

BEACON FEN ENERGY PARK PROJECT (THE PROJECT)
SECRETARY OF STATE – CONSULTATION 2
CONSULTATION RESPONSE
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**), a deadline 2 submission (REP2-048) (the **Deadline 2 Submission**), a deadline 3 submission (REP3-014) (the **Deadline 3 Submission**), a deadline 7 submission (REP7-061), the draft protective provisions (REP7-065) and the closing statement (REP8-039) (the **Closing Statement**) (together **Fidra’s Submissions**) and Fidra attended issue specific hearing 1 (**ISH1**) to explain its concerns in respect of the Application.
2. Fidra is a UK-based battery and energy storage developer backed by EIG and the National Wealth Fund 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**).
3. Bicker Drove Limited holds an electricity generation licence pursuant to the Electricity Act 1989. Bicker Drove Limited is a statutory undertaker for the purposes of the Planning Act 2008.
4. As identified in the Fidra Submissions, a planning application for the Fidra Project (ref: B/25/0224) (the **Planning Application**) was submitted to Boston Borough Council (the **Council**). The Fidra Project represents a substantial investment in grid stability and energy resilience, complementing renewable generation across the region. Fidra has the benefit of an exclusive option agreement dated 10 April 2024 (the **Fidra Option**) in respect of the Fidra Project which covers the land included in Plot 18-11.
5. Fidra submitted a consultation response dated 25 June 2026 (the **First Fidra Consultation Response**) in respect of the Secretary of State’s first consultation letter dated 12 June 2026 (the **First Consultation**).
6. Fidra is making this submission in response to the Secretary of State’s second consultation letter dated 2 July 2026 (the **Second Consultation**) to address matters relevant to the Fidra Submissions in relation to the land which is subject to the Fidra Option. In particular, Fidra is making this submission in response to the Applicant’s consultation response dated 25 June 2026 (the **Applicant’s First Consultation Response**).

PLANNING UPDATE

7. Planning permission (ref: B/25/0224) dated 29 June 2026 (the **Fidra Planning Permission**) for the Fidra Project has now been granted. The Fidra Planning Permission is included at Appendix 1.
8. This update reiterates and adds weight to the submissions made by Fidra.

EXTENT OF DISAGREEMENT

9. In the Applicant’s First Consultation Response, the Applicant characterises the extent of the disagreement between the Applicant and Fidra as follows: *“divergent views on the status of the Fidra project and the need for any consequent additional protection to be afforded to it (beyond that already secured in the draft DCO).”*

10. This is not accurate. Fidra's position is not just that there is a need for protection, but that the Applicant has not justified the imposition of the wide powers of compulsory acquisition over the full extent of Plot 18-11 and that the Secretary of State cannot lawfully authorise powers of compulsory acquisition over Plot 18-11: see sections 31 to 37 of the Closing Statement.
11. In respect of Plot 18-11, which is subject to the Fidra Option, as identified in the Applicant's First Consultation Response there has been no further engagement with Fidra in relation to Plot 18-11 since the close of the examination and Fidra is not aware of any progress with the freeholder. The lack of meaningful attempt to secure a voluntary agreement throughout the process means that the Secretary of State cannot lawfully authorise powers of compulsory acquisition over Plot 18-11: see sections 16 to 26 of the Closing Statement. As highlighted in the Closing Statement, the Applicant withdrew from engagement with Fidra due to its perceived delay in the determination of the Planning Application; this was not justified at the time, and this is evidenced by the grant of the Fidra Planning Permission.
12. The Applicant's First Consultation Response does not address these issues or provide any meaningful update which alters Fidra's position.
13. In the Applicant's First Consultation Response, the Applicant seeks to justify its lack of engagement with Fidra and the inclusion of broad powers of compulsory acquisition on the basis of the current grid connection position of the Fidra Project. This is unjustified for the following reasons:
 - (a) First, this is new evidence which has been submitted post-examination and represents a new position on behalf of the Applicant. The Applicant previously justified its lack of engagement on the basis of uncertainty as to whether the Fidra Project would secure planning permission and with the grant of the Fidra Planning Permission that issue has been resolved. In any event, the certainty or uncertainty of a project is not a rationale for not engaging against the backdrop of seeking powers of compulsory acquisition.
 - (b) Secondly, this is based on a misinterpretation of law and policy. In effect, the Applicant appears to be arguing that it is acceptable for the Proposed Development to be unrestricted and to sterilise the delivery of the Fidra Project because of wider over-capacity in the energy storage sector; this is not the correct application of either the mitigation hierarchy or the approach to need and capacity in respect of energy storage in either the National Policy Statement (NPS) or the National Planning Policy Framework (NPPF). In this respect;
 - (i) the 2025 NPS EN-1 identifies at section 3.3.4 to 3.3.7 that electricity storage has a key role to play, and the 2025 NPS EN-1 and the NPPF identify that the need for the Fidra Project is established;
 - (ii) the LPA, in granting the Fidra Planning Permission, has recently concluded that there is a need for the Fidra Project and has attached significant weight to the benefits of the Fidra Project;
 - (iii) Section 3.2.4 of the 2025 NPS EN-1 states that: "*It is not the role of the planning system to deliver specific amounts or limit any form of infrastructure covered by this NPS*" and "*the government does not consider it appropriate for planning policy to set limits on different technologies*".

