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Beacon Fen Energy Park Limited
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21 August 2026

Dear Sir or Madam,

PLANNING ACT 2008

APPLICATION FOR DEVELOPMENT CONSENT FOR THE BEACON FEN ENERGY PARK

This decision was made by Minister Curran, on behalf of the Secretary of State for Energy Security and Net Zero

1. Introduction

- 1.1. I am directed by the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to advise you that consideration has been given to the Examining Authority’s (“ExA”) report dated 22 May 2026. The ExA consisted of one examining inspector, Andre Pinto. The ExA conducted an examination (“the Examination”) into the application submitted on 8 April 2025 (“the Application”) by Beacon Fen Energy Park Limited (“the Applicant”) for a Development Consent Order (“DCO”) (“the Order”) under section 37 of the Planning Act 2008 for the Beacon Fen Energy Park and associated development (“the Proposed Development”). The Application was accepted for Examination on 1 May 2025. The Examination began on 23 September 2025 and closed on 23 February 2026. The Secretary of State received the ExA’s Report of Findings and Conclusions and Recommendation to the Secretary of State (“the ExA’s Report”) on 22 May 2026.
- 1.2. On 12 June 2026, the Secretary of State issued a letter seeking information on several matters (“the information request”). On 2 July 2026, Interested Parties (“IPs”) were invited to comment on the responses received (“the first consultation”).
- 1.3. The Order, as applied for, would grant development consent for the construction, operation and decommissioning of a ground mounted solar photovoltaic electricity generating facility of over 50 megawatts (“MW”) capacity, Battery Energy Storage System (“BESS”), bespoke access corridor and associated export and connection infrastructure to the Bicker Fen

Substation [ER 1.1.3]. The Proposed Development is located approximately 6.5 kilometres (“km”) northeast of the village of Sleaford and 2.5km north of Heckington, within the administrative area of Lincolnshire County Council (“LCC”). At the local level, the majority of the Proposed Development lies within the administrative boundaries of North Kesteven District Council (“NKDC”), with the southern extent of the proposed cable corridor and ground works for the connection to the Bicker Fen Substation within Boston Borough Council (“BBC”) ER 1.3.1].

- 1.4. The Applicant also seeks compulsory acquisition (“CA”) and temporary possession (“TP”) powers [ER 6.1.1 et seq.], as set out in the draft Order submitted with the Application.
- 1.5. Published alongside this letter on the Planning Inspectorate’s National Infrastructure Project website¹ is a copy of the ExA’s Report. The ExA’s findings and conclusions are set out in Chapters 3 to 6 of the ExA Report, and the ExA’s summary of conclusions and recommendation is at Chapter 8. All numbered references, unless otherwise stated, are to paragraphs of the ExA’s Report [“ER *.*.”].

2. Summary of the ExA’s Report and Recommendation

- 2.1. The principal issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ExA Report under the following broad headings:
 - The Principle of the Proposed Development.
 - Alternatives, Site selection, and good design
 - Socioeconomics.
 - Landscape and Visual
 - Biodiversity and the Natural environment
 - Historic Environment
 - Flood Risk and Water environment
 - Land Use
 - Other Matters
 - Cumulative Effects
- 2.2. The ExA recommended that the Secretary of State should grant consent to this application [ER 8.4.2].
- 2.3. This letter is intended to be read alongside the ExA’s Report and, except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA Report and adopts the ExA’s reasoning in support of his conclusions and recommendations.

3. Summary of the Secretary of State’s Decision

- 3.1. The Secretary of State has decided under section 114 of the Planning Act 2008 to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a statement of the reasons for the Secretary of State’s decision for the purposes of section

¹ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010151>

116 of the Planning Act 2008 and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment ("EIA")) Regulations 2017 ("the EIA Regulations").

- 3.2. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

4. The Secretary of State's Consideration of the Application

- 4.1. The Secretary of State has considered the ExA's Report and all other material considerations, including written representations ("WR"), local impact reports ("LIR"), relevant representations during and after the close of the examination and responses to the Secretary of State during the decision-making stage.
- 4.2. The 2024 National Policy Statements ("NPS") EN-1, EN-3 and EN-5, which came into effect on 17 January 2024 to replace the 2011 version of NPSs, have effect for the ExA's consideration of this Application and for the Secretary of State's decision-making and consequently, the Application is to be determined under the provisions of section 104 of the Planning Act 2008. On 24 April 2025, a consultation on the draft revisions to NPS EN-1 and EN-3 was launched and revised NPSs were laid in Parliament on 13 November 2025, which came into effect on 6 January 2026 ("the 2025 NPS"). Whilst these 2025 versions of the NPSs do not have effect for the purpose of this Application, they are capable of being important and relevant considerations in the Secretary of State's decision-making process and have been considered accordingly in the making of this decision.
- 4.3. A revised draft of the National Planning Policy Framework ("NPPF") was published in February 2025, followed by a subsequent consultation which closed on 10 March 2026. The Clean Power 2030 Action Plan, which was published on 13 December 2024 and updated in April 2025, sets out a pathway to a clean power system. The Secretary of State had regard to these publications and finds that there is nothing contained within them which would lead her to reach a different decision on the Application.
- 4.4. The Secretary of State also recognises the 15 May 2024 Written Ministerial Statement ("WMS") on Solar and Protecting our Food Security and Best and Most Versatile ("BMV") land as an important and relevant consideration in deciding this Application².
- 4.5. In each section of the ExA's report, the ExA identifies the policy background, followed by a summary of the application as submitted, before considering the principal issues arising under each topic. Findings and conclusions are then drawn for each topic. These in turn identify whether the effects carry a little weight, moderate weight, great weight, or very great weight for or against the making of the Order [ER 3.1.2].
- 4.6. The Secretary of State notes that the weighting descriptors used by the ExA differ from those laid out on page 175 of NPS EN-1. Having reviewed the ExA's considerations and conclusions, the Secretary of State considers that where the ExA has referred to 'little' weight, this can be equated to 'limited' weight, and 'very great' can be equated to 'substantial'.

² <https://questions-statements.parliament.uk/written-statements/detail/2024-05-15/hcws466>

- 4.7. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
- Socioeconomics – Limited Positive;
 - Flood Risk and Water Environment – Neutral;
 - Other Matters: Climate Change Adaptation and Resilience; Transport; Noise and Vibration; Glint and Glare; Air Quality; Major Accidents and Disasters; and Waste – Neutral;
 - Cumulative Effects – Limited Negative.
- 4.8. The paragraphs below set out the matters where the Secretary of State has further commentary and analysis to add beyond that set out in the ExA's Report, including those matters on which further information has been sought:
- The Principle of the Proposed Development
 - Alternatives, Site Selection and Good Design
 - Landscape and Visual
 - Biodiversity and the Natural Environment
 - Historic Environment
 - Land Use

The Principle of the Proposed Development

- 4.9. The ExA concluded that there seemed to be consensus amongst all parties in relation to need and there was no 'in principle' objection by any of the parties. Overall, and as set out in national policy, the ExA noted that there is an urgent need for renewable energy generating projects and that this is recognised by the Host Local Authorities ("HLA") [ER 3.2.59]. The ExA stated that there is a compelling case for the delivery of renewable energy, including solar, in accordance with the policies and aims included in NPS EN-1, NPS EN-3 and NPS EN-5 [ER 3.2.60] and that the Proposed Development is considered low carbon infrastructure under paragraph 4.2.5 of NPS EN-1 [ER 3.2.69]. Furthermore, and in accordance with sections 2.2. and 2.3 of NPS EN-1, it would assist in decarbonising the power sector, reduce GHG emissions and assist in the achievement of the target to cut GHG emissions to net zero by 2050 [ER 5.2.2]. The ExA stated that the Proposed Development will play a significant role in assisting the government with its objectives as set out in paragraphs 3.3.20 to 3.3.24 of NPS-EN1 [ER 3.2.62] and subsequently ascribed the matter very great weight in favour of making the Order (equivalent to the 'substantial weight' cited in NPS EN-1) [ER 5.2.7].
- 4.10. The ExA noted the connection to the Bicker Fen substation and the agreement secured for the generation of 400MW of electricity provides certainty in relation to the deliverability of the project at pace [ER 3.2.61]. In relation to the overall size of the Proposed Development and its generating capacity, the Applicant stated the BESS has an overall output capacity of 600MW which would be regularly used to its full capacity, and the storage capacity of the proposed BESS would be able to secure surplus energy that may not be exported directly to the grid and therefore contribute to energy security by releasing stored energy only when needed [ER 3.2.48]. The National Grid found the approach favourable [ER 3.2.49]. The ExA concluded that in relation to the overall size of the Proposed Development and its generating capacity, the Applicant had demonstrated that the Proposed Development met the principle of maximising the use of the grid connection, and notes that the Proposed Development

seems comparable to the typical ratio set out in paragraph 2.10.17 of NPS EN-3 in relation to land take/solar energy production [ER 3.2.65].

- 4.11. LCC and NKDC raised concerns in relation to the proposed BESS [ER 3.2.55]. The key question raised by the LCC and NKDC was that due to the capacity and physical dominance of the BESS within the landscape, it would be taller than the proposed solar panels, physically and functionally it would not be subservient to the Proposed Development and therefore should not be considered associated development. [ER 3.2.57]. The ExA recognised that the proposed BESS would be a physically dominant feature of the Proposed Development and of an overall capacity which is larger than the BESS proposed in other recently granted DCOs, however, taking into consideration the main purpose of the Proposed Development, and the guidance set out in the Planning Act 2008 Guidance on associated development applications for major infrastructure projects,³ the ExA concluded the BESS component should be considered associated development [ER 3.2.67].

