in its closing summary statement [AS-049]. Protective provisions are not agreed and there is no side agreement in place between the Applicant and VDECL.
5. VDECL maintains its objection to the Proposed Development until such time as agreement is reached or its land interest forming part of its statutory undertaking is removed from the Order limits.

Protective provisions

6. The latest statement from the Applicant as regards the protective provisions offered to VDECL is contained within the Applicant's Closing Statement [REP8-029]. The Applicant states the combination of reduced powers of compulsory acquisition over the Vicarage Drove Energy Centre (“VDEC”) operational solar farm, along with the offered protective provisions at Part 12 of Schedule 11 to the draft Order [REP8-004], will ensure there is no serious detriment to VDECL's statutory undertaking (see page 40).
7. As explained in VDECL's closing summary statement [AS-049] at paragraphs 12-15, the protective provisions offered by the Applicant at Part 12 of Schedule 11 to the draft Order are inappropriately restricted. Those protective provisions offer considerably reduced protection in favour of VDECL's statutory undertaking, both as against the original protective provisions issued by VDECL to the Applicant for approval and those offered to electricity undertakers under Part 1 of Schedule 11 of the draft Order (which are specifically disapplied from benefiting VDECL). The Secretary of State will note in particular the following deficiencies in the Applicant's proposed protective provisions in favour of VDECL included at Part 12 of Schedule 11 to the draft Order:
 - 7.1. The specified works (as defined) are limited to the VDEC interface area, offering no protection to the wider VDECL undertaking from works in the vicinity of VDEC;
 - 7.2. There is no restriction on the compulsory acquisition of rights within land comprising VDECL's statutory undertaking. In the absence of agreement on the impacts to VDECL and the basis for compensation this is not acceptable;
 - 7.3. Absence of any provisions governing cooperation with VDECL to agree plans and a proposed method of working either in respect of the interface area or for the protection of the wider VDECL statutory undertaking;
 - 7.4. Narrow provision for VDECL expenses to be recouped from the Applicant. The expenses provision is limited to review of plans and does not cover any expenses relating to protective works required either within the interface area or in respect of adjacent apparatus that may be affected by the proposed works; and
 - 7.5. Absence of compensation provisions in respect of the financial impact on the entirety of VDECL's statutory undertaking. The Applicant has indicated such provisions would be the subject of a side agreement but at this point there is no such agreement.

Matters to be resolved

8. The current lack of a resolution to the following matters means VDECL is unable to withdraw its objection to the Proposed Development.

Cable route options and Bicker Fen substation works

- 8.1. The Secretary of State will be aware the Applicant is seeking powers of compulsory acquisition for two alternative cable routes into the Bicker Fen substation. We also note the Applicant's comments on VDECL's written representation [REP2-043] where it is stated that "*The Applicant's preferred Cable Route to the Bicker Fen substation would avoid the VDEC occupied land entirely*" – this preferred cable route is Option A as shown on the Plan of Cable Route Working Width [APP-029].

The Secretary of State will also note Action Point 9 of the ExA's CAH1 Action Points [EV3-006] required the Applicant to contact National Grid Electricity Transmission plc ("NGET") regarding the timing for certainty on the design of its proposed extension works to Bicker Fen substation. The Applicant's response at Deadline 5 [REP5-046] which was unamended in its further update at Deadline 7 [REP7-050] states "*NGET have confirmed they are targeting finalised design early next year*" (i.e. early 2026). The Applicant further stated at paragraph 25 in its responses to other parties' Deadline 4 submissions [REP5-047] "*There is residual uncertainty regarding where the infrastructure and bay extensions to facilitate the Proposed Development's connection into the Bicker Fen substation would be located (albeit it has been confirmed that such works would be within the confines of the works areas identified on the Works Plan (AS-006)). This decision is dependent on NGET.*"

We are not aware of any further update from the Applicant regarding the status of the NGET proposed works at Bicker Fen substation. In light of the impact of cable route Option B on VDECL's statutory undertaking the apparent lack of progress in seeking to properly define the substation works (also to be authorised as part of the Proposed Development under Work No. 5) is unacceptable. No finalised design has come forward from NGET via the Applicant. We would respectfully ask the Secretary of State not to grant development consent until such time as a full update has been provided by NGET, such an update to inform efforts to reach agreement of protective provisions in favour of VDECL. We also note that upon any confirmation from NGET that cable route Option A is the finalised design we would anticipate the Applicant being in a position to commit to that route through the disapplication of powers over cable route Option B which would likely mean VDECL's objection to the Proposed Development could be withdrawn.

Alternative approach to cable route Option B within the VDEC solar farm

- 8.2. Notwithstanding VDECL's objection to the proposed Option B cable route through its operational solar farm, the Applicant has given insufficient consideration to the nature of Works 4A and commitments that could be made to minimise the impact on VDECL's statutory undertaking.

The draft Order includes Work No. 4A comprising "*(i) works to lay electrical cables connecting Work No. 3 to Work No. 5 including open cut trenching, tunnelling, boring and drilling works for trenchless crossings*". VDECL has requested the Applicant investigate the potential use of alternative means of cabling through VDEC, should it be granted development consent for such works. Trenchless options and the use of a short section of overhead line have been suggested by VDECL but there has been no substantive response from the Applicant to these options nor any evidence provided that they have been investigated. In light of the considerable impact on VDECL's statutory

undertaking associated with cable trenching and the removal of solar panels and critical infrastructure, the lack of engagement with VDECL on a technical solution is disappointing.

Commercial impact on the VDEC operational solar farm

8.3. The progress of discussions on protective provisions and a side agreement have been delayed as a consequence of detailed technical, operational and performance (financial) impact assessment, undertaken on behalf of VDECL with the agreement of the Applicant. Both parties acknowledge that an understanding of the impacts on VDEC must underpin any commercial agreement. Furthermore, the scope of physical impact on the operational solar farm must also be accounted for in the protective provisions.

8.4. Discussions are ongoing following both the Applicant's and VDECL's initial reviews of the technical and financial impact assessment. Presently there is disagreement on the overall financial impact on VDEC (over the life of the solar farm consent) that would underpin any agreement on the approach to compensation.

Next steps

9. VDECL will continue engagement with the Applicant with a view to resolving the matters detailed in this letter. In the absence of agreement, we refer again to the potential impact of the Proposed Development on VDECL's statutory undertaking and the engagement of the section 127 Planning Act 2008 test as regards serious detriment (more particularly those parts of the test referred to in paragraph 21 of VDECL's written summary of oral submissions at CAH1 [REP-042]).
10. We respectfully request the Secretary of State does not approve the compulsory acquisition of rights over the land in which VDECL has an interest for the purpose of its statutory undertaking until VDECL's objection is withdrawn and pursuant to the section 127 test the Secretary of State is satisfied no serious detriment will be caused to VDECL's statutory undertaking.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ashfords LLP', with a horizontal line underneath the signature.

Ashfords LLP