



# BEACON FEN ENERGY PARK

Planning Inspectorate Reference: EN010151

Statement of Common Ground (Draft) with Boston Borough Council

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## Quality information

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## Glossary

Abbreviation	Description
AC	Alternating Current
AIS	Air Insulated Switchgear
Applicant	Beacon Fen Energy Park Ltd
BBC	Boston Borough Council
BESS	Battery energy storage system
CCTV	Closed circuit television
DC	Direct Current
DCO	Development Consent Order
EA	Environment Agency
GIS	Gas Insulated Switchgear
HV	High Voltage
IDB	Internal Drainage Board
LCC	Lincolnshire County Council
Low Carbon	Low Carbon Ltd
MW	Megawatts
NGR	National Grid Reference
NKDC	North Kesteven District Council
NSIP	Nationally Significant Infrastructure Project
Order	The Beacon Fen Energy Park Order
PCU	Power Conversion Unit
PINS	Planning Inspectorate
Proposed Development	The entire development to be constructed and operated within the Site, as set out in Schedule 1 of the draft DCO
PRoW	Public Right of Way
PV	Photovoltaic
Site	The entire <del>draft</del> Order Limits or red line boundary located approximately 6.5 km northeast of the village of Sleaford and 2.5 km north of Heckington
<u>SLR</u>	<u>SLR Consulting</u>
SoS	Secretary of State
<u>WA</u>	<u>Wardell Armstrong</u>

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# 1. Introduction

## 1.1 Overview

- 1.1.1 This Statement of Common Ground ('SoCG') with Boston Borough Council ('BBC') (~~Application Document Ref. 8.3~~) has been prepared on behalf of Beacon Fen Energy Park Ltd (the 'Applicant'). It relates to the application (the 'Application') in support of an application for a Development Consent Order ('DCO'), that has been submitted to the Secretary of State (the 'SoS') for the Department for Energy Security and Net Zero, under Section 37 of the Planning Act 2008 (the '2008 Act').
- 1.1.2 The Applicant is seeking development consent for a ground-mounted solar photovoltaic ('PV') electricity generation and battery energy storage system ('BESS'), together with associated grid connection infrastructure (the 'Proposed Development'), at an area sited approximately 6.5 km northeast of the village of Sleaford and 2.5 km north of Heckington (the 'Site'). The Proposed Development would have a generation capacity of approximately 400 megawatts ('MW') of electricity, with a 600MW BESS.
- 1.1.3 The Site corresponds to the entire ~~draft~~ Order Limits and represents the entire land area required for construction, operation and decommissioning of the Proposed Development. It is made up of the Solar Array Area (comprising the solar PV and BESS infrastructure) the Cable Route Corridor (comprising an electrical connection from the Solar Array Area to the Bicker Fen National Grid 400kV substation) and the Bespoke Access Corridor (for a bespoke access from the A17 to the Solar Array Area). This is termed the Bespoke Access Road.
- 1.1.4 The Proposed Development falls within the definition of a 'Nationally Significant Infrastructure Project' ('NSIP') under Section 14(1)(a) and Sections 15(1) and (2) of the 2008 Act, as it is an onshore generating station in England that would have a generating capacity greater than 50MW electrical output. As such, a DCO application is required to authorise the Proposed Development in accordance with Section 31 of the 2008 Act.
- 1.1.5 The DCO, if made by the SoS, would be known as 'The Beacon Fen Energy Park Order 2021' (the 'Order').

## 1.2 The Applicant

- 1.2.1 The Applicant is a subsidiary of Low Carbon Ltd ('Low Carbon'). Low Carbon is a privately-owned global renewable energy company.

## 1.3 The Site

- 1.3.1 The Site represents the entire ~~proposed~~ Order Limits and is located east of Sleaford in Lincolnshire. It extends to approximately 758ha and comprises of three functional areas: the Solar Array Area, the Cable Route Corridor and the Bespoke Access Corridor.



## Solar Array Area

- 1.3.2 The Solar Array Area is approximately 529ha in size and located to the north of Heckington, centred at the National Grid Reference ('NGR') 514682 347825. The Solar Array Area is located wholly within the administrative areas of North Kesteven District Council ('NKDC') and Lincolnshire County Council ('LCC').
- 1.3.3 The Solar Array Area predominantly comprises agricultural land in arable use, divided by ditches with sparse tree cover that is limited to small woodland blocks and scattered hedgerow trees. A small reservoir is located in the south-west of the Solar Array Area.
- 1.3.4 The Solar Array Area is bound to the south, west and north by local highways, and bound to the east by the Car Dyke. Public Right of Way ('PRoW') Ewer/12/1 extends across the north-eastern corner of the Site, close to the northern Site boundary. There are no other PRoW within the Solar Array Area.
- 1.3.5 Villages in proximity to the Solar Array Area include:
- Howell immediately to the south-west, with Heckington c. 1.7km beyond;
  - Ewerby Thorpe immediately to the west, with Ewerby c. 1.1km beyond;
  - Anwick c. 2.7km to the north-west;
  - North Kyme c. 2.4km to the north; and
  - South Kyme c. 1.5km to the east.

## Cable Route Corridor

- 1.3.6 The Cable Route Corridor is approximately 183 ha in size and extends c. 13km south-east from the Solar Array Area to Bicker Fen substation, at NGR TF 19684 38599. The Cable Route Corridor is located wholly within the administrative area of LCC. The majority of the Cable Route Corridor is located within the administrative area of NKDC, however the southern section is located within BBC's administrative area.
- 1.3.7 Land use within the Cable Route Corridor is predominantly agricultural. A number of local highways cross the Cable Route Corridor, and the A17 crosses east to west within the north-west section of the Corridor. The railway linking Heckington west to Sleaford and east to Swineshead intersects the mid-section of the Corridor. There are a number of PRoW within the Cable Route Corridor, including one alongside the South Forty Foot Drain which also crosses the Cable Route Corridor.

## Bespoke Access Corridor

- 1.3.8 The Bespoke Access Corridor is approximately 45.4 ha in size comprising predominantly agricultural land and extends approximately 3km south-west from the Solar Array Area to the A17. The Bespoke Access Corridor is located wholly within the administrative areas of LCC and NKDC.

4.3.81.3.9 The Bespoke Access Corridor has been refined during the pre-application stage, informed by results from environmental surveys and consultation feedback.

- 4.3.91.3.10 Asgarby Road and Heckington Road cross the Bespoke Access Corridor and there are four PRoW located within the route.

## **1.51.4 The Proposed Development**

**1.5.11.4.1** The main components of the Proposed Development are summarised below and defined in Schedule 1 of the Draft DCO (AS-008).

### **Solar Array Area**

**1.5.21.4.2** The Solar Array Area consists of solar PV panels and modular ground-mounting structures. The height of the panels considered will be up to 3.9m above ground level in fields to the east and 3.5m above ground level in fields to the west, south and an isolated field in the north. The proposal is for a fixed (i.e., static) panel orientation, facing due south which is commonly seen on existing UK solar farms, and angled 10° to 45° from horizontal. Supporting infrastructure includes inverters, combiner boxes, transformers and switchgear converting the Direct Current ('DC') to Alternating Current ('AC') and stepping up the voltage so it can be exported to the National Grid. An inverter, transformer and switchgear comprised together is termed a Power Conversion Unit ('PCU').

**1.5.31.4.3** A 600MW BESS adjacent to the On-Site Substation is included in the Proposed Development within the Solar Array Area. This will allow the electricity generated by the panels to be stored on site at times when grid demand is low, then exported at times of higher demand. The BESS containers and switch rooms are anticipated to be up to 8m x 3m in size, with a height of up to 4.5m.

**1.5.41.4.4** Low voltage onsite electrical cabling is required to connect the PV modules and BESS to the inverters, and the inverters to the onsite transformers. Higher voltage cables are required between the transformers and the switchgear and from switchgear to the substation.

**1.5.51.4.5** A new onsite substation is proposed and would have up to four High Voltage (HV) transformers with a maximum footprint of no more than 40,000m<sup>2</sup> (e.g. 250m x 160m (or 200m x 200m)) and a height of up to 13m). The Onsite Substation will include a 33kV switchroom, control and storage buildings that would house office space and welfare facilities, as well as operational monitoring and maintenance equipment and equipment for reactive compensation and/or harmonic filtering. The design control building and office/welfare will be defined as part of detailed design.

