

BEACON FEN ENERGY PARK PROJECT (THE PROJECT)
DEADLINE 2 SUBMISSION
FIDRA ENERGY LIMITED

INTRODUCTION

1. Fidra Energy Limited (**Fidra**) has submitted a relevant representation (RR-020) (the **Relevant Representation**) and a written representation respect of the Application (REP1-040) (the **Written Representation**).
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 Relevant Representation and the Written Representation set out Fidra's concerns in respect of the Project and the Application.
3. Fidra is making this submission at Deadline 2 in respect of the following matters which are addressed in the following appendices:
 - (a) Appendix 1: Response to the Applicant's ISH1 Action Points (REP1-030); and
 - (b) Appendix 2: Response to the Examining Authority's (**ExA**) first round of written questions (PD-007).

APPENDIX 1

FIDRA ENERGY LIMITED'S RESPONSE TO THE APPLICANT'S ISH1 ACTION POINTS

1. Fidra welcomes the Applicant's response to ISH1 Action Point 8, which required the Applicant to: *"confirm it has considered Fidra Energy's BESS scheme proposal as part of the applicant's cumulative assessment, particularly the impacts of the proposed cabling routes into Bicker Fen Substation and how it proposes to resolve any potential issues in case both applications are developed"*.
2. However, the Applicant's response does not address the second part of the action point which required the Applicant to address how it proposes to resolve any potential issues in case both applications are developed. Fidra expects a response to this action point, and for this to be informed by discussions between the Applicant and Fidra. Fidra has sought to engage with the Applicant to inform this resolution, and is awaiting a substantive response from the Applicant.
3. Fidra welcomes the Applicant's commitment to a suitable resolution being reached and documented by the mid-point of the examination and Fidra welcomes further engagement from the Applicant in this regard.

APPENDIX 2

FIDRA ENERGY LIMITED'S RESPONSE TO THE EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS

Question	Fidra Energy Limited's Response
GCT.1.5	<p><i>Please provide an update on any submitted planning applications or consents granted since the application was submitted that could either affect the proposed development or be affected by the proposed development and whether these would affect the conclusions reached in the Environmental Statement (ES)</i></p> <p>Fidra expects that its planning application for the 1.2 GW Battery Energy Storage System (BESS) project located adjacent to the Bicker Fen Substation (the Fidra Project) (ref: B/25/0224) (the Planning Application) will be determined in November 2025. As set out in Fidra's Relevant Representation (RR-020) and Written Representation (rep1-040), the proposed development has the potential to adversely affect the Fidra Project.</p> <p>The adverse effect on the Fidra Project is not currently assessed in the environmental statement, and Fidra's position is that this should be assessed in accordance with Para 5.11.8 of NPS EN-1. Fidra's position is set out in further detail its Written Representation.</p> <p>Fidra reserves its right to comment on the Applicant's response to this question at Deadline 3.</p>
GCT.1.10	<p><i>The applicant has confirmed, at ISH1 and in the ES supporting documents, that an element of flexibility in relation to the delivery of the proposed development has been retained within the confines of a Rochdale Envelope. Although the ExA accepts that some flexibility is needed, can the applicant please explain what work has been carried out in order to minimise land take in relation to the proposed access route, as it appears to be wider in places?</i></p> <p>The Applicant has not justified in any of the application documents why it requires the full extent of land at Plot 18-11 for the delivery of Work No. 4A, why the order limits are so broad in this area or why it requires any flexibility in respect of Work No. 4A in this location.</p> <p>The ES does not include flexibility in relation to Work No. 4A; it assesses a worst case maximum working width of 30m. As highlighted in Fidra's Written Representation (REP1-040), the DCO does not currently secure this parameter (or other parameters associated with Work No.4A) and there is no justification within the application documents for the extent and width of the order limits for Work No. 4A or, from a land perspective, the extent of rights sought over Plot 18-11.</p> <p>Fidra reserves its right to comment on the Applicant's response to this question at Deadline 3.</p>

NED.1.5	<p><i>Most of the case for need as set out by the applicant is based on a national need analysis. Is there a case for local need and has any case for local or regional need taken into consideration the cumulative effects of other renewable energy generation proposals in the area?</i></p> <p>In considering the national, local and regional need for the proposed development and its proposed contribution to that need, consideration must be given to the potential sterilisation of the Fidra Project and the associated loss of 1.2GW of BESS capacity if the proposed development were to proceed and to sterilise the Fidra Project.</p> <p>Fidra reserves its right to comment on the Applicant's response to this question at Deadline 3.</p>
CA.1.1	<p><i>Section 122 of the Planning Act 2008 (PA2008) states that an order granting development consent may include provision authorising the Compulsory Acquisition (CA) of land only if the SoS is satisfied that the land:</i></p> <p><i>(a) is required for the development to which the development consent relates,</i></p> <p><i>(b) is required to facilitate or is incidental to that development, or</i></p> <p><i>(c) is replacement land which is to be given in exchange for the order land under section 131 or 132. And that there is a compelling case in the public interest for the land to be acquired compulsorily.</i></p> <p><i>Can the applicant please confirm that all of the land included within the Order Limits, as set out in the Land Plans [AS-005] and identified as subject to CA, meets the requirements set out in Section 122?</i></p> <p>In respect of Plot 18-11, Fidra's position is that this cannot currently be justified as the plot is more than 100 metres wide yet the ES only assesses a maximum working width for Work No.4A of 30 metres. Therefore, Fidra's position is that the acquisition of rights over Plot 18-11 does not meet the test in section 122 of the Planning Act 2008.</p> <p>Fidra reserves its right to comment on the Applicant's response to this question at Deadline 3.</p>
CA.1.8	<p><i>Do any APs have concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the applicant that would affect land that they own or have an interest in?</i></p> <p>Fidra has set out its position on the proportionality of the powers of compulsory acquisition sought over Plot 18-11 in Fidra's Relevant Representation (RR-020) and Written Representation (REP1-040), including in relation to the compelling case in the public interest which Fidra considers has not been made out given that the Fidra Site will allow for a significantly greater capacity of energy storage to be provided than that proposed as part of the proposed development.</p>

	Fidra reserves its right to comment on the Applicant's response to this question at Deadline 3.
DCO.1.3	<p><i>The applicant states that the proposed development has been designed to maintain flexibility and that design parameters have been set to support this. Can the applicant please provide the ExA with a table listing all those design parameters that the applicant wishes to use, alongside lower and upper limits for each parameter and a brief justification of why the applicant considers those parameters to be appropriate taking into consideration the 'Rochdale Envelope' approach?</i></p> <p>The ES does not include flexibility in relation to Work No. 4A; it assesses a worst case maximum working width of 30m. As highlighted in Fidra's Written Representation (REP1-040), the DCO does not currently secure this parameter (or other parameters associated with Work No.4A).</p> <p>Fidra reserves its right to comment on the Applicant's response to this question at Deadline 3.</p>
CU.1.5	<p><i>How has the applicant taken into consideration, in relation to need, the impact of other generating facilities located or proposed to be located within the vicinity of the proposed development?</i></p> <p>The Fidra Project would contribute 1.2GW of battery energy storage.</p> <p>Fidra's position is that consideration must be given to the potential sterilisation of the Fidra Project and the associated loss of 1.2GW of BESS capacity if the proposed development were to proceed and to sterilise the Fidra Project.</p> <p>Fidra reserves its right to comment on the Applicant's response to this question at Deadline 3.</p>

CMS CAMERON MCKENNA NABARRO OLSWANG LLP

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