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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H16-0622-26 **Date of Decision:** 1st October 2026

Applicant: Spalding Energy Park Limited
30 Crown Place
Earl Street
London
EC2A 4ES

Location: Land At Spalding Power Station West Marsh Road Spalding

Description: Construction and operation of an unmanned Battery Energy Storage System ('BESS') with a power capacity of up to 550 megawatt ('MW') with associated works including control and protection systems, power conversion systems (and associated transformers), temperature regulation systems, a main step-up transformer(s) and switchgear, welfare facilities, electrical cabling and electrical connection, and other associated works - Approved under H16-1327-21. Modification of Conditions 4, 5, 6 & 7 to allow amendments to previously approved/submitted plans

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

1 **"Permitted Preliminary Works"** means works including or comprising the following:

·the clearance of ecological features and exclusion or translocation of species using qualified consultants and contractors and in accordance with Appendix B (Outline Construction Environmental Management Plan (CEMP) Aspect-Specific Management Plans (1433618-10 (V04))) and Appendix C (Ecological Impact Assessment (1433618-29 (V03))) of the Environmental and Technical Report dated 20 December 2021, submitted in support of planning permission H16-1327-21, and any necessary licences;

·the removal of existing hardstanding and any standing surface water;

·the carrying out of a geophysical survey to identify underground obstructions and

services that may be present and, where necessary, the removal of such obstructions; and

·formation of an appropriate temporary construction access for the purpose of carrying out the Permitted Preliminary Works.

"Commercial Use" means the date on which, following completion of testing of the development, the development first supplies electricity on a commercial basis.

For clarity, the following supporting documents submitted in support of planning permission **H16-1327-21** remain relevant insofar as they are referred to in the conditions attached to this permission:

·Outline Construction Environmental Management Plan - Aspect-Specific Management Plans, reference 1433618-10 (V04);
·Ecological Impact Assessment, reference 1433618-29 (V03);
·Transport Statement, reference 1433618-14 (V04), including the Framework Construction Traffic Management Plan at Appendix H-3;
·Indicative Landscaping Plan, reference 1433618-8 (V03); and
·Framework Flood Warning and Evacuation Plan contained at Appendix E-3 of the Flood Risk Assessment, reference 1433618-28 (V03).

Reason: To allow understanding of key terms used in the conditions attached to this permission and to provide clarity regarding supporting information submitted under planning permission H16-1327-21 which remains relevant to the development hereby permitted.

2 The development must be begun not later than 14th June 2028.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and to retain the commencement period applicable to planning permission H16-1327-21.

3 (i) Save for the Permitted Preliminary Works, commencement of development shall not take place until a scheme for the phasing of the works comprised in the development has been submitted to and approved in writing by the Local Planning Authority.

(ii) The development shall only proceed in accordance with the scheme approved under part (i), unless otherwise approved in writing by the Local Planning Authority.

Reason: To allow the development to be carried out in phases and to ensure that the requirements of the conditions attached to this permission are applied appropriately to each phase.

4 The development hereby permitted shall be carried out within the parameters shown on the following approved drawings:

16181-WDN-XX-XX-DR-A-5000 P02 - Site Location Plan
16181-WDN-XX-XX-DR-A-1000 P03 - Site Plan Parameter Drawing
16181-WDN-XX-XX-DR-A-1010 P03 - Site Elevations Parameter Drawing

Reason: For the avoidance of doubt and and to ensure that the development is carried out in accordance with the details as approved with regard to the policies of the adopted South East Lincolnshire Local Plan (2019).

5 The development hereby permitted, or each phase thereof, shall be carried out in general conformity with the following submitted indicative drawings:

16181-WDN-XX-XX-DR-A-0500 P03
16181-WDN-XX-XX-DR-A-0600 P03

Reason: For the avoidance of doubt and to ensure that the development is carried out generally in accordance with the layout and design principles assessed as part of the application.

6 Save for the Permitted Preliminary Works, the commencement of each phase of development shall not take place until details of the final layout of the specified phase have been submitted to and approved in writing by the Local Planning Authority.

The details shall accord with the parameter plans approved under Condition 4 and shall be in general conformity with drawing 16181-WDN-XX-XX-DR-A-0500 P03, unless otherwise approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure an acceptable final layout while retaining the design flexibility established by the approved parameter approach.

7 Save for the Permitted Preliminary Works, the commencement of each phase of development shall not take place until details of the external appearance and scale of the specified phase have been submitted to and approved in writing by the Local Planning Authority.

The details shall accord with the parameter plans approved under Condition 4 and shall be in general conformity with the following submitted indicative drawings:

16181-WDN-XX-XX-DR-A-0600 P03
16181-WDN-XX-XX-DR-A-0500 P03
16181-WDN-XX-XX-DR-A-4207 P01

unless otherwise approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure an acceptable scale and appearance while retaining appropriate flexibility at detailed design stage.