**1.5.61.4.6** The perimeter fence would likely comprise a standard post and wire, deer fencing up to 3m tall around the Solar Array Area. Security fencing, up to 3.4m will be installed around the Onsite Substation compound and, possibly, other infrastructure / compounds. Acoustic fencing, up to 4m tall, may be required around the BESS, subject to the detailed design and layout.

**1.5.71.4.7** Mounted internal-facing closed circuit television (CCTV) systems will likely be deployed around the perimeter of the operational areas of the Site; anticipated to be 5m high. The CCTV cameras would have fixed view sheds and will be aligned to face along the fence. Motion detection security lighting will be used around the electrical infrastructure and potentially at other pieces of critical infrastructure.

~~4.5.8~~4.5.91.4.8 During construction, temporary construction compounds will be required, as well as temporary roadways, to enable access to all the land within the Site. Localised earthworks to form suitable development platform for the substation and BESS will also be required.

~~4.5.91.4.9~~ There will be one primary access on the western edge of the Solar Array Area and a secondary access to the north, both of which will allow large vehicles (including first responder access to the BESS and on site substation). Tertiary operational access primarily for smaller vehicles is provided to the north west and south.

~~4.5.101.4.10~~ PRoW Ewer/12/1 is being extended in a south and westerly direction as a permissive path terminating in the vicinity of Ewerby Thorpe, and will be in place for the operational duration of the Proposed Development. The exact route of the permissive path will be determined via the discharge of requirement in the **Draft DCO (AS-008)**, but it is anticipated to run in a south easterly direction along Car Dyke and then heading south west on the north side of Hodge Dike. An undetermined number of footbridges (unlikely to be more than 8 in number) to cross existing watercourses will be required and will require the usual water course crossing agreements to be sought with the relevant Internal Drainage Board in parallel with the discharge of the requirement.

## Cable Route

~~4.5.111.4.11~~ The Cable Route running between the Solar Array Area and the Bicker Fen 400kV Substation will be constructed through trenched methods and, where required, trenchless methods.

~~4.5.121.4.12~~ During construction, temporary construction compounds will be required approximately every 1-3 km, as well as temporary roadways, to enable access to all land. It is anticipated that there will be 6 main compounds that are distributed at approximately equal distances along the cable route to facilitate proper construction management. Smaller temporary compounds may also be located anywhere within the final working area.

~~4.5.131.4.13~~ Vegetation and hedgerows lost during ~~the~~ construction of the Cable Route will be re-instated where possible subject to easement restrictions. ~~re-instated where possible in relation to easement restrictions.~~

## Bespoke Access Road

~~4.5.141.4.14~~ A dedicated access from the A17 to the Solar Array Area is required. The Bespoke Access Road will be constructed in advance of material construction commencing on the Solar Array Area. During construction, temporary construction compounds will be required which may be anywhere along the route and will facilitate construction in that area. ~~During construction, temporary construction compounds will be required which may be anywhere along the route.~~

~~4.5.151.4.15~~ The Bespoke Access Road will likely be the last component of the Proposed Development to be removed as it will be used to facilitate decommissioning of the Solar Array Area. Whilst it is assumed for the Environmental Statement ('ES') (APP-050 to APP-274) ~~this assessment~~ that the road will be removed (unless otherwise stated in the relevant chapter), it



is possible that engagement with the landowners at that time will establish a preference for it to be retained. Optionality has been deliberately retained in the Application to facilitate such a scenario.

~~4.5.16~~4.16 There will be no permanent lighting installed and access will be controlled through gates at all stages.

~~4.5.17~~4.17 Vegetation and hedgerows lost during the construction of the Bespoke Access Road will be re-instated.

### In any or all of the above areas

~~4.5.18~~4.18 Along with the above, in any or all of the three areas, the Proposed Development will include the following (subject to certain requirements):

- Access tracks of between 3.5m to 9m width for construction access and routine maintenance when operational. Access tracks located adjacent to drainage ditches will incorporate the necessary ecological, Environment Agency (EA) and/or Internal Drainage Board (IDB) buffers where required;
- Boundary treatments, means of enclosure, security measures, and paths;
- Landscaping and reinstatement planting and Biodiversity Net Gain related habitats;
- Flood resilience measures including swales and storm water attenuation, and works to existing irrigation systems;
- Utility diversions;
- Bunds, embankments, protective works to buildings, maintenance and improvement of streets; and
- Construction related (and decommissioning related) work sites.

### Bicker Fen Substation Works

~~4.5.19~~4.19 The extension of Bicker Fen substation will include a new generation bay, a new generation bay control room and a perimeter access road. A new generation bay will also include electrical equipment required for connection to the transmission system.

~~4.5.20~~4.20 National Grid Electricity Transmission plc ('NGET') have requested that there be optionality within the design of the extension to Bicker Fen substation. The two design options that have been assessed in the ES (APP-050 to APP-274)~~Environmental Statement~~ and included in the Application are: Air Insulated Switchgear ('AIS') and Gas Insulated Switchgear ('GIS').

### Draft Development Consent Order

~~4.5.21~~4.21 The Proposed Development is described in detail in Schedule 1 ~~to~~of the Draft Draft DCO (AS-008), and the areas in which each component (the 'Work Numbers') may be constructed are shown on the Works Plans (AS-006).

~~4.5.22~~4.22 The Proposed Development is split into 10 Work Numbers as follows:

- Work No. 1 – a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts;
- Work No. 2 — a battery energy storage system compound and associated works (including fire safety infrastructure);
- Work No. 3 — development of an onsite substation and associated works;

- Work No. 4 — works in connection with electrical cabling and associated compounds;
- Work No. 5 — works to the existing Bicker Fen National Grid substation to create a new generation bay and substation extension;
- Work No. 6 — various ancillary works relating to the Solar Array Area, including cabling, fencing, security features, access tracks, watercourse crossings and landscaping and biodiversity mitigation measures;
- Work No. 7 — construction and decommissioning compounds in connection with Work Nos. 1, 2 and 3;
- Work No. 8 — works to create the Bespoke Access Road;
- Work No. 9 — areas of habitat management; and
- Work No. 10 — works to facilitate access to Work Nos. 1 to 9.

~~4.5.23~~1.4.23 In addition, Schedule 1 to the **Draft DCO (AS-008)** lists other associated works (referred to as "further associated development") which may be carried out in connection with the construction of Work Nos. 1 to 10.

## **1.61.5 The Development Consent Order Process**

~~4.6.4~~1.5.1 As a NSIP, the Applicant is required to seek a DCO to obtain planning and other powers to construct, operate and maintain the generating station, in accordance with Section 31 of the 2008 Act. Sections 42 to 48 of the 2008 Act govern the consultation that an applicant must carry out before submitting an application for a DCO and Section 37 of the 2008 Act governs the form, content and accompanying documents that are required as part of a DCO application.

1.5.2 An application for development consent for the Proposed Development ~~has~~will ~~been~~then be submitted to and accepted for examination by the Planning Inspectorate ('PINS') acting on behalf of the SoS. PINS is now examining the Application and will Subject to the Application being accepted (which will be decided within a period of 28 days following receipt of the Application), PINS will then examine it and make a recommendation to the SoS, who will then decide whether or not to make (grant) the DCO.

## **1.6 Purpose of this Document**

1.6.1 This document is intended to summarise clearly the agreements reached between the Applicant and the parties on matters relevant to the examination of the Application, in order to assist the Examining Authority to understand progress of negotiations between the parties. It has been prepared having regard to the guidance in *Planning Act 2008: Pre-examination stage for Nationally Significant Infrastructure Projects* and *Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects* (Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities, April 2024).

1.6.2 Once finalised, the SoCG will be submitted to the Examining Authority who will decide whether to accept it into the examination of the Application.

~~4.6.21~~1.6.3 It is intended that the SoCG will provide information for the examination process, facilitating a smooth and efficient examination and managing the amount of material that needs to be submitted. Updates to this document will

be made periodically (and on request) during the examination, with a view to submitting a final signed version of the SoCG at the end of the examination.

## 1.7 Role of key stakeholders

1.7.1 This SoCG refers to communications and correspondence between ~~a number of several~~ key stakeholders, the roles of which are. ~~The role of each stakeholder is~~ summarised in Table 1.1 below.

