

**BEACON FEN ENERGY PARK PROJECT (THE PROJECT)**  
**DEADLINE 3 SUBMISSION**  
**FIDRA ENERGY LIMITED**

**INTRODUCTION**

1. Fidra Energy Limited (**Fidra**) has submitted a relevant representation (RR-020) (the **Relevant Representation**), a written representation respect of the Application (REP1-040) (the **Written Representation**) and its deadline 2 submission (REP2-048) (the **Deadline 2 Submission**).
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:
  - (a) the Applicant's Comments on Written Representations (REP2-043); and
  - (b) the Applicant's Responses to Examining Authority's First Questions (**ExQ1**) (REP2-040).

**RESPONSE TO THE APPLICANT'S COMMENTS ON WRITTEN REPRESENTATIONS**

4. The Applicant's response to Fidra's Written Representation is set out at Table 8.1 of REP2-043.
5. Fidra welcomes the Applicant's:
  - (a) commitment to specific targeted survey work in the vicinity of the substation to inform cable routing possibilities which would facilitate a practical way forward for both projects; and
  - (b) confirmation that it requires a 30 metre working area for the construction of the Cable Route and then can reduce this down to only a 12 metre easement for the operation of the Proposed Development.
6. Fidra expects that these measures combined will provide further clarity on the siting and routeing of the cable route. However, the Applicant's comments do not address why Work No 4A currently covers such a broad area (over 100m in width) and why the entirety of Plot 18-11 is currently subject to compulsory acquisition. Fidra will continue to engage with the Applicant with a view to resolving this conflict.

***CNP Status and Mitigation Hierarchy***

7. In responding to Fidra's comments on the compelling case in the public interest, the Applicant provides a short response which references the Proposed Development's status as CNP and NSIP infrastructure. It is only the solar element of the Proposed Development which meets the NSIP threshold and is prescribed CNP status pursuant to the NPS.
8. Prior to the introduction of the Infrastructure Planning (Electricity Storage Facilities) Order 2020 (the **Order**), the Fidra Project (and the energy storage element of the Proposed Development) would also have met the NSIP threshold criteria. As the Explanatory Memorandum to the Order makes clear, the rationale for removing large-scale energy storage projects from the DCO regime was to ensure quicker and more proportionate consenting given the significance of such infrastructure; it does not mean that such infrastructure is less significant, just that a different

consenting regime applies. Therefore, the capacity contribution of the Fidra Project is material to both the planning case and the compulsory acquisition case for the Proposed Development.

9. In any event, the CNP status which the Applicant refers to is always subject to the application of the mitigation hierarchy (see Para 4.2.10 and Para 4.2.11 of NPS EN-1); the mitigation hierarchy has not been applied by the Applicant in respect of the impact of the Proposed Development. The statement that the Applicant makes in response to Fidra's comments is that: "*It is not possible to avoid Fidra's proposed development, regardless of the Cable Route taken*". This statement:
- (a) is not considered to be accurate, as:
    - (i) there are alternative cable routes that have been consulted on and which do not sterilise development and cause the same impacts as the Proposed Development would cause on the Fidra Project; and
    - (ii) a reduction in the extent of Work No.4A and Plot 18-11, or a commitment to locate the cable in the road or to the west of the road, would avoid the Fidra Project; and
  - (b) if accurate, only considers the first of the four steps set out in the mitigation hierarchy (avoidance) and does not consider reduction, mitigation or compensation. To date, the Applicant has not demonstrated any steps to reduce, mitigate or compensate the impact on the Fidra Project through the development of the Proposed Development, although Fidra welcomes the work which is now underway to address this.
10. CNP policy applies following the application of the mitigation hierarchy to the residual effects. CNP policy does not allow for an Applicant to avoid the steps required in the mitigation hierarchy, and until the Applicant has sought to reduce, mitigate and compensate the impacts on the Fidra Project the CNP policy will not apply.
11. Even where there are residual effects having applied the mitigation hierarchy, the CNP status does not automatically mean that the benefit of the Proposed Development would outweigh the harm caused to the Fidra Project and the consequent loss of benefits that the Fidra Project would provide (see Para 4.2.15 of the NPS).

#### *Approach to NPS Assessment*

12. The Applicant has misunderstood Fidra's representation on the requirements of Para 5.11.8 in its response. This policy does not require a cumulative assessment of the impacts of the Proposed Development and the Fidra Project; it requires an assessment of the impact of the Proposed Development on the Fidra Project.

#### *Conclusion on the Applicant's Response*

13. The Applicant's submission in respect of the cable route does not justify why such a huge swathe of land is included at Plot 18-11. In effect, the Applicant's position is that the inclusion of the grid connection infrastructure (which is associated development) is premature as the Applicant does not understand: 1) where it will connect to the grid; and 2) the environmental condition of the land over which it is seeking rights. This is not a justification for the impact on the Fidra Project.