Date: 2 July 2026
Your Ref: H16-1327-21
Our Ref: 14278f

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an RSK company
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South Holland District Council
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SUBMISSION OF APPLICATION FOR THE VARIATION OF CONDITIONS 4,5,6 AND 7 OF PLANNING PERMISSION H16-1327-21 UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

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 ON LAND AT SPALDING POWER STATION, WEST MARSH ROAD, SPALDING

I write on behalf Spalding Energy Park Ltd ('the Applicant') to submit a planning application under Section 73 ('S73') of the Town and Country Planning Act 1990 (as amended) ('this Application') to South Holland District Council ('the Council' or 'SHDC') in relation to the Spalding BESS ('the Development'), which was granted full planning permission on 14 June 2023 under ref. H16-1327-21 ('the Permission').

This application seeks the variation of Conditions 4, 5, 6 and 7 of the Permission (**Appendix 1**), the details and rationale for the application are set out in the remainder of this letter. The need for the variation follows the rapid improvements in BESS technology since the granting of the Permission in June 2023. Consequently, the Applicant has undergone further design work to reflect these advancements and curated a site layout with a reduced footprint.

The principle of the BESS use here is firmly established by the granting of the Permission and does not require establishing.

The focus of this Supporting Statement is to provide the latest national policy context to show this remains very supportive of this type of development and appraise the changes against local policy and relevant material considerations.

National Policy Context

The most recent National Planning Policy Framework ('NPPF') was published in December 2024 ('NPPF 2024') whereas the Proposed Development was granted planning permission under the NPPF published in July 2021 ('NPPF 2021'). The following section will highlight the changes which are relevant to the Application.

Paragraph 163 has been added and states:

"*The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts*."

The addition of Paragraph 163 is relevant to BESS through the positive impacts towards climate change mitigation to which BESS contributes. BESS is an essential part of renewable energy infrastructure. This Application should therefore be considered with this paragraph as a material consideration.

Paragraph 168a (Paragraph 158a in NPPF 2021) and now states:

"*When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:*

a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future*;"

The NPPF also includes a definition of Renewable and low carbon energy in Annex 2:

"Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels)".

Battery Energy Storage Systems (BESS) fall within the definition of "renewable and low carbon energy" set out in Annex 2 of the NPPF. Whilst BESS does not itself generate electricity from a natural energy flow, it constitutes a "low carbon technology" by reference to its function in reducing emissions. BESS performs this function by storing surplus electricity generated from renewable sources such as wind and solar, thereby reducing curtailment of renewable generation and displacing the need for fossil-fuelled peaking plant to balance supply and demand. This reading is consistent with the Planning Practice Guidance on Renewable and Low Carbon Energy, which confirms that electricity storage is a key element of the future decarbonised energy system, helping to balance the grid and maximise the usable output of intermittent renewable generation. The proposed development should therefore be considered as falling within the scope of national planning policy for renewable and low carbon energy.

Although not part of the development plan, National Policy Statement EN-1 provides significant support for BESS and should be a material consideration in planning decisions:

"3.3.25 Storage has a key role to play in meeting the Clean Power 2030 Mission, achieving net zero, and providing flexibility to the energy system, reducing the amount of generation and associated network that needs to be built to meet peak demand, helping Britain reach clean power in a cost-effective way and reducing delivery risk associated with other types of energy infrastructure.

3.3.26 Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher.

3.3.27 Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to NESO

and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases."

As identified within national policy, BESS is an essential part of renewable energy infrastructure. The new elements of this paragraph make it clear that the benefits of BESS associated with renewable energy generation should be given significant weight in planning decisions.

Local Policy Context

South East Lincolnshire Local Plan

The relevant local plan is the South East Lincolnshire Local Plan, adopted in 2019. A review of the Local Plan was undertaken in 2024, and it was determined that there was no requirement to update the Local Plan. There are no changes to local policy between the granting of the Permission and this Application.

Furthermore, there are no notable changes to the surrounding area or forthcoming development identified.

Proposed Changes and their Rationale

The Applicant intends to refine the BESS layout via variations to Conditions 4, 5, 6, and 7, which all relate to the approved plans.

Since the Development was approved in 2023, the battery industry has undergone technological advancements in relation to energy density and safety. The Applicant is now able to construct a 550 megawatt ('MW') scheme with a reduced development footprint. There has also been a change in the preferred type of substation technology following design work. The following amendments to the Permission are therefore required.

The Permission

The general layout comprises an indicative layout of the BESS project, approximately 12.6 hectares of land to the south of the existing InterGen-owned Spalding combined cycle gas turbine ('CCGT') Power Station, and immediately to the west of the existing InterGen-owned Spalding open cycle gas turbine ('OCGT') Power Station. The northern part of the Application Site includes the existing National Grid 400 kV Spalding North Substation.

The Permission included an appropriate degree of flexibility within the Indicative Site Layout. To support this approach, a parameter envelope was determined based on the required flexibility. Appropriate control is afforded by the parameter plans, in particular, by defining maximum extents (horizontal plane) and heights (vertical plane) of the Electrical Banking Station, and the BESS containers / enclosures, which also act to constrain the overall scale and amount of storage. With the exception of the landscaping zone, which is fixed, the other development zones provide some overlap so if one component is built out to its maximum adjacent development zones would reduce.