Table 1.1 – Role of key stakeholders

STAKEHOLDER	ROLE
<u>Beacon Fen Energy Park Limited</u>	<u>The Applicant</u>
Lincolnshire County Council ('LCC')	Local Planning Authority (County)
North Kesteven District Council ('NKDC')	Local Planning Authority (District) for part of the Proposed Development, including Work Nos 1-3 and 6-8
Boston Borough Council ('BBC')	Local Planning Authority (District) for part of the Proposed Development, including Work No. 5
DWD Property and Planning ('DWD')	Planning consultants for the Applicant
<u>SLR Consulting Wardell Armstrong</u> ('SLRWA')	Environmental assessment consultants for the Applicant
Pier	Communication and stakeholder engagement consultants for the Applicant
<u>Herbert Smith Freehills Kramer LLP</u> ('HSF Kramer')	<u>Solicitors for the Applicant</u>
<u>Ardent Management Limited</u> ('Ardent Management')	<u>Land referencing consultants for the Applicant</u>

4.7.2—This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties, where agreement has not been reached (and that is the parties' final position) and where discussions are still ongoing.

~~4.7.3~~1.7.2

## 1.8 Status of this Version

1.8.1 This SoCG is intended to be prepared in collaboration with BBC, and as such, the Applicant has provided a draft version of the SoCG to BBC for comment on the matters outlined in Section 3 ahead of submission into examination.

1.8.2 One or more further versions (revised drafts) may be agreed between the parties during the examination period, and submitted to the Examining Authority to assist the examination of the Application.

1.8.3 It is intended that the Applicant and BBC can agree on a final version of the document ahead of Deadline 8.

1.8.4 The document is structured as follows:

- Section 2 – summarises the consultation undertaken with BBC, and correspondence sent by each party prior to examination;
- Section 3 – sets out the matters currently agreed between BBC and the Applicant;
- Section 4 – sets out the matters currently still subject to discussion between BBC and the Applicant.
- ~~Section 2 of this document summarises the consultation undertaken with BBC to date and Section sets out the matters agreed between the parties during the pre-examination stage in respect of the Application.~~

## 2. Summary of Consultation

2.1.1 The below Table 2.1 contains a record of pertinent correspondence between the Applicant and Boston Borough Council.

**Table 2.1 – Summary of Correspondence**

DATE	FORM OF CORRESPONDENCE	NOTES
10/08/2023	Meeting with BBC and DWD	Meeting to update BBC on the project changes, including removal of 'Beacon Fen South'.
04/10/2023	Draft Statement of Community Consultation ('SoCC') shared with LPAs	It was requested that feedback on the SoCC was returned by 5pm on 8 November 2023. This provided a 36-day long consultation period, eight days longer than the 28-day period required by Section 47(3) of the PA 2008.
20/10/2023	Feedback on SoCC received from BBC.	
08/11/2023	Joint meeting with BBC and NKDC	Meeting to provide Councils with a general update on the project, primarily the Bespoke Access Road.
10/01/2024	Joint meeting with LCC, NKDC and BBC with DWD, <u>SLRWA</u> and Pier.	Meeting to brief LCC, BBC and NKDC. Discussed Bespoke Access Road, mitigation masterplan and future engagement.
17/01/2024	Letter from DWD (on behalf of Applicant) to BBC	Section 42 statutory consultation with project information, including the PEIR and non-technical summary.
07/02/2024	Joint meeting with LCC, NKDC and BBC with DWD, <u>SLRWA</u> and Pier	Meeting to provide update to Councils during the statutory consultation period regarding progress and discuss biodiversity mapping.
03/04/2024	Joint meeting with LCC, NKDC and BBC with DWD and Pier	Meeting to provide update to Councils and discuss Councils' PEIR responses.
01/05/2024	Joint meeting with LCC, NKDC and BBC	Meeting to discuss Public Rights of Way and statutory consultation feedback on community benefits.
13/05/2024	Joint meeting with LCC, NKDC and BBC	Meeting to discuss community benefits.
26/06/2024	Joint meeting with LCC, NKDC and BBC	Meeting to discuss the project programme, permissive paths and community benefit.
28/08/2024	Joint meeting with LCC, NKDC and BBC	Meeting to discuss the second round of targeted consultation, permissive path, Cable Route Corridor and Bespoke Access Road red line boundary.
08/11/2024	Joint meeting with LCC, NKDC and BBC	Meeting to provide Councils with a general update and information on archaeology, and discuss the adequacy of consultation milestone, principal areas of disagreement statements/ statements of common



		ground (SoCGs) and local employment plan.
05/12/2024	Email from BBC	BBC response to DWD's request for comment on the Adequacy of Consultation Milestone (AoCM), advising that a formal view on AoCM would be provided at Acceptance stage.
05/12/2024	Email from BBC	Feedback from BBC regarding proposed Targeted Consultation for project updates.
13/12/2024	Letter from DWD (on behalf of Applicant) to BBC	Targeted Consultation letter regarding project updates and changes.
18/12/2024	Email from BBC	Providing comments on proposed agenda for 15 January 2025 meeting.
06/01/2025	Email from BBC	Responses from BBC on review of updated list of cumulative developments to be considered in the ES.
15/01/2025	Joint meeting with LCC, NKDC and BBC with DWD	Meeting to provide Councils with a general update and discuss Councils s42 responses. Also discussed SoCGs and community benefit fund.
17/01/2025	Targeted Consultation Response from BBC	In response to Targeted Consultation which commenced 13 December 2024.
<u>02/07/2025</u>	<u>Relevant representation by BCC</u>	<u>Relevant Representation made to the Planning Inspectorate.</u>
<u>20/08/2025</u>	<u>Post-Submission meeting between Applicant and BBC</u>	<u>BBC provided an insight into the upcoming RR to be received including the key areas of concern and the Applicant clarified points where possible.</u>
<u>22/09/2025</u>	<u>Post-Submission meeting between Applicant and BBC</u>	<u>The Applicant requested further information regarding the additional locations proposed by BBC for the PINS Site Inspection</u>

### 3. **BBC:** Matters Agreed during Pre-Application Stage

3.1.1 The below Table 3.1 contains a list of ‘matters agreed’ between BBC and the Applicant correct at the date of the submission of the Application along with a concise commentary of what the item refers to and how it came to be agreed between the two parties.

**Table 3.1 – List of Matters Agreed during Pre-Application Stage**

MATTER	COMMENTARY
Adequacy of consultation	<p>BBC was consulted informally and formally by the Applicant throughout the pre-application process regarding the approach to consultation and content and scope of the Statement of Community Consultation (‘SoCC’). BBC provided comments on the draft SoCC, which were taken into account before the SoCC was published, as set out in the Consultation Report (<u>APP-046</u>).</p> <p>The Applicant has consulted with BBC throughout the pre-application process and undertaken statutory (and targeted statutory) consultation in accordance with the requirements as set out in Sections 42, 47 and 48 of the 2008 Act.</p>
Procedure for discharge of DCO requirements	<p>The Applicant has provided a draft of the procedure for the discharge of DCO requirements to BBC at <b>Appendix 1</b>. The Applicant will consider any comments provided by BBC and reflect as necessary in the procedure set out in <u>Schedule 10 Part 2 of Schedule 2</u> of the Draft DCO (<u>AS-008</u>).</p> <p><del>These fees have been derived from The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment and Transitional Provision) Regulations 2025 which changes the fee for the discharge of a TCPA condition to £298. £894 is three times this, in order to account for the larger nature of a requirement discharge application that would relate to the full Order Limits.</del></p>
Need for a solar and battery project in general and of this scale	<p>National Policy Statements (‘NPSs’) and other UK national policy recognise that solar plays a key role in achieving the Government’s carbon reduction targets. NPS EN-1 sets out the urgent need for new electricity generation capacity and the importance of decarbonising the power and industrial sectors in the UK to meet climate targets, and the NPSs require the Secretary of State to give significant weight to this needs case for renewable energy projects when considering an application.</p> <p>As per the Clean Power 2030 Action Plan, the Government expects at least a further 21.2GW in deployment of new solar projects within just 6 years to reach their target of 45-47 GW, by 2030. To support this growth, an extra 23-27 GW of battery storage is needed by 2030 to provide flexible capacity.</p>
Principles regarding	<p>During construction, temporary construction compounds will be required every 1-3 km approximately, as well as temporary</p>