The Secretary of State's Conclusion

- 4.12. The Secretary of State is satisfied the need case for the Proposed Development is well established, and that there is an urgent need for the Proposed Development.
- 4.13. In assessing the GHG impacts of the Proposed Development, the Applicant compared the lifecycle carbon emissions against a counterfactual unabated Combined Cycle Gas Turbine ("CCGT") facility. The Applicant considered that this provides an appropriate basis for comparison as it captures the embodied emissions associated with a new fossil fuel generating station and reflects the role of the Proposed Development in displacing existing fossil fuel generation [APP-063].
- 4.14. The Secretary of State considers that comparison to a counterfactual CCGT facility is an inappropriate baseline. Since 2011, NPS EN 1, as confirmed by the NPS EN-1 2024, has required all combustion power stations with a capacity over 300MW to be constructed as Carbon Capture Ready, and she therefore does not consider it viable to use unmitigated emissions as a baseline. Accordingly, the Secretary of State is not persuaded that the Applicant's reasons for adopting a counterfactual unabated CCGT as the comparator justify its use. Notwithstanding this, she is satisfied that the Proposed Development would make a positive contribution towards the decarbonisation of the UK's energy system and the achievement of the UK's net zero objectives.
- 4.15. In relation to the question of associated development, the Secretary of State agrees with the ExA that in this particular case the BESS component should be treated as associated infrastructure. In coming to this conclusion, the Secretary of State has considered the principles of associated development as set out in paragraph 5 of the Planning Act 2008 guidance, namely direct relationship, subordinacy, cross subsidisation and proportionality as well as whether the associated development is typical of the development brought forward alongside similar projects and is content that those criteria are met.
- 4.16. The Secretary of State is satisfied that the Proposed Development sufficiently meets the policy requirements across NPS EN-1, EN-3 and EN-5. For the avoidance of any doubt, and for consistency with the policy set out in paragraph 3.2.7 of NPS EN-1, the Secretary of State

³ https://assets.publishing.service.gov.uk/media/5a7b5f04ed915d3ed9063f36/Planning_Act_2008_-_Guidance_on_associated_development_applications_for_major_infrastructure_projects.pdf

also ascribes the need case substantial positive weight. While the ExA's conclusions are different in terminology, the weighting ascribed is the same in every other sense.

Alternatives, Site Selection and Good Design

- 4.17. The ExA noted that none of the HLAs raised significant concerns regarding the Applicant's approach to alternatives, site selection or design [ER 3.3.51].
- 4.18. LCJ Mountain Farms Limited challenged the Applicant's approach to alternatives, particularly concerns regarding the option selected for the construction of the proposed cable corridor. It argued that the work carried out by the Applicant was not auditable or "like-for-like" and therefore the Applicant's comparative analysis was not decision-safe, that the Applicant did not quantify construction logistics as the main pathway of effects, and did not evidence a structured alternatives search (host site/configuration and export corridor) with consistent decision criteria over time, including agricultural sensitivity and cumulative effects. LCJ Mountain Farms Limited and the Applicant continued engagement throughout the examination, however agreement between both parties in relation to the cable alignment was not reached [ER 3.3.52 et seq.].
- 4.19. Melbourne Holdings Limited also raised concerns in relation to the Applicant's approach to alternatives. In its WR [REP7-064], it stated that the proposed cable alignment was not dictated by topographical or physical constraints and that it appeared to have been selected for convenience and efficiency rather than it being the only viable option. Whilst Melbourne Holdings Limited recognised that avoiding the land which it objects to would result in a longer cable route, it was of the view that a clear and transparent assessment of alternative alignments had not been presented, or an explanation as to why routes that avoid productive agricultural land were discounted [ER 3.3.56].
- 4.20. The ExA considered the challenges and concerns raised respectively by both IPs and concluded that the Applicant had provided adequate information on a range of alternative configurations and locations for the Proposed Development, including the cable corridor route and associated works and infrastructure, which met the requirements set out in NPS EN-1, NPS EN-3, NPS EN-5, and the EIA Regulations 2017 [ER 3.3.62]. Consequently, the ExA concluded that these requirements are satisfied [ER 3.3.63]. In addition, the ExA considered the alternatives considered by the Applicant as well as the main reasons that led to the present proposal, particularly in relation to the location of the cable corridor and the bespoke access corridor road and how the Applicant envisaged the future proofing of the Proposed Development. On this matter, the ExA confirmed that the application included some degree of flexibility to incorporate or consider any future development that might occur [ER 3.3.63]. The ExA ascribed neutral weight to matters relating to alternatives, site selection and good design in the planning balance.

The Secretary of State's Conclusion

- 4.21. The Secretary of State acknowledges paragraph 4.3.24 of NPS EN-1, which states that the Secretary of State should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site. The Secretary of State is satisfied that the Applicant has undertaken an appropriate assessment of reasonable alternatives and has adequately explained the reasons for its selection in relation to the Proposed Development. The Secretary of State agrees with the ExA that the requirements of NPS EN-1, NPS EN-3, NPS EN-5 and the

Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 are satisfied and subsequently agrees with the ExA's conclusions on this matter.

Landscape and Visual

- 4.22. Concerns were raised by both the ExA and the HLAs in relation to the Applicant's assessment of the effects of the Proposed Development at the operational phase (year 15), particularly how the Applicant has considered the landscape and visual effects of the proposed mitigation [ER 3.5.80].
- 4.23. Although the ExA accepted that the Applicant's proposed mitigation would provide visual screening of the Proposed Development and consequently minimise views of it from identified sensitive receptors, the view from certain sensitive receptors would still be significantly altered from the existing baseline view [ER 3.5.81]. The proposed mitigation would interfere and significantly reduce expansive views across an open rural landscape particularly those residential properties located in close proximity to the solar array area namely, receptor groups, R1, R2, R3, R4 (Gashes Barn) and R20, as well as those PRow located in close proximity to the solar array area [ER 3.5.82]. The ExA therefore disagreed with the Applicant's assessment of the overall visual effect of the proposed development at operational phase (year 15) for receptor groups R1 (1a and 1b), R2, R3a, R4 (Gashes Barn) and R20 group receptor [ER 3.5.84]. The ExA also disagreed with the Applicant's overall assessment of visual effects at operational phase (year 15) on users of certain PRow namely PRow near River Slea Ewer/8/2, Ewer/8/1 and Anwi/2/2 [ER 3.5.84] [ER 3.5.86].
- 4.24. Overall, the ExA concluded that the Applicant had considered landscape and visual matters in the early stages of siting and design and demonstrated in the ES how negative effects were minimised in accordance with paragraph 5.10.19 of NPS EN-1 [ER 3.5.87].
- 4.25. In accordance with paragraphs 5.10.29, 30 and 38 of NPS EN-1, the ExA considered that the level of detailed design which the Applicant had provided and is secured by Requirement 7 in Schedule 2 of the Order is acceptable; and that this provides the local authorities with sufficient design content secured to ensure future consenting would meet landscape, visual and good design objectives [ER 3.5.88].
- 4.26. The ExA concluded that while some of the landscape and visual effects are short term and reversible on decommissioning, a number of residual significant effects would be experienced long term and would be spread across a considerable area through the whole operational lifetime of the Proposed Development. The ExA found that these effects weighed against the Proposed Development and therefore attributed this matter moderate negative weight in the overall planning balance [ER 3.5.90] [ER 3.5.91].

The Secretary of State's Conclusion

- 4.27. The Secretary of State recognises the mitigation measures proposed by the Applicant and notes the ExA's conclusions regarding the adverse effects of the Proposed Development on certain receptor groups, and the reversible nature of both short-term and long-term impacts. The Secretary of State is satisfied with the level of detailed design provided by the Applicant, which is to be secured through Requirement 7 of the Order and subject to subsequent approvals. Having considered the adverse landscape and visual impacts of the Proposed Development the Secretary of State is satisfied that these would not be so damaging as to not be offset by the benefits of the Proposed Development (including need). The Secretary

of State agrees with the ExA's conclusions and affords this matter moderate negative weight in the planning balance.

Biodiversity and the Natural Environment

- 4.28. The ExA was satisfied that the Applicant had undertaken an adequate assessment of effects in relation to biodiversity matters and that the proposed mitigation is appropriately secured. Given this, the ExA concluded that the Proposed Development would not result in significant adverse effects on biodiversity, including protected species or designated sites, in accordance with NPS EN-1, NPS EN-3 and NPS EN-5 [ER.3.6.75].