- (iv) Section 3.2.6 of the 2025 NPS EN-1: *“A large number of consented projects can help deliver an affordable electricity system, by driving competition and reducing costs”*.
 - (c) Thirdly, even if the Applicant’s position had a bearing on the planning position it was relevant to the determination of the Fidra Application as a matter of deliverability and was a matter for the relevant authority (being the local planning authority) to consider in granting the Fidra Planning Permission.
 - (d) Fourthly, the interaction between the Proposed Development and the Fidra Project relates to the generation assets of the Fidra Project and not the grid connection infrastructure. The impact of the Proposed Development on the Fidra Project will, if unfettered powers of compulsory acquisition are granted over the entirety of Plot 18-11, sterilise the Fidra Project no matter where or when the Fidra Project were to connect to the national electricity transmission system.
 - (e) Fifthly, Fidra does benefit from a Gate 1 offer and the Fidra Project will be eligible for future Gate 2 and long duration energy storage bid processes. It is standard project development for land rights and planning permission to be secured before progressing the grid connection process pursuant to the new grid connection regime, and the expectation is that land rights and planning permission strengthens the case for the Fidra Project securing a Gate 2 offer. Fidra was not in a position to submit a Gate 2 application until planning permission for the Fidra Project had been secured;
 - (f) Sixthly, it is common practice for grid connection capacity to be shared or transferred and Fidra is committed to delivering the Fidra Project. Fidra has not yet commenced formal engagement with other developers regarding the potential transfer or sharing of connection capacity, but intends to progress those discussions shortly; and
 - (g) Seventhly, Fidra is an experienced developer of energy storage projects and is currently constructing the 1.45 GW BESS at Thorpe Marsh, which is expected to begin commercial operation in Q1 2027. Its position is that the Fidra Project is deliverable and it is committed to such delivery.
14. Therefore, the Applicant’s First Consultation Response does not alter the position in respect of the correct approach to the effects of the Proposed Development on the Fidra Project or the consideration of powers of compulsory acquisition in respect of Plot 18-11.

COMPULSORY PURCHASE

15. The Applicant has not justified the imposition of powers of compulsory acquisition over the full extent of Plot 18-11. Fidra’s position is that compulsory powers cannot lawfully be granted over Plot 18-11.
16. Fidra has proposed an appropriate corridor to the Applicant; see the Relevant Representation and Closing Statement. This is limited to the spatial extent required and is proportionate. The Applicant has not engaged appropriately on considering and securing this corridor: see sections 27 to 29 of the Closing Statement.
17. If powers of compulsory acquisition were exercised over Plot 18-11 this could lead to the sterilisation of the land and a significant compensation claim if the Fidra Project either cannot be delivered or has to be amended and delivered at a smaller scale. There is no evidence before the Secretary of State that demonstrates that the Applicant has considered the scale of this

compensation and whether this would have an effect on the deliverability of the Proposed Development: see Section 38 to 40 of the Closing Statement.

CNP STATUS

18. The Applicant relies on the CNP status of the Project to justify the broad inclusion of powers of compulsory acquisition (see section 3.3.6 of the Applicant's First Consultation Response). However, the CNP status only applies to the extent that the mitigation hierarchy has been complied with. Fidra's position is that the mitigation hierarchy has not been complied with and so the CNP policy does not apply: see section 13 to 15 of the Closing Statement.
19. Fidra's position is consistent with the recent recommendation of the ExA and decision of the Secretary of State in the Dogger Bank South DCO where the Secretary of State concluded in respect of certain matters that: 1) the mitigation hierarchy had not been followed in respect of certain matters; and so, 2) the CNP policy did not apply in respect of those matters.