proposed access for substation works and the cable route.	<p>roadways, to enable access to all land. It is anticipated that there will be six main compounds that are distributed at approximately equal distances along the cable route to facilitate proper construction management. Smaller temporary compounds may also be located anywhere within the final working area. The extension of Bicker Fen substation will include a perimeter access road amid the new generation bay and control room.</p> <p>The Applicant will submit with the application Works Plans (<a href="#">AS-006</a>) and Outline Design Principles within the Design and Access Approach Document (<a href="#">AS-019</a>).</p>
Planning history	<p>The Applicant has provided a list of past planning decisions for the land within the proposed Order Limits (see <b>Appendix 21</b>) based on the online public register along with information held by the Applicant relating to historical consents at the Proposed Development Site.</p>
List of requirement discharge documents – agreement to principle	<p>The Applicant has provided a list of documents to be submitted at requirement discharge stage (see <b>Appendix 32</b>) that are proposed to mitigate likely effects or provide enhancement or policy benefits. The <u>Draft</u> DCO (<a href="#">AS-008</a>) sets out the proposed timings and contents of these documents.</p> <p>The Applicant will submit outline versions of the Landscape and Ecological Management Plan (<a href="#">APP-089</a>), Construction Environmental Management Plan (<a href="#">APP-077</a>), Construction Traffic Management Plan (<a href="#">APP-159</a>), Soil Management Plan (<a href="#">APP-176</a>), Skills, Supply Chain and Employment Plan (<a href="#">APP-179</a>) and Decommissioning Environmental Management Plan (<a href="#">APP-078</a>), with the Application, on which BBC will provide comments during examination. The Applicant will also submit the Biodiversity Net Gain Strategy (<a href="#">APP-280</a>).</p>
National planning policy	<p>It is agreed that the following National Policy Statements ('NPSs') are relevant to the Application and provide the primary basis for decisions by the SoS in relation to the Application:</p> <ul style="list-style-type: none"> <li>• The Overarching NPS for Energy (EN-1);</li> <li>• The NPS for Renewable Energy Infrastructure (EN-3);and</li> <li>• The NPS for Electricity Networks Infrastructure (EN-5).</li> </ul> <p>It is agreed that the National Planning Policy Framework (December 2024) may also be relevant to the consideration of the Application.</p>
Local development plan policy	<p>It is agreed that section 104 of the PA 2008 states that the SoS must have regard to other matters that are 'important and relevant', and it is agreed that that includes the development plan in force in the area. It is also agreed that EN-1 is clear that in the event of any conflict between a NPS and a local development plan document, the NPS prevails for the purpose of SoS decision-making given the national significance of the infrastructure concerned.</p>

It is agreed that the South East Lincolnshire Local Plan 2011-2036 is the development plan in force within the administrative area of BBC.

It is further agreed that the following policies from South East Lincolnshire Local Plan are most relevant to the Proposed Development.

- 1 - Spatial Strategy (Part D)
- 2 - Development Management
- 3 - Design of New Development
- 4 - Approach to Flood Risk
- 28 - The Natural Environment
- 29 - The Historic Environment
- 30 - Pollution
- 31 - Climate Change and Renewable and Low Carbon Energy
- 32 - Community, Health and Wellbeing

## 4. BBC: Matters not yet agreed ~~during Pre-Application Stage~~

4.1.1 The below Table 4.1 contains a list of 'matters not yet agreed' correct at the date of the submission of the Application along with a concise commentary of what the item refers to and how it came to be agreed between the two parties.

**Table 4.1 – List of Matters not yet agreed during Pre-Examination Stage**

<b><u>MATTER</u></b>	<b><u>BBC POSITION</u></b>	<b><u>APPLICANT POSITION</u></b>
<u>The content of requirements</u>	<u>The specific drafting of the requirements in Schedule 2 of the <b>Draft DCO (AS-008)</b> is not yet agreed.</u>	<u>The Applicant will continue to engage constructively and regularly with BBC officers and seek to reach agreement on the matters within Schedule 2 during examination.</u>
<u>Procedure for discharge of DCO requirements</u>	<u>BBC would like to discuss the matter further.</u>	<u>The Applicant has provided the draft of the procedure for the discharge of DCO requirements in Part 2 of Schedule 2 of the <b>Draft DCO (AS-008)</b>. The Applicant has since proposed to include higher costs, which comprise £2,578.00 for the first application for the more complex requirements, £588 for subsequent applications for those more complex requirements and £298 for any other requirements.</u>
<u>Loss of BMV</u>	<p><u>Loss of high grade BMV is a concern to BBC. The ES identifies the loss of BMV as significant adverse effect, to which BBC agrees.</u></p> <p><u><b>ES Chapter 14 (APP-065)</b> confirms at paragraph 14.4.7 that no detailed soil survey of the cable corridor of the Bicker Fen Substation extension site has been carried out. Paragraph 14.6.8 confirms a detailed soil survey of the cable corridor will be carried out pre-construction.</u></p> <p><u>BBC questions how the use of BMV has been minimised in relation to the Substation extension site and the southern</u></p>	<p><u>The Applicant has sought to minimise impacts on BMV land through the selection and design of the Site, as evidenced through <b>Appendix 2: Site Selection Report of the Planning Statement Document (APP-277)</b> and the <b>Design and Access Approach Document (AS-019)</b>, and through the measures within <b>Appendix 14.4: Outline Soil Management Plan ('OSMP') (APP-176)</b> and secured by a requirement in Schedule 2 to the <b>Draft DCO (AS-008)</b>.</u></p> <p><u>With regards to the Bicker Fen substation extension works, the precise location and extent of the works (and subsequent effects for the loss of BMV) is subject to NGET's detailed design process. As such and in accordance with paragraph 4.3.12 of EN-1 and the Rochdale Envelope principles set out in NSIP Advice Note 9, the ES has assessed the likely worst-case effects of the Proposed Development.</u></p> <p><u>The Cable Route Corridor has been designed wider than the working width for</u></p>



	<p><u>extent of the cable corridor without detailed soil surveys.</u></p> <p><u>BBC considers that an ALC survey is required including cable corridor and substation extension site, to inform avoidance and minimisation.</u></p>	<p><u>the cable trenches to allow for routing to factor in the various planning, environmental and technical constraints that need to be considered. With regards to BMV land specifically, the results of the Cable Route Corridor ALC survey, which will be carried out pre construction, will identify the grading of the land. All factors will be considered together and the use of higher grade land will be avoided, where practicable, having regard to the purpose of the infrastructure (in line with NPS policy). Within the Construction Compound areas, lower quality land will be used for the siting of design features involving soil disturbance, where possible and proportionate.</u></p>
<p><u>Mitigation for the temporary loss of BMV</u></p>	<p><u>BBC considers that reinstatement of BMV needs to be to the same Agricultural Grade as the land was prior to commencement.</u></p> <p><u>Section 7.6 of the oSMP (APP-176) states that ‘By following the measures included below, impacts on the agricultural capability of the land can be mitigated and the Site can be returned to agricultural use after decommissioning’ (7.6.1).</u></p> <p><u>BBC supports NE advice that ‘this reinstatement commitment should specify that all agricultural land to be restored will be returned to it’s original ALC grade, informed by the pre-development ALC surveys.’</u></p> <p><u>BBC supports NE advice that the ‘Applicant to update the oSMP to make clear commitment to restoring the original ALC grade of all restored agricultural land.’</u></p> <p><u>BBC also suggests that this is specified within Requirement 16.</u></p>	<p><u>Following cable instalment, access tracks would be removed and the land returned to agricultural use. Suitable agricultural land drainage will be reinstated repaired as part of the restoration works and will be included in the detailed in <b>Appendix 2.4: OCEMP (APP-077)</b>, which are secured through a Requirement in the <b>Draft DCO (AS-008)</b>.</u></p> <p><u>Infrastructure from the Proposed Development would be removed at decommissioning, as details of this are outlined in <b>Appendix 2.5: ODEMP (APP-078)</b>.</u></p> <p><u>Following decommissioning, the soils will be reinstated to match the baseline soil profile characteristics of soil type, horizon depth and soil structure. The resulting ALC grade is dependent on future climatic conditions. Returning to the previous ALC grade is only possible if the climatic data set for ALC grade calculations remains constant, and climatic interactions such as soil water regime and flooding are also the same as the baseline conditions. Both are external factors that cannot be controlled by the Applicant. External management from the local drainage boards is also a key requirement for the soils within the Order Limits retaining their ALC grade. Returning soils to their previous ALC grade would therefore also require the drainage boards maintaining the required water</u></p>