Skylark Mitigation Measures

- 4.29. On 12 June 2026, the Secretary of State requested that the Applicant update the outline Construction and Environment Management Plan ("oCEMP") and outline Landscape and Environmental Management Plan ("oLEMP") to secure the mitigation and enhancement measures for ground nesting birds, namely Skylark. This was requested as the Applicant had referred to several mitigation options, but upon reviewing the supporting documents, the Secretary of State noted that Skylark were not mentioned in either document. These mitigation options included restrictions on grass cuttings, photovoltaic exclusion zones and potential off-site enhancements in association with the Lincolnshire Wildlife Trust ("LWT").
- 4.30. The Applicant responded [C1-010] with an updated oLEMP [C1-011] that detailed the mitigation options of grass cutting and reference to the photovoltaic exclusion zones. The Applicant also noted that the exclusion zones were captured within the Indicative Site Layout Plan [REP2-028] which will inform the Work Plan [REP8-003] which is in turn secured by Article 3(2) of the DCO. No amendments were made to the oCEMP as the Applicant set out that the Skylark mitigation is sufficiently secured within other documents without amendments to the oCEMP including the Site Layout Plan, oLEMP and Chapter 7 of the Environmental Statement ("ES"). The Applicant also noted that the oCEMP contains mitigation for bird species and includes Skylark even though they are not named specifically. The Secretary of State has reviewed the points raised by the Applicant and agrees that the oCEMP secures the mitigation sufficiently.
- 4.31. The Secretary of State is content that the mitigation proposed by the Applicant in relation to Skylark is appropriate and is secured via the oLEMP and the Site Layout Plan after the amendments.
- 4.32. The Applicant noted that no progress had been made in relation to potential offsite enhancement works with the LWT and that as it was not required to provide offsite mitigation, they would not include it within these documents. The Secretary of State agrees that offsite enhancements are not required and is content with the Applicant's approach.

Bat Mitigation and Protected Species Licenses

- 4.33. On 12 June 2026, the Secretary of State requested that NE review the mitigation proposed by the Applicant in relation to bats and confirm if it agreed with the Applicant's conclusions. The Secretary of State notes that NE had not made comments on bats during the Examination. NE responded [C1-004] stating that it considered the Applicant's assessment of bats to be appropriate and that the correct mitigation was in place but recommended that the surveys were updated prior to construction of the Proposed Development to ensure that the previous conclusions and proposed mitigation measures remain appropriate.

- 4.34. In addition to requesting NE's comments on the proposed mitigation, the Secretary of State requested NE to confirm if it considered that the construction works, which would likely disturb the bat populations, would require a protected species licence. NE responded stating that the current surveys suggest that no protected species licence would likely be required but again recommended that pre-construction surveys be undertaken to support its initial assessment.
- 4.35. Following the first consultation that was published on 2 July 2026 the Applicant responded to NE's comments noting their recommendation to include pre-construction bat surveys and provided an updated oCEMP [C2-011] to secure the commitment to these surveys. In addition, the Applicant updated their oLEMP [C2-009] to extend the use of connectivity features between hedgerows for bats to mitigate impacts on bat commuting activities into the post-construction phase until the temporary hedgerow gaps are infilled.
- 4.36. With the information before her and the comments received from NE, the Secretary of State is content that the mitigation proposed for bats is sufficient and that no protected species licence is required.

The Secretary of State's Conclusion

- 4.37. The Secretary of State agrees with the ExA's conclusions that the Applicant has conducted an adequate assessment of effects in relation to biodiversity matters and that the Proposed Development would not result in significant effects on biodiversity. She also agrees that the Proposed Development, subject to proposed mitigation measures, would result in a net benefit to biodiversity and ecology.
- 4.38. The Secretary of State agrees with the weighting ascribed by the ExA and affords this matter limited positive weight.

Historic Environment

- 4.39. The ExA noted that the methodology and the extent of the study area for the assessment of historic environment matters as set out in Chapter 8 of the ES (Cultural Heritage) [APP-059] [ER 3.7.29]. The Applicant had used two different buffers for identifying heritage assets, a 2km buffer for non-designated sites and a 5km buffer for designated sites [APP-117] [ER 3.7.30]. The Applicant's desk-based assessment identified within the 2km buffer 67 buildings, 6 scheduled monuments and 2 conservation areas. When the 5km buffer zone was applied an additional 18 scheduled monuments, 284 Listed Buildings and 8 conservation areas were identified [APP-117] [ER 3.7.35].
- 4.40. During the Examination, both LCC and NKDC raised concerns that the Proposed Development would result in an adverse impact on designated and non-designated heritage assets and requested further assessment and mitigation [ER 3.7.67 and 3.7.69].

Assessment Methodology

- 4.41. LCC and NKDC both raised concerns that there would be an adverse effect on the character and coherence of the historic farmstead network and LCC stated that the assessment should be done with a group-value methodology [REP1-044] [ER 3.7.67 and 3.7.69].
- 4.42. The Applicant responded in [REP5-046] with a Non-designated Farmstead Appraisal, which looked at the group value of the historic farmstead network, and concluded that none of the

assets identified would experience anything above a neutral significance of effect as a result of the Proposed Development.

- 4.43. The ExA noted that at the end of the Examination the Applicant's assessment method was agreed with by HE, LCC and NKDC, and as such, had no reason to disagree with the views and findings of the Applicant. The ExA concluded that the Applicant had complied with the relevant NPS policies and that they agreed with the Applicant's conclusions [ER 3.7.79].

The Car Dyke (between fields C22/C23) and Victorian Pumping Station (at N2)

- 4.44. The ExA raised during ExQ1 [PD-007] (ExQ1 HEN.1.8 and HEN 1.11) its concern over the anticipated permanent loss of two non-designated heritage assets, the Car Dyke section located between fields C22 and C23 and the Victorian Pumping Station found during trial trenching at N2. The questions related to the justification of EIA significance, the use of preservation by record and whether the Applicant considers it sufficient to offset the harm caused by the loss of these assets.
- 4.45. The Applicant responded [REP2-040] to these questions stating that preservation by record can be regarded as off-setting the impacts in acknowledgement that the release of heritage capital through the knowledge gathered by archaeological recording provides a beneficial counterweight to the adverse impact. They also stressed the importance of mitigation by design and that work had been done to ensure that assets worthy of preservation in situ were avoided, and only assets of very low or low value may need to be preserved by record where they are unavoidable.

South Kyme Tower and St Andrew's Church

- 4.46. During Examination, NKDC also raised in its LIR that greater weight and bespoke considerations should be given to Kyme Tower, Asgarby Hall, St Andrew's Church, Boughton House and Howell Hall, along with non-designated heritage farmsteads in order to inform a bespoke mitigation strategy for these heritage assets rather than a reliance on embedded mitigation [REP1-054] [ER 3.7.69].
- 4.47. The Applicant's initial assessment confirmed that the setting of the Church of St Andrew, Asgarby (a Grade I Listed Building) would experience a moderate adverse (significant) residual effect from the construction of the Proposed Development. Mitigation was secured by the Applicant within the DCO and associated documents, including the oCEMP [REP8-015] and Archaeological Mitigation Strategy ("AMS") [REP2-019], including embedded mitigation, survey works and preservation by design or record [ER.3.7.82]. The Applicant considered the mitigation would reduce the impacts to less than substantial harm and the ExA agreed.

In addition, the Applicant also produced a South Kyme Heritage Appraisal document [updated at REP7-047] which concluded there would be a slight adverse impact to the wider setting of the asset. However, the Applicant considered that while harm would be caused to this asset, it would be less than substanti

Gashes Barn

The ExA noted within the report that it considered the duration of the operational phase and the extent of the changes to the setting of this asset as a result of the Proposed Development, would represent a significant effect on the Property. While Gashes Barn is not a designated heri

and is not therefore subject to the same level of protection as designated sites, the ExA wanted to recognise its local value, and acknowledge the level of change being subjected to this asset as not insignificant [ER. 3.7.90].

The ExA's Conclusion

- 4.48. Despite this concern, the ExA agreed with the Applicant's assessment overall of no significant effects of the Proposed Development during the operational phase and classed the harm expected to be low [ER.3.7.93].
- 4.49. The ExA concluded that the Applicant's assessment had been appropriate but assigned negative weight to harm caused to the setting of the South Kyme Tower and other heritage assets [ER.5.3.1].
- 4.50. For non-designated assets, the ExA agreed in most cases that impacts would not be significant with the exception of Gashes Barn where the ExA disagreed with the applicant and concluded that, during operation, the impact on Gashes Barn would in fact be significant adverse, even after mitigation.
- 4.51. The ExA was satisfied that the Applicant's assessment met the requirements of the NPS EN-1, NPS EN-3, EIA regulations and relevant legislation.
- 4.52. The ExA concluded [ER.3.7.96] that, after mitigation is taken into account, the harm caused by the Proposed Development would be less than substantial. However, as harm was still identified at all stages of the Proposed Development, the ExA attributed little negative weight in the planning balance [ER.5.3.1].

The Secretary of State's Conclusion

- 4.53. The Secretary of State has had regard to the relevant policies, in particular NPS EN-1 paragraphs 5.9.22 to 5.9.36 and NPS EN-3 paragraph 2.3.8. NPS EN-1 require that great weight is given to the conservation of designated heritage assets, irrespective of the level of harm and that the Secretary of State should give considerable importance and weight to the desirability of preserving all heritage assets. Where a proposal would lead to less than substantial harm this must be weighed against the public benefits of the proposal; and that, where development would adversely affect the setting of a heritage asset, great weight should be given to those negative effects. NPS EN-3 states that the significance of a heritage asset derives not only from its physical presence but also from its setting and that careful consideration should be given to the impact of large-scale solar farms which depend on their scale, design and prominence, may cause substantial harm to the significance of the asset.
- 4.54. The Secretary of State agrees with the ExA that there is less than substantial harm to heritage assets. The Secretary of State agrees with the ExA that the benefits of the Proposed Development are not outweighed by the adverse effects on heritage assets and that paragraph 5.9.32 of NPS EN-1 and NPPF paragraph 215 are satisfied.
- 4.55. The Secretary of State considers preservation by record does not amount to mitigation of harm for archaeological remains but is content that the other mitigation measures set out in the embedded mitigation document [APP-076], the AMS [REP2-019] and the oCEMP [REP8-015] are sufficient to reduce the harm to designated heritage assets to less than substantial.