8 No construction works, save for the Permitted Preliminary Works, shall commence until a Construction Environmental Management Plan (CEMP) for the development, or the

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specified phase, has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall have regard to the mitigation principles contained within:

·Appendix B, Outline Construction Environmental Management Plan - Aspect Specific Management Plans (1433618-10 (V04)), submitted in support of planning permission H16-1327-21;
·Appendix C, Ecological Impact Assessment (1433618-29 (V03)), submitted in support of planning permission H16-1327-21;
·Appendix H, Transport Statement (1433618-14 (V04)), including the Framework Construction Traffic Management Plan at Appendix H-3, submitted in support of planning permission H16-1327-21; and
·the Environmental and Technical Report Addendum, Version 3, dated June 2026, submitted in support of application H16-0622-26.

The CEMP shall include details of construction working hours; control of airborne pollutants, dust, smoke, noise, vibration and odour; construction traffic, parking and deliveries; storage of materials; management of surface water during construction; protection of ecological features and protected species; waste management; and pollution prevention measures.

Construction shall thereafter take place in accordance with the approved CEMP.

Reason: In order to minimise any adverse impacts arising from the construction of the development upon the local environment, and ensure that it is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the authorised development during construction, in accordance with the policies of the adopted South East Lincolnshire Local Plan (2019).

9 Construction HGV movements, excluding abnormal indivisible loads where authorised by National Highways or the Local Highway Authority, or vehicles associated with an emergency, shall only take place Monday to Friday inclusive between 07:00 and 19:00 hours and on Saturdays between 08:00 and 16:00 hours.

No construction HGV movements shall take place on Sundays or Bank Holidays unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of protecting amenity and in accordance with policies of the adopted South East Lincolnshire Local Plan (2019).

10 No construction works, save for the Permitted Preliminary Works, shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:

1. a preliminary risk assessment identifying:
·all previous uses;
·potential contaminants associated with those uses;
·a conceptual model identifying sources, pathways and receptors;
·potentially unacceptable risks arising from contamination at the site; and

·recommendations for site investigation;

2. where recommended, a programme of site investigation sufficient to provide a detailed assessment of risks to all receptors which may be affected, including those off-site;

3. the results of the site investigation and detailed risk assessment and, where required, an options appraisal and remediation strategy setting out the remediation measures required and how they will be undertaken; and

4. a verification plan setting out the information required to demonstrate completion of the remediation strategy and any longer-term monitoring, maintenance or contingency measures required.

The approved investigation, remediation and verification measures shall be implemented in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 30 of the adopted South East Lincolnshire Local Plan (2019).

11 In the event that contamination not previously identified is found at any time during development, work on the affected part of the site shall cease and the contamination shall be reported in writing to the Local Planning Authority.

A risk assessment and investigation shall be undertaken and, where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of any approved remediation measures, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 30 of the adopted South East Lincolnshire Local Plan (2019).

12 Piling or any other foundation designs using penetrative methods shall not be used other than with the prior written approval of the Local Planning Authority following submission of a suitable Foundation Works Risk Assessment, or demonstration that there would be no unacceptable risk to groundwater.

The development, or relevant phase, shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development does not create an unacceptable risk to groundwater or other sensitive receptors.
In accordance with Policy 30 of the adopted South East Lincolnshire Local Plan (2019).

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13 Save for the Permitted Preliminary Works, the commencement of each phase of development shall not take place until a surface water drainage scheme for the specified phase has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be in general accordance with the principles contained within the Spalding Energy BESS Flood Risk Assessment, Ramboll, document reference REN2023N00546-RAM-RP-00024, Version 2.0, dated 18 May 2026, submitted in support of application H16-0622-26, and shall:

·be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
·provide appropriate flood exceedance routing;
·demonstrate how runoff will be safely conveyed and attenuated during the 1 in 100 year critical storm event, including an appropriate allowance for climate change;
·provide details of discharge rates and attenuation;
·demonstrate that flood risk will not be increased elsewhere;
·provide a timetable for implementation; and
·provide details of arrangements for management and maintenance of the surface water drainage system throughout the lifetime of the development.

The surface water drainage scheme shall thereafter be constructed, completed and maintained in accordance with the approved details.

Reason: To ensure that the authorised development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the authorised development, in accordance with Policy 4 of the adopted South East Lincolnshire Local Plan (2019) and the National Planning Policy Framework, 2026.

14 Save for the Permitted Preliminary Works, the commencement of each phase of development shall not take place until a scheme of landscaping and habitat provision for the specified phase has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be in general accordance with the principles contained within Appendix F, Indicative Landscaping Plan (1433618-8 (V03)), submitted in support of planning permission H16-1327-21, insofar as those principles remain consistent with the revised layout approved under this permission.

The scheme shall include details of native species, planting and seeding mixtures, implementation, management and maintenance and shall retain appropriate provision for the southern bund and reptile habitat.