<p><u>Mitigation of Landscape and Visual Effects of the Bicker Fen Substation Extension</u></p>	<p><u>BBC are concerned regarding the landscape and visual effect of the extension to the Bicker Fen Substation. Both the AIS and GIS Design options are 15 metres high as is the cable sealing end. Plantation Removal Plan ST 19595-381 REV1 shows the removal of:</u></p> <ul style="list-style-type: none"> <li><u>• 0.71 ha of woodland and grassland/scrub to the South of the Substation;-</u></li> <li><u>• 0.29 ha of grassland/scrub to the west of the substation;</u></li> <li><u>• 0.76 ha of grassland/semi-improved grassland to the south of the Substation; and</u></li> <li><u>• A line of trees totalling 0.17 ha to the south of the substation.</u></li> </ul> <p><u>BBC notes that the embedded mitigation is Design, OLEMP, OCEMP and ODEMP, but there is no additional mitigation or a Landscape Strategy Plan for the extension to the Substation. The OLEMP mentions no mitigation just summarises the removal, the retention of a line of trees and what the effect is.</u></p>	<p><u>table levels. For these reasons, it is not possible for the Applicant to take on responsibility for attaining a specific ALC grade some years in the future but instead can take on responsibility for a particular good practice process of soil management.</u></p> <p><u><b>Figure 6.32 Vegetation Removal Plan (APP-236 to APP-238)</b> has been updated and submitted at Deadline 1 to clarify the potential loss of vegetation on the South Forty Foot Drain.</u></p> <p><u><b>ES Chapter 6 Landscape and Visual (APP-057)</b> reports significant visual effects as a result of close to middle distance views of construction activity associated with the Bicker Fen Substation extension. On completion of the construction phase, the presence of the Bicker Fen Substation will be visible but perceived in relation to the context of the existing substation and associated large scale energy infrastructure in views.</u></p> <p><u>The location and extent of the Bicker Fen substation extension works is subject to NGET's detailed design process, and the precise extent and locations of vegetation removal will therefore be confirmed at that stage.</u></p> <p><u>As such, the extent of vegetation indicated represents a worst-case scenario to provide flexibility as set out in paragraph 2.4.5 of the <b>Appendix 6.7 Outline Landscape and Ecological Management Plan (oLEMP) (APP-089)</b>. Within the Cable Route Corridor the maximum width of vegetation removal will be 30m each place where the Cable Route crosses vegetation as set out in para. 2.4.6 of the <b>oLEMP (APP-089)</b>. This width also allows for the implementation of any associated infrastructure such as the haul road.</u></p> <p><u>Mitigation for both landscape and visual effects will include the implementation of measures in <b>Appendix 2.4: Outline Construction Environment Management Plan (oCEMP) (APP-077)</b> and the <b>oLEMP (APP-089)</b>. A line of mature vegetation will be retained along the southern boundary of</u></p>
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	<p><u>BBC considers that there is therefore no mitigation for the landscape and visual effects of the extension to the Substation.</u></p> <p><u>BBC considers that mitigation measures should be included either through site specific measures or via contributions secured via S106 Agreement.</u></p>	<p><u>the Bicker Fen Substation extension to provide partial screening/filtering of views as perceived from receptors to the south west, south and south east of the Bicker Fen Substation.</u></p> <p><u>The Applicant will continue to engage constructively with BBC in relation to the provision of appropriate mitigation measures.</u></p>
<p><u>Mitigation on of Visual Effects to sensitive receptors Residential Properties (R10, 11, 12, 13.14 &amp; 15) and PROW (Bick 2/1)</u></p>	<p><u>BBC notes that mitigation is in the form of retention of existing vegetation and replacement within 2 years of vegetation removed within the cable corridor. BBC questions whether this is sufficient mitigation.</u></p> <p><u>BBC requests that extra mitigation measures are included either through site specific measures or via contributions secured via S106 Agreement.</u></p>	<p><u>Mitigation for and visual effects will include the implementation of measures in <b>Appendix 2.4: oCEMP (APP-077)</b> and <b>Appendix 6.7 Outline oLEMP (APP-089)</b>. These measures will include the replacement of hedgerows lost during the construction phase. Detailed versions of these documents are secured by requirement in the <b>Draft DCO (AS-008)</b>.</u></p> <p><u>The Applicant will continue to engage constructively with BBC in relation to the provision of appropriate mitigation measures.</u></p>
<p><u>Vegetation removal at the extension to Bicker Fen Substation.</u></p>	<p><u>BBC does not consider that Vegetation Removal Plan 6.4.43c Fig 6.32 clearly shows the same vegetation removed as above, as it is difficult to distinguish between removal and retention with the potential for all vegetation to be removed.</u></p> <p><u>BBC requests further clarification on Vegetation Removal Plans for the extension to Bicker Fen Substation.</u></p>	<p><u>The extent of vegetation removal associated with the Bicker Fen Extension is shown in the Vegetation Removal Plan (<b>APP-236 to APP-238</b>). This plan is based on 6.3.18 Appendix 6.6 <b>Arboricultural Impact Assessment (APP-088)</b> which includes the identification of relevant vegetation within the Order Limits. To provide further clarity, as set out in para. 2.4.5 of the <b>oLEMP (APP-089)</b> the extent of vegetation indicated represents a worst-case scenario to provide flexibility. The precise extent and locations of vegetation removal will be confirmed during detailed design.</u></p> <p><u>A <b>Plantation Removal Plan (APP-037)</b> has also been provided which shows the proposed extent of removal in relation to vegetation/habitat types in plan form and also superimposed on aerial photography.</u></p>

		<p><u>Assumptions relating to vegetation removal and the assessment of landscape and visual effects associated with the Bicker Fen Substation extension options are set out in para. 2.49 of <b>Appendix 6.7 Outline Landscape and Ecological management Plan (APP-089)</b>. This assessment assumes the introduction of an air insulated switchgear (AIS) substationA option which represents the worst case scenario in terms of land take and vegetation removal.</u></p>
<p><u>Vegetation removal at South Forty Foot Drain LWS</u></p>	<p><u>Vegetation Removal Plan 6.4.43c Fig 6.32 (APP-237) appears to show the removal of all vegetation within the LWS South Forty Foot Drain when HDD crossing is Proposed.</u></p> <p><u>BBC requests further clarification on Vegetation Removal Plans for South Forty Foot Drain.</u></p>	<p><u><b>Figure 6.32 Vegetation Removal Plan (APP-236 to APP-238)</b> has been updated and will be submitted alongside the <b>Applicant Responses to Relevant Representations (Document Ref: 9.2)</b> at Deadline 1 to clarify the potential loss of vegetation on the South Forty Foot Drain.</u></p> <p><u>As set out in the <b>oCEMP (APP-077)</b>, trenchless methods such as auger boring, Horizontal Directional Drilling (HDD) or micro-tunnelling will be deployed to cross Hodge Dike, Heckington Eau and South Forty Foot Drain. Therefore, there will be no requirement to remove existing vegetation on the South Forty Foot Drain.</u></p> <p><u>To provide further clarity, as set out in para. 2.4.5 of the <b>oLEMP (APP-089)</b> the extent of vegetation indicated represents a worst-case scenario to provide flexibility. The precise extent and locations of vegetation removal will be confirmed during detailed design. Within the Cable Route Corridor the maximum width of vegetation removal will be 30m each place where the Cable Route crosses vegetation as set out in para. 2.4.6 of the <b>oLEMP (APP-089)</b>. This width also allows for the implementation of any associated infrastructure such as the haul road.</u></p>
<p><u>BNG within BBC</u></p>	<p><u>BBC welcomes the Applicants commitment to BNG, in the Biodiversity Net Gain Strategy (APP-280) particularly as BNG is not yet a mandatory</u></p>	<p><u>The <b>Biodiversity Net Gain Strategy (APP-280)</b> sets out the Applicant's approach to successfully delivering its BNG commitments in relation to the Proposed Development.</u></p>