- 4.56. The Secretary of State notes the permanent loss of the non-designated Car Dyke section between fields C22 and C23 and the Victorian Pumping Station at N1 and that they will be preserved by record as they cannot be avoided. While both assets are non-designated, the Car Dyke section, as stated by the Applicant in Chapter 8 of the ES [APP-059] has a medium-high value and the magnitude of impact is expected to be “up to high” with a resulting significance of effect being moderate adverse (significant).
- 4.57. While the Secretary of State acknowledges that non-designated features are not afforded the same level of protection as designated assets, she considers that harm remains to the Car Dyke asset, which proposed mitigation will not fully offset.
- 4.58. The Secretary of State considers, having regard to NPS EN1 paragraph 5.9.28, there to be residual harm to both designated (less than substantial) and non-designated heritage assets and ascribes this matter moderate negative weight.

Land Use

- 4.59. By the end of the Examination, LCC had some unresolved concerns in relation to the temporary and permanent loss of Best and Most Versatile (“BMV”) land, particularly the cumulative effects of large-scale solar energy projects across Lincolnshire which, in LCC’s view, would result in a significant and lasting loss of BMV agricultural land [ER 3.9.60].
- 4.60. LCC acknowledged NPS EN-3 paragraph 2.10.21 which confirms that land type is not a determining factor and that the effects on agricultural land are one of a number of material planning considerations that need to be weighed in the overall planning balance. Nevertheless, LCC’s view was that, taken collectively, national policies remain clear and consistent that only where the proposed use of any agricultural land over and above despoiled and brownfield land has been shown to be necessary, poorer quality land should be preferred to higher quality land [ER 3.9.61]. LCC also stated that the May 2024 WMS sets out that any proposal for a solar farm involving BMV agricultural land needs to be justified by the most compelling evidence and that the principles of conserving and enhancing the natural environment are also embedded in the NPPF [ER 3.9.62].
- 4.61. LCC stated that 493.27 hectares (“ha”) agricultural land would be lost to the Proposed Development, of which 277.3ha (56%) is classified as BMV (Agricultural Land Classification (“ALC”) grade 2 and 3a)) and that such loss is not insignificant. LCC also acknowledged that whilst consideration has been given to alternatives, in the context of land use, the permanent loss of 20.37ha of BMV land and the temporary loss of 256.93ha of BMV land are significant, particularly given that ‘temporary’ refers to the operational lifespan of the Proposed Development, which is up to 40 years [ER 3.9.63].
- 4.62. LCC also stated that cumulative loss of BMV agricultural land in Lincolnshire is reaching 7,044ha. This is a significant figure and one that continues to increase as projects come forward and, with no threshold set for where the cumulative amount of BMV being lost becomes unacceptable [ER 3.11.39]
- 4.63. Similarly, LCJ Mountain Farms Limited raised concerns regarding the effects of the Proposed Development on agricultural land and how these have been assessed, which remained unresolved by the end of the Examination. LCJ Mountain Farms Limited maintained that the Applicant’s desk based ALC assessment was not sufficiently detailed and granular enough to fully understand the effects of the Proposed Development on the

ground or to take into consideration the heterogenous nature of the fields [ER 3.9.64]. Despite the Applicant's position that using the provisional ALC data to inform the comparative analysis of the Applicant's proposed cable corridor was a proportionate approach and the best means of ensuring that there is a common methodology across the different cable route options assessed, LCJ Mountain Farms Limited remained of the view that the proposed amended alternative route for the cable corridor has a comparative advantage to the proposed route because, although it would still be located in BMV land, it would only include grade 2 land and no grade 1 land [ER 3.9.65].

- 4.64. The ExA was satisfied that the Applicant had undertaken a thorough assessment of soils and BMV agricultural land within the order limits and that no significant evidence has been presented disputing the methodology or validity of its findings [ER 3.9.66]. Whilst the ExA recognised the views of LCJ Mountain Farms Limited, it concluded that the Applicant had presented significant evidence in relation to the methodology used and its findings, justifying its consideration and approach to ALC data – the assessment of which, was carried out in consultation with NE [ER 3.9.67].
- 4.65. The ExA noted that the Proposed Development would lead to the permanent loss of 29.99ha of agricultural land, approximately 67.92% of which is classed as BMV, and the temporary loss of 463.28ha of agricultural land, 54.98% of which classed as BMV [ER 3.9.69]. The ExA stated that any loss of BMV agricultural land is to be discouraged and both the total temporary loss of 254.7ha and the permanent loss of 20.37ha within the order limits weighs against the application. The ExA agreed with LCC that a temporary loss of 254.7ha of BMV is significant, particularly considering that temporary loss means the operational lifespan of the Proposed Development, which is up to 40 years [ER 3.9.70].
- 4.66. In relation to the inter-cumulative effects of the proposed development on soils and land use, the ExA acknowledged LCC's concerns there is no threshold set for where the cumulative amount of BMV being lost becomes unacceptable and mindful that the cumulative effect of the proposed development, when added to all considered developments within the administrative boundaries are of LCC, equate to 2% (11,962.85ha) of the agricultural land, of which 0.82% (4,927ha) is BMV land [ER 3.11.51]. The ExA agreed with the applicant's assessment and finds significant cumulative effects from the loss of BMV land in the Lincolnshire region. However, the ExA was also mindful that the cumulative loss would still represent a small proportion of the overall agricultural land within Lincolnshire.
- 4.67. The ExA concluded that whilst it accepted that the Applicant had sought to minimise impacts on BMV agricultural land and that, where BMV agricultural land would be lost, this would be limited in extent and duration and could revert to its former use, considering that; approximately 56.22% of the land lost within the order limits is classed as BMV, the Proposed Development has a 40 year lifespan, and the level of protection that national policy gives to BMV land, matters relating to soil and BMV agricultural land should be afforded great negative weight in the overall planning balance.

The Secretary of State's Conclusion

- 4.68. The Secretary of State has considered paragraph 5.11.34 of NPS EN1, which states that Applicants should not site their scheme on BMV land without justification and that, where schemes are to be sited on BMV agricultural land, the Secretary of State should take into account the economic and other benefits of that land. The Secretary of State acknowledges the concerns raised by LCC regarding the cumulative effects of large-scale solar

development on BMV agricultural land across Lincolnshire, and the concerns raised by LCJ Mountains Farms Limited regarding the assessment of agricultural land quality and the consideration of alternative cable route options.

- 4.69. However, the Secretary of State notes the ExA's conclusion that the Applicant has undertaken a thorough assessment of soils and BMV agricultural land, and the evidence submitted does not undermine the methodology or validity of the assessment. The Secretary of State agrees with the ExA that although the Applicant has sought to minimise the impacts of the Proposed Development on BMV agricultural land, for the reasons given in paragraphs 4.65 to 4.67 above, this matter should be accorded great negative weight in the planning balance.

Transport and Air Quality

- 4.70. A post-examination submission was received from Mr DJ & Mrs HP Bowler in relation to Transport and Air quality. They requested the Secretary of State to insert a specific planning condition in the Order to forbid the use of Cowbridge Road, Bicker for any of the traffic relating to the Proposed Development as the road is in a dangerous condition and is being used by vehicles relating to three BESS schemes. They stated that numerous schemes on Bicker Fen using Cowbridge Road over the last 22 years has destroyed the lives and health of local residents.
- 4.71. The Secretary of State has noted the submission and considered the conclusions of the ExA that the applicant has undertaken a thorough assessment of traffic and transport, and air quality matters. The ExA is satisfied that with the measures included in the proposed outline Construction Transport and Management Plan [REP6-027] and Delivery Management Plan, which include control and monitoring of construction traffic, the proposal would be adequately mitigated during its construction and operational phases. The decommissioning phase would be controlled and monitored via the detailed outline Decommissioning Environmental Management Plan [REP7-022]. Together these would meet the requirements of NPS EN-1 and NPS EN-3, the NPPF and relevant local policies in relation to traffic and transport and will be sufficient to mitigate against any likely significant effects in relation to air quality [ER 3.10.36, ER 3.10.37, ER 3.10.109].

The Secretary of State's Conclusion

- 4.72. The Secretary of State considers that the mitigations proposed in relation to traffic and transport and air quality impacts will mitigate the effects of air emissions from transport to ensure statutory limits, objectives or targets are not breached. As such, the Secretary of State does not consider it necessary to insert a specific condition in the Order in relation to Cowbridge Road.

5. Habitats Regulation Assessment

- 5.1. The Secretary of State has undertaken a Habitats Regulation Assessment ("HRA") and has carefully considered the information presented during the Examination, including the HRA Report [REP7-016] as submitted by the Applicant, the Report on Implications for European Sites [PD-014] as produced by the ExA, the ES, representations made by IPs, and the ExA's Report.