PROTECTIVE PROVISIONS

20. Fidra has submitted the protective provisions that it requests are included in the DCO if made.
21. The Applicant has submitted protective provisions on a without prejudice basis. Fidra does not accept that these protective provisions are adequate. However, on a without prejudice basis, Fidra has provided comments on the changes required to make this form of protective provisions adequate should the Secretary of State be minded to include them in the DCO. Please see Appendix 2.
22. In terms of the key amendments made, which are without prejudice to the basis that the inclusion of powers of compulsory acquisition over Plot 18-11 are inappropriate, these are explained below:
 - (a) Paragraph 2 and 3. The Applicant seeks powers of compulsory acquisition over a period of five years. It is not appropriate to limit the operation of the protective provisions to a shorter timeframe, and the substantive issue (which is that the protective provisions do not apply if the Fidra Project does not proceed) is addressed by Paragraph 2(1). The current option agreement is for a period through to April 2033.
 - (b) Paragraph 2(3). A new provision has been inserted to make it clear that the extent of temporary possession must be limited to no greater a width than 30m and the permanent acquisition must be limited to no greater a width than 12m.
 - (c) Bicker Drove land. This is made specific to Plot 18-11 to avoid ambiguity over the extent of the land.
 - (d) Paragraph 11(3). A new provision has been included to prevent the compulsory acquisition of the Bicker Drove interface area without consent to ensure that the Fidra Project is not sterilised.
 - (e) Paragraph 12(2). A new provision has been included to regulate the coordination of the Proposed Development and the Fidra Project.

NEXT STEPS

23. The Applicant's First Consultation Response confirms that no further engagement with Fidra has been undertaken. Fidra would welcome engagement from the Applicant.
24. If the Secretary of State is minded to make the DCO pursuant to the Application then Fidra's position is that powers of compulsory acquisition cannot lawfully be authorised in respect of Plot

18-11 and it must include protection for the benefit of the Fidra Project as set out in the Fidra Submissions in the form of the Fidra Protective Provisions.

CMS CAMERON MCKENNA NABARRO OLSWANG LLP

16 JULY 2026



B O S T O N BOROUGH COUNCIL

Municipal Buildings, West Street, Boston, Lincolnshire, PE21 8QR

Town and Country Planning Act 1990

APPLICATION DECISION NOTICE

Application Reference: B/25/0224

Applicant: [REDACTED]
Bicker Drove Limited
C/O Agent

Agent: Mr [REDACTED]
DWD
69, Carter Lane
London
EC4V 5EQ

In pursuance of the powers exercised by it as Planning Authority, Boston Borough Council, having considered your application to carry out the following development:

Proposed installation and operation of a Battery Energy Storage System (BESS) and other ancillary and associated infrastructure at Land East of Bicker Fen substation, Bicker Fen, Boston

And in accordance with this notice and the particulars given in the application, do hereby give notice of its decision to **GRANT Full Planning Permission** for the said development subject to **compliance with the following condition(s)**:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the following approved plans/documents:

- VD-ACM-R0-GE-DR-CE-2000 Site Location Plan

Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2, 3, 4 and 28 of the South East Lincolnshire Local Plan (2019), and guidance contained in the National Planning Policy Framework (2024).

3. Prior to the commencement of the development, final plans for site infrastructure (including details of heights, materials and colours) shall be submitted to and approved in writing by the Local Planning Authority. The infrastructure shown on the submitted plans must not exceed (in scale) the dimensions approved on the following:

- VD-ACM-R0-GE-DR-CE-2001 General Arrangement



- VD-ACM-R0-GE-DR-CE-2002 Section Plan
- VD-ACM-R0-GE-DR-CE-2003 General Arrangement Sections
- VD-ACM-R0-GE-DR-CE-2004 Access Track Typical Cross Section
- VD-ACM-R0-GE-DR-CE-2005 Swept Path - Fire Truck
- VD-ACM-R0-GE-DR-CE-2006 Swept Path Articulated Lorry
- VD-ACM-R0-GE-DR-CE-2007 Site Cut Fill Plan
- VD-ACM-R0-GE-DR-CE-2008 Security and Fire Fighting Details
- VD-ACM-R0-GE-DR-CE-2009 Construction Compound
- VD-ACM-R0-GE-DR-CE-2010 Typical Elevations of Bess Unit and MV Skid
- VD-ACM-R0-GE-DR-CE-2011 Typical Welfare Building Plan & Sections
- VD-ACM-R0-GE-DR-CE-2012 Typical Junction Detail Bicker Drove
- VD-ACM-R0-GE-DR-CE-2013 Typical Junction Detail Vicarage Drove
- VD-ACM-R0-GE-DR-EE-3001 Substation General Arrangement
- VD-ACM-R0-GE-DR-EN-1000 P03 Landscape Mitigation Plan (dated 26/09/2025)
- VD-ACM-R1-GE-DR-EE-3002 Substation GA Sections- North & South
- VD-ACM-R2-GE-DR-EE-3003 Substation GA Sections - East & West
- 60732059 Vehicle Tracking Drawings - Sheets 1-3

Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2, 3, 4 and 28 of the South East Lincolnshire Local Plan (2019), and guidance contained in the National Planning Policy Framework (2024).

4. The Battery Energy Storage System (BESS) shall not exceed 1.2 Gigawatts of power.

Reason: In the interest of the safety of the site and surrounding area in accordance with Policy 31 of the South East Lincolnshire Local Plan (2019).

5. In the event that pile foundations are to be used in the construction of this development, details of the pile foundations and a method statement which identifies the measures to be taken to ensure that the amenity of neighbours are not adversely affected by noise and disturbance during the insertion of the pile foundations shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is commenced on site. Thereafter, the works shall be carried out in accordance with the approved statement.

Reason: In the interest of neighbouring amenity in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan 2019.

6. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in the National Planning Policy Framework, 2021 and accordance with Policy 29 of the South East Lincolnshire Local Plan (2019).

7. Prior to any groundworks being undertaken a scheme of Archaeological recording shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of monitoring all groundworks with the ability to stop and fully record archaeological features.

Reason: To ensure any archaeological features are recorded in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019).

8. No development shall commence until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

Soft landscape works shall include planting plans; written specifications (Including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers / densities and an implementation programme. The details shall be in accordance with the indicative planting proposals as detailed on dwg. No VD-ACM-R0-GE-DR-EN-1000 (Landscape Mitigation Plan Revision P03).

The approved scheme shall be carried out and completed during the first planting season following completion of the development. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

The submitted and approved details shall be carried out prior to first operation of any of the approved development.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

9. Prior to the commencement of the development hereby approved, a detailed construction management plan and method statement shall be submitted to and approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;
 - the phasing of the development to include access construction;
 - the on-site parking of all vehicles of site operatives and visitors;
 - the on-site loading and unloading of all plant and materials;
 - the on-site storage of all plant and materials used in constructing the development;
 - wheel washing facilities;
 - the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material, and;
 - strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019).

10. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority. The scheme shall:

- be based on verified groundwater levels and seasonal variations, as evidenced through on-site monitoring conducted over a six-month winter period;
- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to Greenfield run off rate;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019).

11. Prior to the commencement of the development hereby approved, a Material Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the route to be taken by delivery vehicles to access the site and measures to ensure that at no time are returning vehicles met by vehicles accessing the site.

Reason: In the interests of highway safety and the safety of the users of the public highway in accordance with Policy 36 of the South East Lincolnshire Local Plan (2019).

12. No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of two passing places, minor widening and widening of the bend on Doubletwelves Drove. Widening of the carriageway on Bicker Drove between the bend and Vicarage Drove, have been completed. Two passing places on Cowbridge Road) have been to be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development in accordance with Policy 36 of the South East Lincolnshire Local Plan (2019).

13. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number VD-ACM-RO-GE-DR-CE-2012 Rev A & 2013 Rev A dated 15/07/25 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending to enter the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre in accordance with Policy 36 of the South East Lincolnshire Local Plan (2019).

14. Prior to commencement of any part of the development hereby permitted, the condition of the part of Doubletwelves Drove, Bicker Drove and Vicarage Drove that will be used by vehicles making deliveries of materials and components to the permitted development shall be recorded by written notes, still and moving photographic images during an inspection that shall be undertaken by the Applicant's representatives in the company of an officer, of the Local Highway Authority. Those public roads shall be maintained, at the cost of the Applicants, in a safe and suitable condition throughout the construction phase of the permitted development and shall be reinstated to no less than the standard of their pre-commencement condition following completion of the construction phase. The Applicants shall also follow a reciprocal process during the decommissioning phase of the permitted development.