The scheme shall be accompanied by a detailed Biodiversity Metric output demonstrating a net gain of up to and around 5%.
The approved landscaping and habitat scheme shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To secure appropriate landscaping of the site in the interests of visual amenity and in order to ensure that the interests of ecology and biodiversity or protected species

are addressed in accordance with the policies of the adopted South East Lincolnshire Local Plan (2019).

15 The commissioning of each phase of development shall not take place until a lighting scheme for the specified phase has been submitted to and approved in writing by the Local Planning Authority.

The lighting scheme shall provide that:

(i) there shall be no permanent or regular operational lighting, other than emergency or intermittent lighting;

(ii) operational lighting shall be motion-sensitive and shall only operate when movement is detected or when required for essential operational or maintenance purposes;

(iii) emergency and intermittent lighting shall be highly directional and appropriately cowled to minimise light spill beyond the site;

(iv) lighting columns shall be of the minimum height necessary to provide the required illumination and shall not normally exceed approximately 4 metres in height; and

(v) lighting levels shall not exceed 0.5 lux within the landscaping zone or beyond the site boundary.

The approved lighting scheme shall thereafter be installed, operated and maintained in accordance with the approved details.

Reason: To ensure a safe operational environment and mitigate the potential impact on bat habitats and feeding areas in accordance with the policies of the adopted South East Lincolnshire Local Plan (2019).

16 The development shall be carried out in accordance with the flood risk mitigation measures contained within the Spalding Energy BESS Flood Risk Assessment, Ramboll, document reference REN2023N00546-RAM-RP-00024, Version 2.0, dated 18th May 2026, submitted in support of application H16-0622-26, including:

(i) the BESS Zone, Electrical Banking Station Zone and Welfare Compound Zone shall be set at or above 6.7 metres Above Ordnance Datum (AOD); and
(ii) the flood resistance and resilience measures set out within Sections 5.4 and 5.5 of the Flood Risk Assessment shall be incorporated into the detailed design where applicable.

The measures shall be implemented prior to first use of the relevant part of the development and retained throughout the lifetime of the development.

Reason: To ensure that the development remains safe from flooding throughout its lifetime in accordance with Policy 4 of the South East Lincolnshire Local Plan and national planning policy.
The current FRA expressly confirms the 6.7m AOD level and places the relevant flood resistance/resilience material at Sections 5.4 and 5.5.

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17 Prior to first Commercial Use, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Plan shall have regard to the Framework Flood Warning and Evacuation Plan contained within Appendix E-3 of the Flood Risk Assessment (1433618-28 (V03)) submitted in support of planning permission H16-1327-21, updated as necessary to reflect the layout and flood risk information approved under this permission.

The approved Flood Warning and Evacuation Plan shall thereafter be implemented, maintained and made available to all users of the site throughout the lifetime of the development.

Reason: To ensure that adequate flood warning and evacuation arrangements are available for users of the development.
In accordance with the policies of the adopted South East Lincolnshire Local Plan (2019).

18 Within six months of the development permanently ceasing to be used for the purposes of electricity storage, a scheme for the demolition and removal of redundant BESS buildings, equipment and structures and restoration of the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a written explanation of any buildings or structures proposed to be retained and their proposed future use.
The approved scheme shall be implemented in full within 12 months of its approval unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the site is satisfactorily restored following the permanent cessation of electricity storage.
In accordance with Policy 31 of the adopted South East Lincolnshire Local Plan (2019).

19 Prior to the installation of any BESS units, a Battery Safety Management Plan and Emergency Response Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Plan shall be prepared having regard to the latest National Fire Chiefs Council guidance and following consultation with Lincolnshire Fire and Rescue Service.

The Plan shall include details of:

a) emergency access arrangements for fire and rescue vehicles and personnel;
b) battery unit separation and measures to prevent or limit fire spread;
c) fire detection, monitoring and warning systems;
d) firefighting water supplies and associated infrastructure;
e) measures for the containment and management of fire-water runoff and contaminated water;
f) emergency shutdown and isolation procedures;
g) arrangements for liaison with Lincolnshire Fire and Rescue Service in the event of an incident; and
h) arrangements for the ongoing review, maintenance and updating of the Plan.

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The approved measures shall be implemented prior to first Commercial Use and shall thereafter be maintained throughout the lifetime of the development.

Reason: To ensure the safe operation of the Battery Energy Storage System and to minimise risks to public safety, emergency responders, property and the environment

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

Biodiversity Net Gain

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan, or

(c) the development is exempt from the biodiversity gain condition.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

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.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

Variation of an existing permission approved prior to mandatory BNG

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

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.

For clarity the LPA do Not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

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

(ii) 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.

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 6th June 2023 and can only be implemented as a consequence of meeting the provisions of that Agreement



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control team for further information on 01775 764557 or bcadmin@sholland.gov.uk

BUILDING REGULATIONS 2010:
The plans given approval as part of this application, may require the provision of additional information or amendment to show compliance 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. Please contact the Building Control team for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

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 grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

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@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: **https://appeal-planning-decision.service.gov.uk/before-you-start**. 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 the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.