- 5.2. The Secretary of State's HRA is published alongside this letter. The paragraphs below should be read alongside the HRA which details in full the Secretary of State's reasoning for the conclusions set out in the HRA.
- 5.3. The Proposed Development had the potential to have a Likely Significant Effect on the following protected sites in regard to project alone effects and effects in-combination with other plans or projects:
- The Wash Special Protection Area
 - The Wash Ramsar Site
 - The Wash and North Norfolk Coast Special Area of Conservation
- 5.4. Following updates made to assessments by the Applicant during Examination, the conclusions provided by the Applicant in the HRA Report [REP7-016] were agreed by NE [REP8-036]. The ExA concluded that adverse effects on the integrity of these sites could be excluded [ER.4.5.6].
- 5.5. Based on the information available to her, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, will not cause an adverse effect on the integrity of any features of any protected site.

6. Land Powers and Related Matters

- 6.1. The ExA noted the CA and TP powers sought by the Applicant and the purposes for which powers are sought which in summary, are to secure the land and interests required to construct, operate and decommission the Proposed Development [ER 6.1.1].
- 6.2. In relation to the application for CA and TP powers, the ExA found that [ER 6.8.5]:
- There is a clear need for all the land included in the Book of Reference ("BoR") to be subject to CA and TP, the land sought for the proposed development and subject to CA would be land required for the purposes of section 122(2)(a) and (b) of the Planning Act 2008 and that it meets the tests set out in that section.
 - The application site is selected appropriately, all reasonable alternatives to CA have been explored and that there are no alternatives which ought to be preferred.
 - There is a need to secure the land and rights required to construct, operate and maintain the proposed development within a reasonable timeframe, and the extent of land over which powers are sought would be no more than is reasonably required and it is proportionate to the needs of the proposed development.
 - The private loss to those affected is in part mitigated through the selection of the land, minimisation of the extent of the rights and interests to be acquired and the inclusion, where relevant, of protective provisions ("PP") in favour of those affected.
 - The proposed development represents a significant public benefit, and in all cases, relating to individual objections and issues, CA and TP are justified to enable its implementation.
 - In relation to all SUs, the ExA is satisfied that the measures included in the recommended DCO (appendix A) are sufficient to ensure that there would be no serious detriment to the carrying on of the SUs undertaking. As such, the ExA considers that the tests set out in section 127 and section 138 of the Planning Act 2008 are met.

- The powers sought by the applicant in relation to SUs are necessary for the proposed development and consistent with s138 of the Planning Act 2008.
 - Adequate and secure funding would be likely to be available for CA.
 - The examination has ensured a fair and public hearing and any interference with human rights arising from implementation of the proposed development would be for a legitimate purpose that would justify such interference in the public interest and to a proportionate extent.
 - Compensation would be available for quantifiable loss.
- 6.3. The ExA concluded that the Secretary of State could be satisfied that there is a compelling case in the public interest for CA powers and that the Proposed Development complies with the Planning Act 2008 in this regard [ER 6.8.9].
- 6.4. The ExA also considered that the proposed TP powers sought are for legitimate purposes, are compatible with human rights tests, and that the Order secures the necessary land rights powers in accordance with the relevant legislation and policy [ER 6.8.7].
- 6.5. At the end of the Examination, matters relating to land rights between the Applicant and a number of parties remained unresolved, or with status unconfirmed [ER 6.7.1]. The Secretary of State sought updates from the Applicant and other relevant parties in her first information request; and subsequently an all-parties consultation to seek the views of all parties, which are detailed below:

The Crown Estate Commissioners

- 6.6. The ExA confirmed that no representations had been received from The Crown Estate Commissioners (“TCE”), nor did TCE participate in the Examination [ER 6.7.101]. The Applicant stated in its deadline 8 cover letter that section 135 consent had been granted by TCE, and that it understood TCE had written to the Planning Inspectorate to confirm this. However, the ExA did not receive any correspondence from TCE confirming that position [ER 6.7.102].
- 6.7. TCE and the Applicant were requested to provide an update on the status of their negotiations regarding the section 135 consent sought by the Applicant.
- 6.8. On 25 June 2026, in response to the Secretary of State’s information request, the Applicant confirmed the position of TCE in a letter dated 12 February 2026 received from TCE. TCE stated:

‘The Commissioners disagree with any view that section 135(1) of the Planning Act 2008 provides that any provision authorising the acquisition of third-party interests in Crown land may only be included in a development consent order if the unconditional consent of the appropriate Crown body to the acquisition is obtained before the development consent order is made.’

‘However, and without prejudice to the Commissioners’ position set out in the preceding paragraph, the Commissioners have reached a separate agreement with the Applicant which provides the Commissioners with sufficient assurance as to the way in which compulsory acquisition powers (as contained in Articles 23 and 27 of the draft DCO) may be exercised in respect of third-party interests in Crown land forming part of the Crown Estate. As such, and subject to the below, the

Commissioners confirm their consent to the compulsory acquisition of the third-party interests in Plots 1-4, 2-2, 3-5, 3-7, 6-1, 7-2, 7-3, 8-1, 8-3 for the purpose of section 135(1) of the Planning Act 2008. The Commissioners' consent is granted subject to the inclusion and continuing application of the following "Crown rights" wording in the Order at Article 41.'

- 6.9. The Secretary of State is satisfied that section 135 consent has been secured from TCE by the Applicant. The Secretary of State notes the proposed wording provided by TCE and has decided to include this in Article 40 of the final Order.

APs that submitted representations regarding land rights and related matters which remained unresolved, or with status not confirmed, by the end of the Examination.

LCJ Mountain Farms Limited;

Patricia Lynn Mountain and Leslie Christopher John Mountain (Plot 12-1)

- 6.10. On 15 July 2026, LCJ Mountain Farms Limited ("LCJMF") responded to the Secretary of State's first consultation reiterating its concerns on CA rights and TP of their land on the grounds of failure to properly consider alternative cable routes, environmental impacts and impact on intended commercial and infrastructure proposals. LCJMF stated that no voluntary agreement has been reached between the Applicant and LCJMF or its grantors and that the rights package and farm-specific protections affecting their land interests remain unresolved. LCJMF requested the Secretary of State to confine the rights affecting their land to the minimum reasonably necessary and accompanied by enforceable protections.
- 6.11. During the examination the Applicant stated that the land to which LCJMF's objection relates to, is necessary for the delivery of the cable route corridor, which is an unavoidable and essential link between the solar array area and the point of connection to the grid, [ER 6.7.7] to which the ExA agree [ER 6.7.8].
- 6.12. The ExA concluded it was satisfied that the affected plots (11-3, 11-6, 12-2, 12-7, 12-8, 12-9, 12-10, 12-11, 12-14, 12-16, 12-17, 12-18, 12-19, 13-4, 13-18, 13-5, 9-9, 9-11, 11-8, 12-1) are required for the proposed development, to facilitate it or is incidental to it and as such meets the test set out in section 122(2) of the Planning Act 2008. The ExA is also satisfied that appropriate mechanisms have been secured to compensate for the CA or TP land as set within the draft DCO [AS-039] [ER 6.7.10].

APs that did not submit representations regarding land rights and related matters by the end of the Examination.

Gerard Amaury Arnaud March Phillips de Lisle; Peter Andrew March Phillipps de Lisle; Simon John Henry Still de Lisle – Roythornes Trustees Limited

- 6.13. On 25 June 2025, the Applicant updated the Secretary of State on the status of the negotiations with the respective APs, confirming that it had continued to attempt to engage with Roythornes Trustees Limited, the agent for the APs, but has received no correspondence since a telephone conversation in November, with regular 'chaser' emails (the latest dated 5th May 2026) yet to be responded to by the agent. The Applicant expressed that whilst it understands there are no substantive points of difference, it will continue in its efforts to pursue a private treaty agreement.

Patrick Simon Benjamin

- 6.14. The AP did not submit a representation regarding land rights and related matters during the examination, but the Applicant responded to the Secretary of State's information request on 25 June 2026, confirming that the AP's interest in land is subject to an Option Agreement benefiting Vicarage Drove BESS Limited ("VDBL"). The Applicant stated that it was not aware of any 'in principle' concerns that would prevent the completion of a private treaty agreement which would be completed once the terms are finalised with VDBL.

The Lincoln Diocesan Trust and Board of Finance Limited

- 6.15. The AP did not respond to the Secretary of State's request for information however, on 25 June 2026, the Applicant confirmed that the AP's interest in land was subject to an Option Agreement benefiting a third-party developer. The Applicant further stated that whilst it understood that there were no matters of principle in dispute, the completion of any agreement with the AP is dependent on the conclusion of a parallel agreement with the third-party developer.

The Secretary of State's Conclusion

- 6.16. The Secretary of State acknowledges the update provided by the Applicant and the relevant parties above. She notes the representations put forward by LCJMF and is content that other parties' negotiations are progressing positively, and only limited matters remain to be finalised and that no substantive issues remain outstanding which would affect the conclusions reached in relation to the Order. Having also considered the conclusions drawn by the ExA, the Secretary of State is content that the plots of land pertaining to the respective land interests are required for the Proposed Development to facilitate it or are incidental to it, and that the powers sought are necessary and proportionate and that there is a compelling case in the public interest for the proposed powers to be granted. The Secretary of State concludes that the tests set out in section 122(2) of the Planning Act 2008 are met for the delivery of the Proposed Development.