Reason: To ensure the safety and free passage of the public using the public highway during the construction and decommissioning of the permitted development. The condition is imposed in accordance with Policies 2 and 3 South East Lincolnshire Local Plan (2019).

15. A risk reduction strategy in collaboration with Lincolnshire Fire and Rescue shall be submitted to the Local Planning Authority before the site is brought into use. The strategy should cover the construction, operational and decommissioning phases of the project.

Reason: In the interest of the safety of the site and surrounding area in accordance with Policy 31 of the South East Lincolnshire Local Plan (2019).

16. Prior to commencement of any part of the development hereby permitted, details of measures to enhance biodiversity on the site shall be submitted to and agreed in writing by the Local Planning Authority. Measures to improve biodiversity should, where appropriate, include:

- A minimum of two amphibian/reptile hibernacula are created and appropriately situated in raised/well drained area nearby to the watercourses onsite.
- a minimum of nine wall, tree or pole mounted bird boxes included within site
- 3 bat boxes included within site.
- Existing hedgerows and trees are retained and enhanced throughout and after the development. Further species rich, native hedgerows are created onsite to enhance the foraging habitat provision for bats.

The details shall be submitted in the form of sufficiently detailed maps that indicate the proposed location of bird/bat boxes on-site. If approved shall be implemented prior to occupation of the development and shall be maintained thereafter.

Reason: To ensure that any identified protected species are appropriately safeguarded through adequate mitigation, compensation, and habitat management and in accordance with SP 28 of the South East Lincolnshire Local Plan (2019).

17. The development hereby permitted shall be undertaken in accordance with Section 5 of the Water Vole Survey Report dated April 2025 produced by AECOM Limited. These mitigation measures need to be in place surrounding the ditches to ensure no disturbance is made to water voles from the development.

Reason: To ensure the protection of protected species during the development, in accordance with Policy 28 of the South East Lincolnshire Local Plan (2019).

18. The development shall not take place before a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This should include details of the proposed lighting management during construction be provided to limit the impact from the development on foraging and commuting, and shall include:

- If lighting is needed for construction works, then task-specific directional lighting to reduce light spill would be required which should be downwards facing and facing away from the woodlands.
- where external security lighting is required, such as at site compounds, this will be set on a motion sensor and set to as short a possible a timer as the risk assessment will allow.

Reason: To ensure the protection of protected species during the development, in accordance with Policy 28 of the South East Lincolnshire Local Plan (2019).

19. Prior to commencement of any part of the development hereby permitted, an amphibian and reptile mitigation statement outlining the proposed approach to works shall be submitted. This should include a Risk Assessment Method Statements (RAMs). The RAMs should specifically address amphibians and reptiles, detailing measures for avoidance, protection and compliance with relevant legislation and best practice guidance.

Reason: To ensure the protection of protected species during the development, in accordance with Policy 28 of the South East Lincolnshire Local Plan (2019).

20. Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs) or any works on the proposed development (whichever comes first), a written 30-year Habitat Management and Maintenance Plan (HMMP) for the site in question shall be submitted to and approved in writing by the LPA. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:

- a. Aims, objectives and targets for management, including habitat target conditions matching the associated Biodiversity Metric 4.0 submitted with the application.
- b. Descriptions of the management operations necessary to achieving aims and objectives.
- c. Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.
- d. Details of monitoring needed to measure the effectiveness of management.
- e. Details of the persons responsible for the implementation and monitoring.
- f. Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.
- g. Reporting on years 1, 2, 5, 10, 20 and 30.

Thereafter, the development shall be undertaken in accordance with the approved HMMP.

Reason: To ensure habitat protection is secured and BNG delivered during the development, in accordance with Policy 28 of the South East Lincolnshire Local Plan (2019).

21. The permission hereby granted shall expire 40 years from the date when the Battery energy Storage System first exports to the grid (excluding testing or commissioning).

Written confirmation of the first operational date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Thereafter, the land shall be restored to its former condition in accordance with a scheme of decommission work (the Decommissioning Scheme) as required by Condition No. 22.

Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

22. A Decommissioning Scheme (DS) shall be submitted to and approved in writing by the Local Planning Authority no later than 12 months prior to the expiration of this permission. The DS shall include provision for the dismantling and removal of all containers, hardstanding, buildings and other associated infrastructure hereby approved. The DS shall also include:

- a. A scheme for the repair/reinstatement of any identified field drainage within the site;
- b. Measures to avoid contamination, compaction, or erosion of soils and land during the decommissioning phase; and
- c. The management of traffic during the decommissioning process and a decommissioning timetable.

