

7 OCTOBER 2025

BEACON FEN ENERGY PARK (THE PROJECT)

DEADLINE 1 SUBMISSION

on behalf of

FIDRA ENERGY LIMITED

comprising

WRITTEN REPRESENTATION

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INTRODUCTION

1. Fidra Energy Limited (**Fidra**) has submitted a relevant representation (**RR-020**) (the **Relevant Representation**) in respect of the Application.
2. Fidra is a UK-based battery and energy storage developer currently progressing a 1.2 GW Battery Energy Storage System (**BESS**) project located adjacent to the Bicker Fen Substation in Lincolnshire, under the subsidiary Bicker Drove Limited (the **Fidra Project**). The Fidra Project has the benefit of an electricity generation licence – 1567478.
3. The planning application for the Fidra Project (ref: B/25/0224) (the **Planning Application**) has been submitted to Boston Borough Council and is due to be determined in November 2025. The Fidra Project represents a substantial investment in grid stability and energy resilience, complementing renewable generation across the region.
4. Fidra has the benefit of an option agreement dated 10 April 2024 (the **Fidra Option**) in respect of the Fidra Project. As part of the Relevant Representation, Fidra included the plan of the area subject to the Fidra Option.
5. Fidra's interest had been omitted from the application documents but is now noted in the updated Book of Reference (**AS-015**) against Plot 18-11.
6. Fidra is a major developer, and Fidra has recently reached financial close on the UK's largest battery storage project (the 1.4GW Thorpe Marsh project). The Thorpe Marsh financing comprised funding of circa £1billion of capital secured from EIG and the National Wealth Fund, alongside a consortium of international lenders. Both the Chancellor of the Exchequer and the Secretary of State for Energy Security and Net Zero commented publicly on this financing. This demonstrates the scale and importance of these projects, and Fidra's credibility in the industry.
7. The Fidra Project is of a similar scale to the Thorpe Marsh project, and Fidra intends to follow a similar financing process following the grant of planning permission pursuant to the Planning Application.
8. Fidra's Relevant Representation highlighted its concerns with the Application for the Project, notably the interaction between the Project's cable route options and the Fidra Project.

CONSULTATION AND ENGAGEMENT

9. The Applicant was aware of Fidra's interest prior to making the Application (see section 7.2.21 of the Consultation Report (**APP-046**)) and is aware of Fidra's proposed development. As the Applicant confirmed, issues like planning application redlines are material to the alternatives analysis.
10. Fidra's position is that, to date, there has been inadequate engagement with Fidra in order to understand how the two projects can co-exist. Fidra's position is set out in detail in the Relevant Representation.
11. As highlighted in the Relevant Representation and at Issue Specific Hearin 1 (**ISH1**) there is an overlap between the proposed cable route corridor for the Proposed Development and the red line boundary for the planning application currently awaiting determination for the Fidra Project. This is best illustrated through Figure B submitted with Fidra's Relevant Representation.

12. Since the submission of the Relevant Representation, Fidra has sought to engage with the Applicant on several occasions to understand progress and discussions are now underway.
13. At ISH1, the Applicant confirmed its intention to enter into collaborative discussions about this potential interface and that it anticipated that a suitable resolution can be reached and documented by the middle of the examination. Fidra will also work towards resolution by the middle of the examination, and Fidra now understands that the Applicant has been undertaking further survey work in the vicinity of the substation and that this will inform routeing decisions in respect of the grid connection.
14. Fidra's Relevant Representation and this submission demonstrate why further work is needed by the Applicant in respect of both site selection and alternatives in respect of the Project's grid connection corridor in order to ensure that the Project and the Fidra Project can co-exist and that the Project will not prevent the delivery of the Fidra Project. This will include the refinement of the wide order limits within which the Applicant is seeking powers to construct the grid connection infrastructure.
15. Fidra's position is that there is currently no justification for the excessive width sought in this area, and no justification on taking optionality forward in this area, to be found in the application documents at present.