UK Transition Power Holdings Limited; Fidra Energy Limited; Bicker Drove Limited; Vicarage Drove Project Limited;

- 6.17. Throughout the Examination representations were made on behalf of Fidra Energy Limited ("Fidra") in relation to a battery energy storage project ("the Fidra Project"). Fidra's parent company, UK Transition Power Holdings Limited (a member of the Fidra group), have the benefit of an option agreement granted by Vicarage Drove Project Limited ("VDPL") over plots 17-7 and 18-11 ("the Fidra Option"). The ExA accepted Fidra's assertions in REP8-039, that Bicker Drove Limited (a subsidiary of Fidra) has the benefit of an electricity generation licence pursuant to the Electricity Act 1989 and, as such Bicker Drove Limited is a statutory undertaker ("SU") for the purposes of the Planning Act 2008 [ER 6.7.26]. In response to the Secretary of State's first information request the Applicant stated that it had sought to progress a private treaty agreement relating to the rights in land sought in the draft Order, but VDPL's agent confirmed that they had not received client instructions to engage on the negotiations.
- 6.18. However, the ExA noted as per the Book of Reference ("BoR") [REP7-011] and as stated by the Applicant in REP8-029, that Bicker Drove Limited holds no land interest in plot 17-7 or 18-11, with the plot's interest being in the ownership of other companies which have not

been confirmed to the ExA as being SUs [ER 6.2.27]. Consequently, the ExA found that sections 127 and 138 of the Planning Act 2008 were not engaged by Fidra's representation on behalf of Bicker Drove Limited, therefore the set of PPs submitted by Fidra to safeguard land as a SU did not apply [ER 6.7.28] [ER 6.7.29].

- 6.19. On 25 June 2026, in response to the Secretary of State's information request, Fidra reiterated that Bicker Drove Limited is an SU for the purposes of the Planning Act 2008. Fidra affirmed that a planning application for the Fidra Project was submitted to Boston Borough Council and approved by the Council's planning committee on 2 June 2026, with the decision notice expected shortly. In Fidra's view, the planning approval strengthened its case that the project should be protected and that the Applicant had not justified the grant of powers of CA over the land plot 18-11 being subject to the Fidra Option or the interference with the Fidra Project.
- 6.20. Fidra stated that in respect of Plot 18-11, there has been no further engagement from the Applicant and Fidra was not aware of any progress with the freeholder. Fidra concluded that if the Secretary of State is to make the DCO pursuant to the Application, that it must include PPs for the benefit of the Fidra Project as set out in Fidra's submissions.
- 6.21. On 25 June 2026, in response to the Secretary of State's first information request, the Applicant stated that there were uncertainties pertaining to the deliverability of the Fidra project particularly in relation to acquiring a grid connection in that obtaining a Gate 2 offer is highly unlikely which supports its position that no further bespoke protection, including the PPs proposed by Fidra, is required to be imposed on the Beacon Fen project in view of the potential interface with the Fidra project.
- 6.22. The Applicant stated that it is vital for it to retain CA powers in relation to 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 an area up to 12m for the permanent easement), it needs to be able to route the 30m strip anywhere within that area to ensure the Project is deliverable. 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 Order.
- 6.23. On 16 July 2026, Fidra responded to the Secretary of State's consultation affirming its position that the Applicant had not justified the imposition of the wide powers of CA over the full extent of Plot 18-11 and that the Secretary of State cannot lawfully authorise powers of CA over Plot 18-11. Fidra stated that if unfettered powers of CA are granted over the entirety of Plot 18-11, it would sterilise the Fidra Project and lead to a significant compensation claim if the Fidra Project either cannot be delivered or has to be amended and delivered at a smaller scale. Fidra stated that there is no evidence before the Secretary of State that demonstrates that the Applicant has considered the scale of this compensation and whether this would have an effect on the deliverability of the Proposed Development. Fidra stated it benefits from a Gate 1 offer and the Fidra Project will be eligible for future Gate 2 and long duration energy storage bid processes.
- 6.24. Fidra maintains it does not accept that the PPs provided by the Applicant are adequate. However, on a without prejudice basis, it has provided comments on the changes required

to make the form of PPs adequate for its benefit should the Secretary of State be minded including them in the Order.

- 6.25. On 20 July 2026, Fidra sent a confirmation to the Secretary of State that full planning permission had been granted to Bicker Drove Limited in relation to the Fidra project.

The Secretary of State's Conclusion

- 6.26. The Secretary of State notes that there appears to be an error in the ExA report from paragraph 6.7.33 to 6.7.35 which appear to have been erroneously duplicated from another section of the report and have therefore not been treated as relevant for the purposes of consideration of this plot of land.
- 6.27. The Secretary of State has noted the responses and objections raised by the parties and agrees with the conclusions drawn by the ExA that as per the Book of Reference ("BoR"),⁴ the interest in the land at plots 17-7 or 18-11 is not held by Bicker Drove or any company which is confirmed as being a SU. As such, sections 127 and 138 of the Planning Act 2008 are not engaged in relation to either Fidra or Bicker Drove Limited.
- 6.28. The Secretary of State agrees with the ExA that the CA powers sought over the plot (18-11) of land are necessary and required to provide certainty for the delivery of the project. The Secretary of State is satisfied that there is a justification for the extent of CA powers sought over plot 18-11 and the land required is no more than is reasonably required. The Secretary of State notes that the Applicant has sought powers over the full extent of plot 18-11 because of current uncertainty of the final cable routing, and whilst only 30m within the 100m+ area is required for the construction corridor (and only 12m for the permanent easement), the Applicant needs to be able to route the 30m strip anywhere within that area to ensure the deliverability of the Proposed Development. In considering the potential loss to Fidra, the Secretary of State also considers that the Applicant has sought to keep the interference with its rights to a minimum, noting the Applicant's thorough consideration of alternatives.
- 6.29. The Secretary of State notes overarching policy in NPS EN-1 which confirms that there is an urgent need for renewable energy projects such as the Proposed Development and that in determining any application, the Secretary of State should give substantial weight to that urgent need. Whilst the Secretary of State acknowledges that the urgent need and substantial weight established in NPS EN-1 does not automatically or necessarily establish the required compelling case in the public interest, the Secretary of State finds that it is not possible to meet this need without the use of the requested CA powers and this is compelling. The Secretary of State is therefore satisfied that the CA powers sought are necessary and proportionate.
- 6.30. Considering the above, the Secretary of State notes that the Fidra project is a BESS project and she has taken into account the public interest in the opportunity presented by that project in considering the level of public interest in favour of the Proposed Development. The impact that the Proposed Development could potentially have on the Fidra project opportunity detracts somewhat from the public interest in favour of the Proposed Development. Nevertheless, the Secretary of State considers that the current and established planning

⁴ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010151-000912-4%203%20Book%20of%20Reference%20%20Revision%209%20Clean.pdf>

policy support for the Proposed Development including in the NPS EN-1 at the time of her decision means that the case for the public benefits that would be derived from the compulsory acquisition remain sufficiently compelling to outweigh any private loss. For the above reasons, the Secretary of State concludes that the Applicant should be granted compulsory acquisition powers over the relevant land.

- 6.31. The Secretary of State notes that both parties have proposed PPs to be included in the DCO. The Secretary of State is of the view that the PPs proposed by Fidra and requiring that the consent of Fidra is needed before powers are exercised, could have potentially put at risk the deliverability of the Proposed Development. The Secretary of State has, however, included the PPs proposed by the Applicant (with modifications) which would allow the Applicant to deliver the Proposed Development whilst providing some certainty in terms of a mechanism for managing the interface between the parties. Given the nature of the provisions the Secretary of State has made amendments to the circumstances where the PPs should no longer apply from those put forward by the Applicant. The Secretary of State has removed the time-limit qualification in the Applicant's PPs that require Bicker Drove Limited to demonstrate by a specified date that its project will connect into Bicker Fen substation on the basis that this is not justified given the terms of the PPs and captured UK Transition Power Holdings Limited who hold the Fidra Option agreement. The Secretary of State agrees that both plots 17-7 and 18-11 are required for the purposes of the Proposed Development, that the powers sought are necessary and proportionate, there is a compelling case in the public interest and the tests in sections 122 of the Planning Act 2008 are met.

Statutory Undertakers

- 6.32. In its response of 25 June 2025 to the Secretary of State's first information request, the Applicant confirmed that it had successfully reached agreements with the following entities:

- Triton Knoll OFTO Limited
- Anglian Water Services Limited
- National Grid Electricity Transmission
- National Grid Electricity Distribution (East Midlands) PLC
- AGR Solar 2 Limited (in relation to Bicker Fen Solar Farm)
- AGR Solar 3 Limited (in relation to Little Hale Fen Solar Farm)
- Cadent Gas Limited
- National Grid Viking Link Limited

- 6.33. The Applicant provided further updates on remaining outstanding agreements, which are detailed below:

Vicarage Drove BESS Limited

- 6.34. On 25 June 2025, in response to the Secretary of State's first information request, the Applicant confirmed that it had largely reached agreement with Vicarage Drove Bess Limited ("VDBL") on the principles of a side agreement with commercial and drafting points to be resolved, and agreement anticipated to be resolved shortly.
- 6.35. On 25 June 2025, VDBL largely affirmed this position, confirming that whilst there were some outstanding concerns, it considered that both parties remain optimistic about an agreement, at which point VDBL, will confirm the withdrawal of its representation (REP5-058).