The Application was also supported by indicative plans and drawings detailing a potential layout and design for the Proposed Development, for information/illustrative purposes only. These demonstrate how a 550 MW BESS could be delivered within the parameters. Augmentation is allowed for within the layout to maintain overall capacity over the project lifetime.

The assessment of environmental effects in the Environmental and Technical Report is generally based on the parameters as well as associated assumptions identified in the Application; however, where relevant/helpful reference was made to the Indicative Scheme.

Proposed Changes

The Applicant intends to amend the Indicative Site Layout and Parameter Plans to relocate all infrastructure to the southern portion of the Site, whilst making the following changes to the layout:

- Reduction of development footprint ('ha').
- Relocation of all above ground infrastructure (battery arrays, transformers and switchgear, substation, welfare facilities, and access tracks).
- Submission of updated Indicative General Arrangement detailing the new site layout including new infrastructure as discussed in the remainder of this supporting statement.
- Updated site parameters to accommodate relocation of welfare facilities and substation in the south of the Site.

The infrastructure changes are discussed in more detail below.

Parameter Plans

To relocate all development to the southern portion of the Site, the Applicant proposed to reduce and relocate the development parameters that were previously consented. The BESS compound area has been significantly reduced and relocated to the southern portion of the Site. The BESS compound and associated infrastructure will include BESS arrays, MV Skids, switch rooms and fire water tanks. The electrical banking station previously located in the north of the Site, has been relocated to the south of the site, retaining the parameter areas for welfare and the electrical banking station compound. An updated site parameter plan (16181- WDN- XX- XX- DR- A- 1000 P03) and site elevation parameters (16181- WDN- XX- XX- DR- A- 1010 P03) have been submitted to reflect the updated scheme. A new parameter area for future augmentation is included in purple. It is noted that even with the inclusion of the augmentation area, the overall potential BESS footprint is significantly smaller than the approved scheme.

Substation

A Gas Insulated Switchgear (GIS) yard is proposed to reduce the overall footprint of the consented high voltage banking station which previously included Air Insulated Switchgear (AIS). The substation would also be relocated from the northeast to the western boundary to the south west of the Site. These changes can be found on the following new drawings:

- 4207 - Indicative HV Substation Plans and Elevations (16181- WDN- XX- XX- DR- A- 4207 P01)
- 0500 - Indicative BESS General Arrangement Plan (16181- WDN- XX- XX- DR- A- 0500 P03)

The following approved plans would be superseded:

- INDICATIVE WELFARE & BANKING STATION PART PLANS / SECTIONS – ref. 16181- WDN- XX- XX- DR- A- 4100; rev. P02.

Battery units

The approved BESS unit plans (19791_DET_3001 - REVA - INDICATIVE 20ft BATTERY UNIT ELEVATIONS) included an indicative height of 7170mm to account for the double stacking of BESS containers. The Applicant has elected to not double stack BESS containers in the new layout, in accordance with the NFCC Grid Scale Energy Storage System Planning Guidance. Therefore, the new indicative BESS elevation plans (16181- WDN- XX- XX- DR- A- 4201 P01) detail a height of 3000mm which remains

under the parameter height of the BESS compound. The following approved plans would be superseded:

- Indicative Array Layout 16181-WDN-XX-XX-DR-A-4000

Transformers and switchgear rooms

The approved plans included transformers and switchgear situated within the BESS containers. To align with industry standards, the Applicant has introduced MV skid systems to the BESS compound. Each MV skid will provide transformer services to 2no. BESS containers. The indicative the scale of the MV skids are provided in drawing reference 16181- WDN- XX- XX- DR- A- 4201 P01. The height of the MV skids are within the BESS compound parameter elevations (16181-WDN-XX-XX-DR-A-1010 P02) of the approved scheme and will be significantly smaller in height than the consented BESS container parameter.

As part of the new scheme, additional minor infrastructure in the form of switchrooms, would be required to provide switchgear services to the BESS arrays. A singular switchroom would be located at the end of each BESS array as detailed in the Indicative BESS General Arrangement Plan (16181- WDN- XX- XX- DR- A- 0500 P03). The proposed scale and elevation of the switchroom would be within the approved parameters for the BESS compound. Details of the switchroom can be found in drawing reference 16181- WDN- XX- XX- DR- A- 4202 P01.

Welfare facilities

The approved Indicative General Arrangement Plan (16181-WDN-XX-XX-DR-A- 0500 P02) indicated that two welfare facilities would be provided, detailing a height of 3100mm. The new site layout has replaced the welfare facilities with a welfare container and a control room building to be situated outside the substation compound. The welfare building (16181- WDN- XX- XX- DR- A- 4205 P01) has an indicative height of 2900m which is below 6m, identified for the welfare provisions within the approved parameter elevations (16181-WDN-XX-XX-DR-A-1010 P02).