THE CABLE ROUTE AND ALTERNATIVES

16. Fidra's position is that the impacts of the Project as currently promoted would be to sterilise the land required for the Fidra Project. This would be a significant adverse effect on the Fidra Project, and is one which necessitates a further consideration of alternatives (including a refinement of the grid connection corridor comprised in Work No. 4A to avoid any such effects).
17. Chapter 2 of the Environmental Statement (**APP-053**) identifies at Table 2.1 (page 10) that the maximum working width during construction for the cable route will be 30m. It also identifies the approximate excavation dimensions for the trenched solution, being open-cut trench excavation with the following dimensions: Approximately 2m wide x 2.5m depth excavated for each cable subject to design and ground conditions.
18. The Applicant's document Plan of Cable Route Working Width (**APP-029**) shows two cable route options through the area within which Fidra has an interest and also demonstrates that no construction compound for the cable route is required in the area within which Fidra has an interest. This is shown on Sheet 18. However, this document is expressed as being indicative and is not reflected in the documentation to be secured pursuant to the DCO.
19. The DCO and associated controls does not currently accord with the proposed description in the Environmental Statement or the Plan of Cable Route Working Width in respect of Work No.4A. In particular the:
 - a. DCO does not include any controls over either the width of the construction corridor (which is assessed as being no more than 30m in the Environmental Statement) or the width of any permanent compulsory acquisition;
 - b. Works Plans authorise cable construction in a corridor area of more than 100m (see Sheet 18);
 - c. Land Plans authorise the compulsory acquisition of rights over a corridor area of more than 100m;
 - d. Design and Access Approach Document (**AS-019**) does not include any width limitations in respect of the construction corridor or the permanent easement;

- e. Outline Design Principles at Appendix 1 of the Design and Access Approach Document (**AS-019**) does not include any width limitations in respect of the construction corridor or the permanent easement, nor in respect of the excavation dimensions assessed in the ES; and
 - f. purpose for which Plot 18-11 is included in the DCO is too broad, and is for the permanent acquisition of new rights. The Book of Reference does not specify what these new rights are or place any limit on the extent of the acquisition of such new rights. However, the Applicant has confirmed that the permanent easement required would be 12m wide (we assume on the basis of the cable being placed on a centre line and 6m either side of that centre line). This can be picked up in any Compulsory Acquisition Hearing if necessary.
20. Figure B to the Relevant Representation (**RR-020**) sets out the layout of the Fidra Project, and demonstrates the extent of impact on the Fidra Project of the wide corridor sought in respect of Work No.4.
21. The Nationally Significant Infrastructure Projects: Advice on Preparing Applications for Linear Projects dated 15 April 2025 (the **Linear Advice Note**) makes it clear that: “*Any options included in an application will result in more examination (and possibly recommendation) time because all options will need to be considered equally against the relevant tests*”.
22. The DCO does not include any limits of deviation (**LOD**) in respect of Work No 4A. The Linear Advice Note also identifies that:
- a. applicants should set out clearly the reasons for required LOD;
 - b. explanations where LOD need to widen along a linear route should be given;
 - c. limits should be narrowed as far as possible; and
 - d. further, location-specific narrowing of LOD to minimise adverse effects and interference with land rights **should be explored and is encouraged**. These modifications should be clearly set out on a plan and explained.
23. The Applicant has sought to include optionality in its DCO in respect of Work No.4A, but has not identified this in any application documents or justified why such optionality is required.
24. This does not accord with the Design principles identified in the DAAD (**AS-019**), notably CRC1 and CRC4.
25. Therefore, the Applicant is seeking more flexibility than it has represented in its Plan of Cable Route Working Width document and assessed in the Environmental Statement and has not structured its DCO application to properly recognise the flexibility that it is seeking. Neither the DCO, the Works Plans or the Land Plans accurately reflect the assessment the Applicant has undertaken.
26. Fidra understands that the Applicant is currently undertaking surveys in order to refine the proposed route and Fidra will continue to engage with the Applicant.

NEED

27. In respect of need, Fidra does not challenge the needs case for the Project.
28. However, in its current guise the need for the Project (and the benefits to be attached to the contribution of the Project to that need) needs to be balanced against the adverse effect that the Project would cause to the Fidra Project were it to lead to the sterilisation of the Fidra Project. This is set out in Fidra’s Relevant Representation.

29. Fidra's position is that there should be a workable solution that allows for the Project and the Fidra Project to co-exist.
30. This land use conflict is material, and in a current DCO examination (H2 Teesside, where there is a conflict between a proposed DCO and an underlying planning permission (in that case for a data centre)) the Secretary of State has delayed his decision on the DCO and has undertaken several rounds of consultation to understand the interaction.