The Secretary of State's Conclusion

- 6.36. The Secretary of State is satisfied that no substantive issues remain outstanding which would affect the conclusions reached in relation to the Order. The Secretary of State is satisfied that the tests in sections 127 and 138 of the Planning Act 2008 are met for the purposes of this decision.

Vicarage Drove Energy Centre Limited

- 6.37. Whilst Vicarage Drove Energy Centre Limited ("VDECL") did not object to the principle of the Proposed Development, it stated that the extent of the VDECL's land over which rights were sought was excessive [ER 6.7.93]. VDECL stated that due to the potential conflict to the operation of VDECL's solar farm, it objected to CA and TP powers over its land until agreement was reached on PPs [ER 6.7.94].
- 6.38. The ExA stated that according to the Applicant's Negotiations Tracker [REP8-009] agreement had been expected to be reached shortly after the examination with VDECL. However, no formal confirmation of an agreement was submitted to the ExA prior to the close of the Examination [ER 6.7.95].
- 6.39. The ExA concluded that in the event an agreement is not reached within the post-examination period, the PPs in Part 1 of Schedule 11 offer protection to affected undertakers. In light of such provisions as secured within the Order [AS-039], the ExA was satisfied that the measures included would be sufficient to ensure that there would be no serious detriment to the carrying on of VDECL's undertaking. The ExA has therefore recommended amendment of Part 12 of Schedule 11 to provide protection for VDECL's statutory undertaking (as said by the ExA in the table at Table 7, ([7.4.4] of the ExA report). [ER 6.7.97].
- 6.40. On 25 June 2026, in response to the Secretary of State's first information request, the Applicant confirmed it had been engaging on technical matters with VDECL with a view to progressing a commercial side agreement to sit alongside the PPs included in the Order. The Applicant noted that VDECL was not content with the form of protections in the Order and hoped to resolve the residual objection via a side agreement between the parties, the terms of which had not yet been confirmed, pending further commercial discussions between the parties. In the absence of such further agreement, the Applicant maintained its position on the adequacy of the protections within those provisions.
- 6.41. On 25 June 2026, in response to the Secretary of State's first information request, VDECL stated that PPs had not been agreed and there was no side agreement in place between the Applicant and VDECL. VDECL maintained 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. VDECL's position was that the PPs offered by the Applicant in the Order were inappropriately restricted. VDECL stated that there were still matters to be resolved which included the cable route options and Bicker Fen substation works; alternative approach to cable route Option B within the VDECL solar farm and the commercial impact on the VDECL operational solar farm.
- 6.42. VDECL stated that it will continue engagement with the Applicant with a view to resolving these matters but in the absence of an agreement, it referred to the potential impact of the

Proposed Development on its statutory undertaking and the engagement of the section 127 Planning Act 2008 test as regards serious detriment.

- 6.43. VDECL requested that the Secretary of State not approve the CA of rights over the land in which VDECL has an interest for the purpose of its statutory undertaking, until its 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.

The Secretary of State's Conclusion

- 6.44. The Secretary of State has noted the responses from both parties and is content that as both VDECL and the Applicant are willing to continue negotiations until matters are resolved, this will not hinder the making of the Order. The Secretary of State agrees with the ExA's conclusion that in the absence of an agreement being reached, the additions made by the ExA in relation to acquisition of land to the PPs for VDECL in Part 12 of Schedule 11 of the Order; and the proposal by the Applicant to insert a new paragraph to provide that the undertaker must not exercise the powers conferred pursuant to the Order in plots 18-63 and 18-64 without the written consent of VDECL would be sufficient to ensure that there would be no serious detriment to the carrying out of VDECL's undertaking. As such the Secretary of State is satisfied that the tests in sections 127 and 138 of the Planning Act 2008 are met.

Network Rail Infrastructure Limited

- 6.45. During the Examination, Network Rail Infrastructure Limited ("NRIL") objected to the new rights over railway land as this was likely to interfere with the safe and efficient operation of the railway and cause serious detriment to the carrying on of NRIL's statutory undertaking [ER 6.7.79]. By the end of the Examination, PPs had not been agreed between NRIL and the Applicant [ER 6.7.80].
- 6.46. The ExA, having considered the information and evidence presented, concluded that as the changes proposed by NRIL would only apply to railway property, the PPs set by NRIL [REP8-038] are necessary to adequately safeguard NRIL's operational interests, statutory obligations and duty to overarching public safety [ER 6.7.82].
- 6.47. In its response to the information request dated 26 June 2026, NRIL stated that the discussions with the Applicant's solicitors have reached an impasse and that it is unlikely that a position acceptable to both parties will be achieved before the determination of the application by the Secretary of State. NRIL therefore maintained its objection to the application as set out in its closing submissions at deadline 8 (dated 17 February 2026, Examination Library Reference REP8 038). It stated that, should the ExA be minded recommending that the Order be made, NRIL requests that its PPs are included on the face of the Order to ensure the safety of the rail network.
- 6.48. The Applicant stated in its response to the information request dated 26 June 2026, that the position with NRIL is unlikely to change ahead of the Secretary of State's determination of the Application and requests the Secretary of State to prefer its submissions and proposed PPs in the Order.

The Secretary of State's Conclusion

- 6.49. The Secretary of State acknowledges the responses and PPs presented to her by both parties and agrees with the ExA's conclusion on the matter, that the PPs, as set by NRIL in

[REP8-038] and reflected in the ExA's recommended DCO are necessary in order to adequately safeguard NRIL's operational interests, statutory obligations and their duty to overarching public safety and have been sufficiently justified by Network Rail. This version of the PPs has therefore been included in the Order. In view of the established urgent need for the low carbon infrastructure of the type proposed, the ExA was also satisfied that there was a compelling case in the public interest for the CA of rights over the land [ER 6.7.83]. The Secretary of State agrees with this position on the basis of the PPs included within the Order is satisfied that it meets the tests set out in sections 127 and 138 of the Planning Act 2008 are met.

National Grid Electricity Distribution (East Midlands) Plc

- 6.50. On 12 June 2026, in its update to the Secretary of State's first information request, National Grid Electricity Distribution (East Midlands) Plc stated that it had reached an agreement with the Applicant on the commercial terms to the protection of its apparatus and entered into an asset protection agreement with associated protected provisions on 24 March 2026. On 26 June 2026, the Applicant confirmed that the side agreement has now been completed.

The Secretary of State's Conclusion

- 6.51. The Secretary of State notes the agreement of the parties and the inclusion of the default PPs in Part 1 of Schedule 11 to the Order the Secretary of State is satisfied that the tests in sections 127 and 138 Planning Act 2008 are met.

The Secretary of State's Overall Conclusion

- 6.52. The Secretary of State has considered the analysis set out in the ExA's Report and the conclusions set out therein and agrees that there is a compelling case in the public interest for the powers sought by the Applicant to be acquired compulsorily and she considers that the Order secures land rights powers appropriately in relation to the relevant legislation and policy.
- 6.53. Whilst the Secretary of State considers that the CA and TP powers sought might result in some adverse impacts to the owner's private interests, in view of the established need for energy generation and the need to provide certainty in terms of project delivery, there is a compelling case in the public interest for the land to be acquired compulsorily. The Secretary of State is therefore satisfied that the CA and TP powers sought meets the tests in s122(3), 127 and 138 of the Planning Act 2008.
- 6.54. The Secretary of State has no reason to believe that the grant of the Order would give rise to any unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998. The Secretary of State considers that the proposed interference with individuals' rights would be lawful, necessary, proportionate and justified in the public interest. As such, she concludes that the CA and TP powers sought are compatible with the Human Rights Act 1998.

6. Secretary of State's Consideration of the Planning Balance and Conclusions

- 7.1. The Secretary of State agrees with the ExA's conclusions and the NPS weighting descriptors it has ascribed in the overall planning balance in respect of the following issues:
- The Principle of the Proposed Development – Substantial Positive Weight,

- Alternatives, Site Selection and Good Design – Neutral
- Landscape and Visual – Moderate Negative Weight
- Socioeconomics – Limited Positive Weight
- Biodiversity and the Natural Environment – Limited Positive Weight
- Flood Risk and Water Environment - Neutral
- Land Use – Great Negative Weight
- Other Matters (Climate Change Adaptation and Resilience, Transport, Noise and Vibration, Glint and Glare, Air Quality, Major Accidents and Disasters, Waste) – Neutral
- Cumulative Effects – Limited Negative Weight

- 7.2. With regards to Historic Environment, the Secretary of State disagrees with the ExA and concludes that moderate negative weight should be ascribed to this matter in the planning balance, for the reasons set out in paragraphs 4.53 to 4.58 above.
- 7.3. For the reasons given in this letter, the Secretary of State concludes that the benefits of the Proposed Development, namely the substantial positive weight ascribed to its need, and the limited positive weight ascribed to its socioeconomic and biodiversity advantages, outweigh the totality of its adverse impacts.
- 7.4. The Secretary of State concludes that development consent should be granted for the Beacon Fen Energy Park. The Secretary of State does not believe that the national need for the Proposed Development as set out in the relevant NPSs is outweighed by the Development's potential adverse impacts, as mitigated by the proposed terms of the Order.
- 7.5. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the relevant Development Plans, the LIRs submitted by LCC, NKDC and South and East Lincolnshire Council Partnership on behalf of Boston Borough Council, the NPSs, NPPF, relevant WMSs, and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the Planning Act 2008. The Secretary of State confirms for the purposes of regulation 4(2) of the EIA Regulations that the environmental information as defined in regulation 3(1) of those Regulations has been taken into consideration.
- 7.6. The Secretary of State has therefore decided to accept the ExA's recommendation to make the Order granting development consent granting development consent, including the modifications set out in section 9 of this document.