	<p><u>requirement for NSIPs. However, none of that BNG benefits the Borough as all of the measures are outside of its administrative area.</u></p> <p><u>BBC considers that BNG measures should be included that benefit the Borough either through site specific measures or via contributions secured via S106 Agreement.</u></p>	<p><u>The BNG strategy was built from the principles of linking up habitats on and off site to enhance the populations of protected species at a landscape scale not defined by administrative boundaries. For example, hedgerow enhancements will be of benefit to commuting bats, watercourse enhancements should benefit riparian mammals, of which otters are a qualifying feature of the Wash and Nort Norfolk Coast Special Area of Conservation (SAC) east of Boston.</u></p> <p><u>Whilst the Applicant has committed to above the minimum requirement for BNG (which is not yet a requirement for NSIP), part of this includes the management of enhancements for a 30 year period.</u></p> <p><u>The Applicant acknowledges this request and will continue to engage constructively with BBC in relation to the approach to achieve BNG which benefits wildlife across Lincolnshire.</u></p>
<p><u>Outline Skills, Supply Chain and Employment Plan</u></p>	<p><u>BBC welcomes the OSSCEP but are uncertain about how the overarching positive impacts will benefit members of the local community within the BBC area.</u></p> <p><u>BBC requests that an Employment Skills and Education Contribution secured via S106 Agreement.</u></p>	<p><u>As set out in <b>ES Chapter 15 Socio-economics (APP-066)</b> the Proposed Development will result in significant benefits for the workforce, businesses and residents of Boston Borough as a result of the employment generated during construction and resulting Gross Value Added (GVA).</u></p> <p><u><b>Appendix 15.3 Outline Skills, Supply Chain and Employment Plan (OSSCEP) (APP-179)</b> discusses the beneficial impacts from employment creation, aims at reducing influx of workers and mitigates impacts related to loss of employment. The OSSCEP is secured via Requirement 17 in Schedule 2 of the <b>Draft DCO (AS-008)</b>.</u></p> <p><u>The Applicant requests that BBC provide justification regarding their request for the SSCEP to be secured via S106 Agreement and why it is not already appropriately addressed in the OSSCEP.</u></p>
<p><u>Impact of Construction Activities</u></p>	<p><u>BBC are concerned about the significant disruption that will be</u></p>	<p><u>Further to the mitigation measures embedded in the design of the project, each technical chapter of the <b>ES Chapters</b></u></p>



	<p><u>caused to the community during the construction phase taking account of construction timelines being for the extension works to Bicker Fen Substation are proposed to take 60 weeks and generally 2.5 to 5 years.</u></p> <p><u>BBC are also concerned over the potential for Cumulative Impact of Construction Activities form as number of NSIP Projects within the area.</u></p> <p><u>BBC seeks clarification and reassurance from the Applicant that all has been done that is possible to ensure that adequate construction impact management and mitigation is in place and secured within the Requirements of the draft DCO.</u></p>	<p><u><b>6 to 16 (APP-057 to APP-067)</b> has considered the need for additional mitigation measures where necessary. Table 19.1 of ES Chapter 19: Summary of Significant Environmental Effects summarises the additional mitigation proposed and confirms how this is secured within the <b>Draft DCO (AS-008).</b></u></p> <p><u><b>ES Chapters 6 to 17 (APP-057 to APP-068)</b> assess any direct, indirect, individual and cumulative impacts of the Proposed Development on landscape and visual, ecology, cultural heritage and archaeology, access and traffic, noise and vibration, water resources, climate change, glint and glare, soils and agricultural land, socio-economics and air quality, as well as other environmental topics including waste, health and electromagnetic fields. <b>ES Chapter 18: Cumulative Effects (APP-069)</b> sets out the assessment of cumulative impacts of the Proposed Development and developments within the surrounding area is assessed</u></p> <p><u><b>ES Chapter 9: Access and Traffic (APP-060)</b> and <b>ES Chapter 18: Cumulative Impacts (APP-069)</b> consider the potential cumulative traffic impacts of the Proposed Development and concludes that intra-cumulative effects would be negligible and not significant. No significant inter-cumulative effects were identified as a result of the cumulative impact assessment for the Proposed Development, including Heckington Fen Solar Farm.</u></p>
<u>Local benefits</u>	<p><u>BBC would like the development to maximise benefits for local people and businesses for hosting the infrastructure.</u></p>	<p><u>The Applicant has consulted extensively with BBC throughout the pre-application process and will continue to constructively engage with BBC. The Applicant will review the Local Impact Report from BBC when published to understand the detailed request regarding local benefits.</u></p>

INSERT SIGNATURE

Signed: NAME

On behalf of: Boston Borough Council

Date:

INSERT SIGNATURE

Signed: NAME

On behalf of: Beacon Fen Energy Park Ltd

Date:

# Appendices

## Appendix 1 – Procedure for Discharge of DCO Requirements

WITHOUT PREJUDICE TO APPLICANT'S FINAL SUBMISSION VERSION

### PROCEDURE FOR DISCHARGE OF REQUIREMENTS

#### Interpretation

##### ~~19. In this Part of this Schedule—~~

~~“discharge” means any consent, agreement or approval required by—~~

- ~~(a) a requirement;~~
- ~~(b) a document referred to by a requirement; or~~
- ~~(c) a document that has been approved pursuant to a requirement;~~

~~“requirement consultee” means any body or authority named in a requirement as a body to be consulted by the relevant planning authority in discharging that requirement; and~~

~~“start date” means the date of the notification given by the Secretary of State under paragraph 22(2)(c).~~

#### Applications made under requirement

~~20. Where an application has been made to the relevant planning authority for any discharge, the relevant planning authority must give notice to the undertaker of its decision on the application within a period of ten weeks beginning with the later of—~~

- ~~(a) the day immediately following that on which the application is received by the authority;~~
- ~~(b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 21; or~~
- ~~(c) such longer period that is agreed in writing by the undertaker and the relevant planning authority.~~

~~(2) Subject to paragraph 22, in the event that the relevant planning authority does not determine an application within the period set out in sub-paragraph (1), the relevant planning authority is to be taken to have granted all parts of the application (without any condition or qualification) at the end of that period.~~

~~(3) Any application made to the relevant planning authority pursuant to sub-paragraph (1) must—~~

- ~~(a) include a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement and if it will then it must be accompanied by information setting out what those effects are; and~~
- ~~(b) include confirmation that the application has been notified and provided to the requirement consultees in accordance with sub-paragraph (5), if the provision governing or requiring the application specifies that consultation with a requirement consultee is required (such confirmation to include contact details for the requirement consultees).~~

~~(4) Where an application has been made to the relevant planning authority for any discharge and the relevant planning authority does not determine the application within the period set out in sub-paragraph (1) and the application is accompanied by a report pursuant to sub-paragraph (3)(a) which states that the subject matter of such application is likely to give rise to any materially new or materially different environmental effects compared to those in the environmental statement then the application is to be taken to have been refused by the relevant planning authority at the end of that period.~~

~~(5) Where an application has been made to the relevant planning authority for any discharge, the undertaker will also submit a copy of that application to any requirement consultee.~~

### **Further information and consultation**

~~21.— In relation to any application to which this Schedule applies, the relevant planning authority may request such reasonable further information from the undertaker as is necessary to enable it to consider the application.~~

~~(2) In the event that the relevant planning authority considers such further information to be necessary and the provision governing or requiring the application does not specify that consultation with a requirement consultee is required, the relevant planning authority must, within 20 working days of receipt of the application, notify the undertaker in writing specifying the further information required.~~

~~(3) If the provision governing or requiring the application specifies that consultation with a requirement consultee is required, the relevant planning authority must issue the consultation to the requirement consultee within 10 working days of receipt of the application, and must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or that is requested by the requirement consultee within 10 working days of receipt of such a request and in any event within 20 working days of receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority).~~

~~(4) In the event that the relevant planning authority does not give notification as specified in sub-paragraph (2) or (3) it is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.~~

~~(5) Where further information is requested under this paragraph in relation to part only of an application, that part is to be treated as separate from the remainder of the application for the purposes of calculating time periods in paragraph 20 and paragraph 21.~~

### **Appeals**

~~22.— The undertaker may appeal in the event that —~~

- ~~(a) the relevant planning authority refuses an application for any discharge or grants it subject to conditions;~~
- ~~(b) the relevant planning authority is deemed to have refused an application pursuant to paragraph 20(4);~~
- ~~(c) on receipt of a request for further information pursuant to paragraph 21 the undertaker considers that either the whole or part of the specified information requested by the relevant planning authority is not necessary for consideration of the application; or~~
- ~~(d) on receipt of any further information requested, the relevant planning authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.~~