Thereafter, the decommissioning shall be carried out strictly in accordance with the approved DS.

Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

23. In the event the site ceases to store electricity for supply to the electricity grid network for a period of 12 months, an Early Decommissioning Scheme (EDS) shall be submitted to and approved in writing by the Local Planning Authority, no later than 3 months from the end of the 12-month period. The scheme shall include the same provisions referred to in Condition 22 above, and the decommissioning shall be carried out strictly in accordance with the approved EDS.

Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

24. No construction work shall be carried out outside the hours of 08:30am - 18:30pm Monday to Friday, 09:00am - 13:30pm on Saturdays or at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of local residents in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019).

25. Prior to the commencement of development hereby approved, final details of the layout of the development, must be submitted to and approved in writing by the

Local Planning Authority. The details submitted shall be in general conformity with NFCC - Grid Scale Energy Storage System planning and NFPA 855 Standard for the Installation of Stationary Energy Storage Systems. The work shall then only be carried out strictly in accordance with the approved layout plans.

Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2, 3, 4 and 28 of the South East Lincolnshire Local Plan (2019), and guidance contained in the National Planning Policy Framework (2024).

26. Prior to first operation of the development, details of the final noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that operational noise from the development will not exceed the levels assessed in the approved Noise Impact Assessment. The approved mitigation shall be implemented prior to first operation and retained thereafter.

Reason: In the interest of neighbouring amenity in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan (2019).

27. The development hereby approved shall be undertaken in accordance with the construction and operational phase mitigation measures set out within the Noise Impact Assessment (prepared by AECOM April 2025) at all times.

Reason: In the interest of protecting local neighbouring residential amenity from potential adverse noise levels during construction and operation phases of development in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019).

28. Prior to first operation of the development, a landscaping scheme for the installation of an evergreen hedgerow along the entirety of the site boundary shall be submitted to and approved in writing by the Local Planning Authority. The planting shall be carried out and completed in its prior to first use of the development. Thereafter, the works shall be undertaken out in accordance with the approved scheme.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Biodiversity Net Gain Provision

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Boston Borough Council.

2. Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain

condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where –

- (a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
 - (j) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

The earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission

In determining this application the authority has taken account of the guidance in paragraph 39 of the National Planning Policy Framework 2024 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Date: 29-Jun-2026



Hons), MSc, MSc, MRTPI

Assistant Director – Planning and Strategic Infrastructure
(Chief Planning Officer)

South & East Lincolnshire Councils Partnership

Informatives

1. Building Regulations 2010

The plans given approval as part of this application, may require the provision of additional information or amendment to show compliance with the relevant requirements of the Building Regulations 2010. Typical circumstances include, highly glazed extensions achieving compliance with requirement L1 (Conservation of fuel and power) which, may influence the areas of glazed elements/ building elevations, or requirement B1 (Means of warning and escape) which, may

influence an internal layout for fire safety purposes. We recommend that you contact the Building Control team for advice at buildingcontrol@boston.gov.uk

2. In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.
3. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.
4. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
5. The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit our website:
<https://www.lincolnshire.gov.uk/adoptingimproving-roads-footpaths>

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- **If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice**, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application** and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- **Householder applications** - if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. Further information is available at www.gov.uk/appeal-householder-planning-decision
- **Minor commercial applications** - if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **All other decisions – Full Planning Permission** - if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. Further information is available online at www.gov.uk/appeal-planning-decision.
- Appeals can be made online at www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal, if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- **If you intend to submit an appeal** that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. www.gov.uk/government/collections/casework-dealt-with-by-inquiries
- **Proposed Demolition** - The provision of Section 80 of the Building Act 1984 require that anyone who intends to demolish a building or structure shall give notice to the Council's Building Control department (01205 314295) beforehand, and work shall not commence until the Local Authority has given Notice under Section 81, or the relevant period of 6 weeks has expired.
- **Before you dig** – we recommend that you use the Free Enquiry service – [REDACTED] – this site allows you to submit enquiries about activities and work that you are planning, which may have an impact on National Grid Gas and Electricity Transmission Network and other utilities.

THIS IS A LEGAL DOCUMENT – PLEASE RETAIN IN A SAFE PLACE, PREFERABLY WITH YOUR DEEDS