7. Other Matters

Equality Act 2010

- 8.1. The Equality Act 2010 includes a public sector "general equality duty" ("PSGD"). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following

“protected characteristics”: age; gender reassignment; disability; marriage and civil partnerships⁵; pregnancy and maternity; religion and belief; race; sex and sexual orientation.

- 8.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.
- 8.3. The Secretary of State has had due regard to this duty and has not identified any parties with a protected characteristic that might be discriminated against as a result of the decision to grant consent to the Proposed Development.
- 8.4. The Secretary of State is confident that, in taking the recommended decision, the Secretary of State has paid due regard to the above aims when considering the potential impacts of granting or refusing consent and can conclude that the Proposed Development will not result in any differential impacts on people sharing any of the protected characteristics. The Secretary of State concludes, therefore, that granting consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

Natural Environment and Rural Communities Act 2006

- 8.5. The Secretary of State notes the “general biodiversity objective” to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the application consistent with furthering that objective, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.
- 8.6. The Secretary of State is of the view that the ExA’s Report, together with the Environmental Impact Assessment considers biodiversity sufficiently to inform the Secretary of State in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

8. Modifications to the draft Order

- 9.1. Following consideration of the recommended Order provided by the ExA, the Secretary of State has made the following modifications to the recommended Order:
 - Amendment to article 2(1) to include a definition for “owner” as the terms are referenced in the Order. Amendment to “authorised development”, “commence”, “cycleway”, “maintain” and “the permit scheme” for clarification. Amendment to “permitted preliminary works” for clarification and as considered overly broad. Amendment to “undertaker” to remove unnecessary drafting.
 - Deletion of article 2(8) as considered inappropriate to remove assessment of materially new or different changes, even if the change is potentially positive.
 - Deletion of paragraph 3 of article 3 (development consent etc. granted by the Order) as considered unnecessary.

⁵ In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

- Amendment to article 5 (maintenance of the authorised development) to clarify the scope of powers.
- Deletion of paragraph 2 of article 6 (benefit of the Order) as considered unnecessary.
- Amendment to article 7 (consent to transfer benefit of the Order) to expand notification to include relevant local planning authorities, and to include a requirement to provide reasons and supporting documents in relation to notification of transfer of benefit.
- Deletion of paragraph 6 of article 8 (disapplication, application and modification of legislative provisions) as considered unnecessary.
- Deletion of paragraphs 2, 3, 4 and 5 of article 9 (operational land for the purposes of the 1990 Act) as considered unnecessary and may cause confusion, and amendment to heading for consistency with other DCOs.
- Amendment to paragraph 5 of article 13 (power to alter layout, etc., of streets) and paragraph 6 of article 14 to clarify reinstatement requirements.
- Amendment to article 14 (construction and maintenance of altered streets) to clarify the duration for which temporary alterations of streets must be maintained.
- Amendment to article 16 (temporary prohibition or restriction of use of streets and public rights of way), article 19 (traffic regulation measures), article 20 (discharge of water) to clarify the purpose for which undertakers may exercise powers under this article as considered too broad.
- Insertion of new paragraphs (3) and (4) in article 17 (access to works), paragraphs (10) and (11) in article 20 (discharge of water), paragraphs (3) and (4) in paragraph 24, Part 2 of Schedule 2 (applications made under requirement) to provide that where consent is deemed to be given after a certain time period, that the undertaker must notify the relevant consenting authority of this provision at the time of the application. This is to ensure transparency and fairness.
- Insertion of new paragraph (5) in article 17 (access to works) to include a requirement to restore any access that has been temporarily created under the Order.
- In article 22 (authority to survey and investigate the land): Insertion of new paragraph (3) to identify what a notice under paragraph (2) of this article must include, and insertion of new paragraph (9) to add removal and reinstatement requirement.
- Deletion of paragraph (5) in article 25 (statutory authority to override easements and other rights) as considered unnecessary and may cause confusion.
- Amendment to articles 26 (time limit for exercise of authority to acquire land compulsory), 29 (application of the 1981 Act) and 31 (modification of the 1965 Act) to reflect amendments introduced by the Levelling Up and Regeneration Act 2023.
- Amendment to article 28 (private rights) to clarify when private rights or restrictive covenants are suspended and to clarify compensation entitlement.
- Amendment to article 30 (acquisition of subsoil only) to remove 'airspace' from scope as considered unnecessary and not justified.
- Amendment to article 32 (temporary use of land for carrying out the authorised development) to clarify temporary possession powers and adopt wording consistent with previous DCOs and extend notice period to 28 days for consistency with other DCOs.
- Article 34 (temporary use of land for maintaining or decommissioning the authorised development): deletion of paragraph (4) as considered unnecessary and

inappropriate; amendment to the meaning of 'maintenance period' to provide separate meaning in relation to landscaping works.

- Amendment to article 35 (statutory undertakers) as powers considered unnecessary and overly broad, and for consistency with previous DCOs.
- Deletion of article 37 (use of airspace within the Order land) as considered unnecessary and not justified.
- Deletion of paragraph (4) of article 40 (certification of plans, etc.) as considered unnecessary.
- Article 42 (felling or lopping of trees or removal of hedgerows): deletion of paragraph (4) as power considered overly broad, and amendment to paragraph (4) for clarification.
- Deletion of paragraphs (4) and (5) of article 44 (procedure in relation to certain approvals etc.) as considered too broad and inappropriate.
- Amendment to article 49 (ecology and planting contribution) to clarify payment details.
- Schedule 2, Part 1:
 - Amendments to Requirements 6 to 10, 12, 13, 16 to 19, and 22 to clarify that plans to be prepared under those Requirements must be in accordance with the outline plan equivalent or principles.
 - Insertion of new paragraph (3) in Requirement 7 (landscape and ecological management plan) and new paragraph (3) in Requirement 12 (construction environmental management plan) providing for sharing of environmental survey and monitoring data.
 - Amendment to Requirement 22 (operational waste) to clarify operational site waste management plan requirements.
- Deletion of sub-paragraph (5) of paragraph 25, Part 2 of Schedule 2 as considered inappropriate and unnecessary.
- Insertion of new paragraph 157, Part 12 (for the protection of Vicarage Drove Energy Centre Limited) of Schedule 11 (Protective Provisions) to provide for a consent prior to exercising compulsory acquisition powers in relation to certain land.
- Insertion of new Part 15 (for the protection of Bicker Drove Limited) of Schedule 11 (Protective Provisions) to provide for the protection of Bicker Drove Limited.
- Amendments to Schedule 14 (arbitration rules) for transparency and fairness, and for consistency with previous DCOs.

9.2. In addition to the above, the Secretary of State has made various changes to the draft Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments and changes in the interests of clarity and consistency.

9. Challenge to decision

10.1. The circumstances in which the Secretary of State's decision may be challenged are set out in the Annex to this letter.

10. Publicity for decision

11.1. The Secretary of State's decision on this Application is being publicised as required by section 116 of the Planning Act 2008 and regulation 31 of the EIA Regulations.

11.2. Section 134(6A) of the Planning Act 2008 provides that a compulsory acquisition notice shall be a local land charge. Section 134(6A) also requires the compulsory acquisition notice to be sent to the Chief Land Registrar, and this will be the case where the Order is situated in an area for which the Chief Land Registrar has given notice that they now keep the local land charges register following changes made by Schedule 5 to the Infrastructure Act 2015. However, where land in the Order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the prospective purchaser should comply with the steps required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

Yours sincerely,

A solid black rectangular box used to redact the signature of John Wheadon.

John Wheadon

Head of Energy Infrastructure Planning & Innovation

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of six weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010151>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
ALC	Agricultural Land Classification
BBC	Boston Borough Council
BESS	Battery Energy Storage System
BMV	Best and Most Versatile
BoR	Book of Reference
CA	Compulsory Acquisition
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	The Examining Authority
Fidra	Fidra Energy Limited
HLA	Host Local Authorities
HRA	Habitats Regulations Assessment
IP	Interested Party
KM	Kilometres
LCC	Lincolnshire County Council
LIR	Local Impact Report
MW	Megawatt
NKDC	North Kesteven District Council
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPS EN-1	National Policy Statement for Energy
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure
NPS EN-5	National Policy Statement for Electricity Networks Infrastructure
NRIL	Network Rail Infrastructure Limited
PP	Protective Provisions
PSED	Public Sector General Equality Duty
SU	Statutory Undertaker
TCE	The Crown Estate Commissioners
The EIA Regulations	The Infrastructure Planning Environmental Impact Assessment Regulations 2017
TP	Temporary Possession
VDBL	Vicarage Drove Bess Limited
VDECL	Vicarage Drove Energy Centre Limited
VDPL	Vicarage Drove Project Limited
WMS	Written Ministerial Statement
WR	Written Report