~~(2) The steps to be followed in the appeal process are as follows —~~

- ~~(a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision or the determination, or (where no determination has been made) the expiry of the time period set out in paragraph 20(1), giving rise to the appeal referred to in sub-paragraph (1);~~
- ~~(b) the undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the relevant planning authority and any requirement consultee;~~
- ~~(c) the Secretary of State must appoint a person to determine the appeal as soon as reasonably practicable and must forthwith notify the appeal parties of the identity of the appointed person and the address to which all correspondence for the appointed person's attention should be sent;~~
- ~~(d) the relevant planning authority and any requirement consultee must submit written representations to the appointed person in respect of the appeal within 10 working days of the start date and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;~~
- ~~(e) the undertaker may make any counter submissions to the appointed person within 10 working days of receipt of written representations pursuant to sub-paragraph (d);~~
- ~~(f) the appointed person must make their decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable; and~~

~~(g) the appointment of the person pursuant to sub-paragraph (c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.~~

~~(3) In the event that the appointed person considers that further information is necessary to enable the appointed person to consider the appeal they must as soon as reasonably practicable, notify the appeal parties in writing specifying the further information required.~~

~~(4) Any further information required pursuant to sub-paragraph (3) must be provided by the relevant party to the appointed person and the other appeal parties on the date specified by the appointed person (the “specified date”), and the appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal must require submission of written representations to the appointed person within 10 working days of the specified date, but otherwise the process and time limits set out in sub-paragraphs (d) to (f) of sub-paragraph (2) apply.~~

~~(5) The appointed person may—~~

~~(a) allow or dismiss the appeal; or~~

~~(b) reverse or vary any part of the decision of the relevant planning authority (whether the appeal relates to that part of it or not),~~

~~and may deal with the application as if it had been made to them in the first instance.~~

~~(6) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the relevant time limits.~~

~~(7) The appointed person may proceed to a decision even though no written representations have been made within the relevant time limits, if it appears to them that there is sufficient material to enable a decision to be made on the merits of the case.~~

~~(8) The decision of the appointed person on an appeal is to be final and binding on the parties, unless proceedings are brought by a claim for judicial review.~~

~~(9) If an approval is given by the appointed person pursuant to this Schedule, it is to be deemed to be an approval for the purpose of Part 1 of this Schedule as if it had been given by the relevant planning authority. The relevant planning authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) is not to be taken to affect or invalidate the effect of the appointed person’s determination.~~

~~(10) Save where a direction is given pursuant to sub-paragraph (11) requiring the costs of the appointed person to be paid by the relevant planning authority, the reasonable costs of the appointed person must be met by the undertaker.~~

~~(11) On application by the relevant planning authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to advice on planning appeals and award costs published in Planning Practice Guidance: Appeals (March 2014) or any circular or guidance which may from time to time replace it.~~

## Fees

**23.** ~~Where an application is made to the relevant planning authority for any consent, agreement or approval required by a requirement, a fee is to apply and must be paid to the relevant planning authority for each application.~~

~~(2) The fee payable for each application under sub-paragraph (1) is as follows—~~

~~(a) a fee of £298 for an application pursuant to a requirement expressed as able to be discharged in respect of a “part” of the authorised development, where that application relates to a part of the full extent of the authorised development that is comprised within that relevant planning authority’s area;~~

~~(b) a fee of £894 for an application pursuant to a requirement expressed as able to be discharged in respect of a “part” of the authorised development, where that application relates to the full extent of the authorised development that is comprised within that relevant planning authority’s area; and~~

~~(c) a fee of £894 for an application pursuant to any other requirement.~~

~~(3) Any fee paid under this Part of this Schedule must be refunded to the undertaker within four weeks of—~~



~~(a) the application being rejected as invalidly made; or~~

~~(b) the relevant planning authority failing to determine the application within the relevant period in paragraph 20(1);~~

~~unless within that period the undertaker agrees, in writing, that the fee is to be retained by the relevant planning authority and credited in respect of a future application.~~

~~(4) The fees specified in sub-paragraph (2) shall be adjusted on each anniversary of the date this Order comes into force by a percentage equal to the index value of the Consumer Price Index (CPI) most recently published prior to that anniversary, provided that in no event shall any annual adjustment exceed 5%.~~

## Appendix 2.1 – Planning History

The table below sets out the planning history within the redline boundary for the portion of Beacon Fen Energy Park that sits within Boston Borough Council.

### Boston Borough Council

REFERENCE NUMBER	ADDRESS	DESCRIPTION OF DEVELOPMENT	APPLICANT NAME	STATUS
B/25/0054	Gauntlet Solar Farm, Land at nr Bicker Fen, Bicker, Boston PE20 3PQ	Screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) with regard to the proposed development for a Solar Farm and Battery Energy Storage System (BESS)	Third Revolution Projects	EIA not required 10/03/2025
B/24/0374	Land North of Bicker Drove, Boston PE20 3BQ	Temporary planning permission for a period of 40 years for the erection of an Energy Storage System (ESS), with associated infrastructure, site levelling works, site access, landscaping and ancillary works	Net Zero Twenty Two Limited	Approved 05/02/2025
B/24/0363	Land to the south east of Vicarage Drove, Bicker Bar, Boston	Proposed development of a battery energy storage system and associated infrastructure	Vicarage Drove BESS Limited	Approved 05/02/2025
B/24/0415	Land off Vicarage Drove, Bicker Fen, Bicker, Boston	Proposed installation and operation of a Battery Energy Storage System (BESS) and ancillary infrastructure and landscaping and biodiversity enhancements	FRV Powertek	Approved 05/02/2025
B/22/0356/NMA	Land to the west of Cowbridge Road, Bicker, Boston	Application under s96a for minor amendments to the approved layout following approval B/22/0356 (Proposed Development Of Solar Array, Grid Connection, Access Improvements Works and Ancillary Development On Land At Bicker Fen, Boston And South Holland)	AGR Solar 2 Limited	Approved 30/09/2024

B/24/0266	Land off Vicarage Drove, Bicker Fen, Boston	Screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 to seek clarification on whether the works associated with the proposals to construct a Battery Energy Storage System (BESS) would require an EIA	AECOM	EIA Development 25/07/2024
B/24/0245	Bicker Fen, Land off Vicarage Drove, Bicker Fen, Boston	Screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) with regard to the proposed development of a temporary Energy Storage System (ESS) for a period of up to 40 years, together with associated infrastructure, site levelling works, site access, landscaping and ancillary works	Tetra Tech	Non EIA Development 18/07/2024
B/22/0356/CD4	Land to the west of Cowbridge Road, Bicker, Boston	Application to discharge conditions C16 (Lighting), C17 (Tree Planting), C18 (Landscape and Ecological Management Plan) and C19 (Skylark Mitigation) of permission B/22/0356	AGR Solar 2 Limited	Approved (Partly) 16/07/2024
B/24/0231	Bicker Fen BESS, Land off Vicarage Drove, Bicker Fen, Boston	Screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) with regard to the proposed development of a battery energy storage system (BESS) with a capacity of up to 400 megawatts (MW)	Stantec UK Ltd	Non EIA Development 08/07/2024
B/22/0356/CD5	Land to the west of Cowbridge Road, Bicker, Boston	Application to discharge conditions C13 (Construction Management Plan) and C14 (Public Highways) of permission B/22/0356	AGR Solar 2 Limited	Approved 05/07/2024
B/22/0356/CD6	Land to the west of Cowbridge Road, Bicker, Boston	Application to discharge condition C8 (Highways Safety - Construction and Decommissioning) of permission B/22/0356	AGR Solar 2 Limited	Approved 05/07/2024
B/21/0443/CD4	Land North West of Bicker, Vicarage Drove Solar Farm	Application to discharge Conditions 10 (Archaeological Investigation), C11 (Archaeological Evaluation) & C12 (Detailed Site Layout Plan) of permission B/21/0443	Vicarage Drove Energy Centre Limited	Accepted 03/07/2024
B/21/0443/CD5	Land North West of Bicker, Vicarage	Application to discharge Conditions C7 (Material Development Plan) & C8 (Construction Management Plan) of permission B/21/0443	Vicarage Drove Energy Centre Limited	Accepted 02/07/2024