THE POLICY POSITION

31. Para 5.11.8 of EN-1 provides that:
- a. *"The ES (see Section 4.3) should identify existing and proposed²⁵² land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing"*.
32. Footnote 252 within Para 5.11.8 of EN-1 makes clear that a proposed land use includes where a planning application has been submitted.
33. Fidra's position is that Para 5.11.8 of EN-1 has not been complied with to date.
34. Para 5.11.23 of EN-1 provides that:
- a. *"Although in the case of most energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project and the protection of soils during construction"*.
35. Fidra's position is that Para 5.11.23 of EN-1 has not been satisfied to date.
36. There is a general policy shift towards co-ordination, identified in respect of transmission projects in EN-5 which recognises the benefits. Paragraph 2.13.13 states: *"Applicants are expected to be able to indicate how co-ordination including reduction in impacts have been considered drawing on work of others"*.
37. Fidra considers that this can be addressed through further engagement from the Application and Fidra welcomes the Applicant's commitment at ISH1 to enter into collaborative discussions about this potential interface and that the Applicant anticipates that a suitable resolution can be reached and documented by the middle of the examination.

COMPULSORY ACQUISITION - EXTENT OF POWERS SOUGHT

38. The extent of the powers sought over Plot 18-11 is too broad and over too wide a corridor without an appropriate justification within the Application materials.
39. Fidra reserves its right to make further submissions in response to the Applicant's submission in respect of Action Point 8 from ISH1.

COMPULSORY ACQUISITION - THE LEGAL POSITION

40. Section 122 of the 2008 Act confirms that a DCO can only authorise compulsory acquisition of land where the Secretary of State is satisfied that the following have been met:
- a. The land is:
 - i. required for the development to which the DCO relates;
 - ii. required to facilitate or is incidental to the development; or
 - iii. replacement land is to be given in exchange for common or open space land to be compulsory acquired; and
 - b. There is a compelling case in the public interest for the land to be acquired compulsorily.
41. The guidance on the pre-application stage for Nationally Significant Infrastructure Projects clearly states that *"there are particular occasions in the NSIP consenting process where alternatives to the proposed development must be examined as required by legislation. For example, to meet the requirements of the EIA Regulations 2017, and where compulsory acquisition of land is sought by the applicant it should be able to demonstrate that reasonable alternatives to compulsory acquisition of the precise parcels of land have been explored."*
42. The Compulsory Acquisition Guidance establishes that the Applicants must show that they have considered 'all reasonable alternatives' to compulsory acquisition, both in the form of voluntary agreements but also in terms of alternative locations for the project which may have less impact on private rights. The Guidance goes on to state that the Applicants will also need to demonstrate that the proposed interference with the right of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.
43. All reasonable alternatives have not been considered; notably there has not been a consideration of alternative locations for the Project (or the routeing of Work No.4A) which may have less impact on the Fidra Project and previously discounted alternatives were not re-assessed when the impact on the Fidra Project was identified.
44. To date, the impact on the Fidra Project has not been considered as part of the application materials. Fidra welcomes Action Point 8 from ISH1 and reserves its right to respond to the Applicant's proposal to resolve the potential issues of the overlap with the Fidra Project.

COMPULSORY ACQUISITION – THE COMPELLING CASE IN THE PUBLIC INTEREST

45. At this stage, the case for the compelling case in the public interest for the grant of powers of compulsory acquisition over the full extent of Plot 18-11 has not been made out.
46. The Proposed Development includes a BESS facility of 600MW and the Applicant seeks to attach weight to the benefits of this BESS facility. However, this BESS facility is roughly half the size of the Fidra Project (which has a capacity of 1.2GW), would not deliver the same benefits as the Fidra Project and is not as well situated to the grid connection point as the Fidra Project. Therefore, the impact on the Fidra Project is an important consideration in this Application.
47. There is no compelling case in the public interest for the grant of powers of compulsory acquisition over the Fidra Site. The Fidra Site will allow for a greater capacity of energy storage to be provided.

COMPENSATION AND FUNDING

48. At this stage the funding statement does not address the financial consequences in compensation terms of any compulsory acquisition of the site which leads to the sterilisation of the Fidra Project. Fidra reserves its right so make further submissions in response to the Applicant's submission in respect of Action Point 8 from ISH1.

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