	Drove Solar Farm, Bicker, Boston			
B/22/0198/CD2	Land adj North West of Bicker Fen Substation, Bicker, Boston PE20 3BQ	Application to discharge conditions C3 (Selected Route Plan) and C4 (Construction Method Statement) of Permission B/22/0198 (Construction and installation of a 132kV underground electrical cable to connect Bicker Solar Farm to Bicker Fen Substation)	Vicarage Drove Energy Centre Limited	Approved 23/05/2024
B/21/0443/CD7	Land North West of Bicker, Vicarage Drove Solar Farm, Bicker, Boston	Application to discharge Condition 18 (Skylark Mitigation) of permission B/21/0443	Vicarage Drove Energy Centre Limited	Accepted 15/05/2024
B/21/0443/CD6	Land North West of Bicker, Vicarage Drove Solar Farm, Bicker, Boston	Application to discharge Conditions C15 (Landscaping Scheme) of permission B/21/0443	Vicarage Drove Energy Centre Limited	Accepted 07/05/2024
B/22/0198/CD3	Land adj North West of Bicker Fen Substation, Bicker, Boston PE20 3BQ	Application to discharge condition C6 (Construction Ecological Management Plan) of Permission B/22/0198 (Construction and installation of a 132kV underground electrical cable to connect Bicker Solar Farm to Bicker Fen Substation)	Vicarage Drove Energy Centre Limited	Approved 30/04/2024
B/22/0356/CD3	Land to the west of Cowbridge Road, Bicker, Boston	Application to discharge condition C12 (Foul & Surface Water Drainage Scheme) of permission B/22/0356	AGR Solar 2 Limited	Approved 25/03/2024
B/22/0198/CD1	Land adj North West of Bicker Fen Substation, Bicker, Boston PE20 3BQ	Application to discharge condition C5 (Scheme of Archaeological Investigation) of B/22/0198 (Construction and installation of a 132kV underground electrical cable to connect Bicker Solar Farm to Bicker Fen Substation)	Vicarage Drove Energy Centre Limited	26/02/2024
B/23/0423	Land to South of Vicarage Drove, Bicker, Boston PE20 3BF	Screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for proposed development of a battery storage facility	Axis	EIA Development 23/01/2024

B/22/0356/CD1	Land to the west of Cowbridge Road, Bicker, Boston	Application to discharge condition 20 (Training and Employment Management Plan) of permission B/22/0356	AGR Solar 2 Limited	Approved 22/12/2023
B/22/0356/CD2	Land to the west of Cowbridge Road, Bicker, Boston	Application to discharge condition 20 (Training and Employment Management Plan) of permission B/22/0356	AGR Solar 2 Limited	Approved 22/12/2023
B/23/0300	Land South of Little Hale Drove, Vicarage Drove, Bicker Fen, Boston, PE20 3BF	Proposed Development of a Photovoltaic Solar Array, Grid Connection, Access Improvements and Ancillary Development on Land at Little Hale Fen, North Kesteven, Lincolnshire	Axis	Validated 30/08/2023
B/22/0356	Land to the west of Cowbridge Road, Bicker, Boston	Proposed Development Of A Photovoltaic Solar Array, Grid Connection, Access Improvements Works and Ancillary Development on Land At Bicker Fen, Boston And South Holland	AGR Solar 2 Limited	Approved 21/07/2023
B/22/0198	Land adj North West of Bicker Fen Substation, Bicker, Boston PE20 3BQ	Construction and installation of a 132kV underground electrical cable to connect	Renewable Connections Developments Ltd	23/09/2022
B/22/0276	South-West of Folkingham to Bicker Fen Bulk Supply Point, Boston PE20 3BF	Consultation EN010126 from the Planning Inspectorate to BBC for an Order granting Development Consent for the Temple Oaks Renewable Energy Park (the Proposed Development)	The Planning Inspectorate, Environmental Services	BBC Consultation Response 01/08/2022
B/21/0443	Land North West Of Bicker, Vicarage Drove Solar Farm	Proposed construction and operation of a solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substation compound, security cameras, fencing, access tracks and landscaping	Renewable Connections Developments Ltd	Accepted 17/02/2022
B/21/0412	Land to the North and West of Northorpe and to the West of Bicker	Request for a Screening Opinion under Regulation 6 of the Town and Country Planning (Environment Impact Assessment) Regulations 2017 for a proposed Solar Farm including grid connection cabling extending to the national grid substation	C/O Axis	EIA Development 11/10/2021

B/21/0121	Land at Vicarage Drove, Bicker, Boston, PE20 3BF	Screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for proposed solar farm, battery storage and associated infrastructure	Bowen	Non EIA 29/03/2021
B/19/0281	Land off Vicarage Drove, Bicker Fen, Boston, PE20 3BN	Construction of 20m by 15m fire appliance access and hardstanding near Triton Knoll substation	Triton Knoll Offshore Wind Farm Limited	Accepted 30/09/2019
B/17/0340	Land off Vicarage Drove, Bicker Fen, Boston, PE20 3BN	Installation of underground high voltage Direct Current cables for the Viking Link Interconnector project between proposed landfall at Boygriff in East Lindsey to a proposed converter station at North Ing Drove in South Holland; installation of underground alternating current cables from the converter station to the existing Bicker Fen 400 kV NGET Substation; as well as permanent access road to converter station, temporary facilities required during construction such as compounds and works areas are included within Boston Borough. (This application is for Environmental Impact Assessment development by virtue of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017	National Grid Viking Link Limited	Accepted 12/09/2018
B/18/0168	White House Barn, North Drove, Bicker, Boston, Lincolnshire, PE20 3BQ	Erection of two storey side extension	Mann	Accepted 20/06/2018
B/13/0424	Bicker Fen Substation, Vicarage Drove, Bicker Fen, Boston, PE20 3BF	Erection of a 25m high lattice tower, including 2 No. antenna dishes	Western Power Distribution	Accepted 05/02/2014
B/07/0731	Bicker Fen Wind Farm, Poplar Tree Farm, Bicker Drove, Bicker, Boston, Lincs	Application to vary position of the hard standings associated with the 13 wind turbines and associated development approved by permission B/03/0189 and erection of 57.5m high met. mast/tower. (Part retrospective)	Morleymor Fisher	Accepted 30/01/2008



B/07/0627	Land at VILLA FARM, Bicker Drove, Bicker, Boston, Lincolnshire, PE20 3BJ	Erection of 11,000 volt overhead line on wooden poles, with a tolerance of 30m either side of the route shown on drawing 130010617	Central Networks East	BBC Consultation 19/12/2007
B/07/0252	Land at Bicker Fen, Boston, Lincolnshire	Erection of 13 external transformers associated with approved wind turbines	Wind Prospect	Accepted 15/06/2007
B/07/0051	Land off Bicker Drove and near Poplartree Farm, Bicker, Boston	To erect an 11,000 volt overhead line on wood poles in the Parish of Bicker Fen with a tolerance of 30m either side of the route	Central Networks East	BBC Consultation no objections – 20/03/2007

### **Nationally Significant Infrastructure Projects**

REFERENCE NUMBER	ADDRESS	DESCRIPTION OF DEVELOPMENT	APPLICANT NAME	STATUS
EN010123	The site is located on land to the north of East Heckington and 3.5km south east of South Kyme.	The Proposed Development will comprise the construction, operation and decommissioning of a solar photovoltaic (PV) electricity generating facility exceeding 50 megawatt (MW) output capacity, together with associated energy storage. The installed capacity of the solar generation is expected to be in the order of 500MW.	Ecotricity (Heck Fen Solar) Limited	Granted 24/01/2025
EN020019 (Connect to same substation)	33km off the Lincolnshire coast to the Triton Knoll Substation in Lincolnshire	Triton Knoll Electrical System works are needed to transmit the electricity generated by the consented Triton Knoll Offshore Wind Farm to the National Grid. The Secretary of State for Energy and Climate Change directed on 14 November 2013 (in accordance with section 35) that these works require development consent under the Planning Act 2008. The electrical system will include: onshore and offshore buried export cables and associated works; an intermediate electrical compound to provide voltage stability and compensate for electrical losses; and a substation located in the vicinity of the grid connection point.	Triton Knoll Offshore Wind Farm Limited	Granted 06/09/2016

## Appendix ~~3~~2 – List of Requirement Discharge Documents

The list of documents proposed to be submitted at requirement discharge stage.

DOCUMENT
Landscape and ecological management plan
Biodiversity net gain strategy
Scheme of archaeological investigation
Construction environmental management plan
Construction traffic management plan
Operational Noise Assessment
Public Right of Way management plan
Soil management plan
Skills, supply chain and employment plan
Decommissioning environmental management plan