As stated previously, the welfare facilities will remain adjacent to the substation situated within the relocated banking station and welfare area in the submitted site parameters plan (16181- WDN- XX- XX- DR- A- 1000 P03). The submitted indicative arrangement plan (16181- WDN- XX- XX- DR- A- 0500 P03) indicates how the welfare container and control room may be arranged.

Fire Safety

The Applicant has elected to include fire tanks as recommended by the NFFC guidance on BESS projects. Four fire water tanks are proposed in the submitted indicative layout which are above the recommended capacity recommended by the 2025 NFCC guidance[1]. Section drawings of the proposed scale of the water tanks are depicted in drawing reference 16181- WDN- XX- XX- DR- A- 4206 P01. As stated previously, the site parameters have been updated to include suitable areas for the location of the fire tanks within the BESS compound.

Please see Appendix 2 for a tabulated checklist against NFCC guidance (2025).

[1] https://nfcc.org.uk/our-services/building-safety/grid-scale-energy-storage-system-planning-guidance-for-fire-and-rescue-services/

Landscaping

All landscaping is to be retained as part of the updated proposals. The submitted indicative layout (16181- WDN- XX- XX- DR- A- 0500 P03) details the retained landscaping bund and reptile exclusion zone as set out in the consented indicative site layout plan.

It is noted that the government guidance on exemptions for mandatory BNG include section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024[2]. As the permission was granted in June of 2023, this application is exempt from BNG requirements. The Proposed Development is located suitably by reference to existing electrical connections and other electrical infrastructure, with very limited opportunities for new connective habitats due to the functional needs of this electrical infrastructure including for access and safety.

Environmental Impacts

The original planning application was accompanied by an Environmental and Technical Report that concluded that the project would not have significant effects or impacts on the surrounding environment. The Applicant has updated the ETR to reflect the layout changes within the Environmental and Technical Report Addendum (ETRA) submitted with this planning application. The ETRA conclude that no effects to those previously assessed are anticipated.

Section 106 Agreement

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

Clause 15 of the Section 106 agreement confirms that the Deed of Variation shall be deemed to include subsequent planning permissions and shall therefore take effect and be read and construed accordingly. There is therefore no procedural or legal need for a new Deed of Variation. DWD also consider there is no planning justification for a new Deed of Variation since the nature of the development is unchanged and the development footprint and its impacts are diminishing.

Planning Conditions

As stated above, this S73 application seeks variations to Conditions 4, 5, 6, and 7 via amendments to approved plans. The anticipated changes to the planning conditions are set out below.

Condition 4

In light of the changes listed above, the proposed additions to Condition 4 of the Permission are outlined in red below:

4. *The development hereby permitted, or each phase thereof, shall be carried out in accordance with the following submitted parameter plans:*

   16181-WDN-XX-XX-DR-A-0320 P02

   ~~*16181-WDN-XX-XX-DR-A-1000 P02*~~ *16181- WDN- XX- XX- DR- A- 1000 P03*

   ~~*16181-WDN-XX-XX-DR-A-1010 P02*~~ *16181- WDN- XX- XX- DR- A- 1010 P03*

[2] https://www.gov.uk/guidance/biodiversity-net-gain

Reason: For the avoidance of doubt 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).

Condition 5

The proposed additions to Condition 5 of the Permission are outlined in red below:

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

   ~~16181-WDN-XX-XX-DR-A-0600 P02~~ 16181- WDN- XX- XX- DR- A- 0600 P03

   ~~16181-WDN-XX-XX-DR-A-4000 P02~~ 16181- WDN- XX- XX- DR- A- 0500 P03

   ~~16181-WDN-XX-XX-DR-A-4100 P02~~ 16181- WDN- XX- XX- DR- A- 4207 P01

   Reason: For the avoidance of doubt 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).

Condition 6

The proposed additions to Condition 6 of the Permission are outlined in red below:

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 of development has been submitted to and approved in writing by the Local Planning Authority.*

   Such details shall be in general conformity with the submitted indicative plan ~~16181-WDNXX-XX-DR-A- 0500 P02~~ 16181- WDN- XX- XX- DR- A- 0500 P03 unless otherwise agreed in writing by the Local Planning Authority.

   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).

Condition 7

The proposed amendments to Condition 7 of the Permission are outlined in red below:

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 of development has been submitted to and approved in writing by the Local Planning Authority.*

   Such details shall be in general conformity with the following submitted indicative drawings:

   ~~16181-WDN-XX-XX-DR-A-0600 P02~~ 16181- WDN- XX- XX- DR- A- 0600 P03

   ~~16181-WDN-XX-XX-DR-A-4000 P02~~ 16181- WDN- XX- XX- DR- A- 0500 P03

   ~~16181-WDN-XX-XX-DR-A-4100 P02~~ 16181- WDN- XX- XX- DR- A- 4207 P01

   unless otherwise approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt 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).

Supporting Documents

This S73 application is supported by the following documents:

- Application Form;
- Environmental and Technical Report Addendum ('ETRA');
- S73 Supporting Letter (this document);
- The Planning Permission (Reference H16-1327-21);
- Site Location Plan (*16181- WDN- XX- XX- DR- A- 5000*);
- New drawings:
  - 0500 - Indicative BESS General Arrangement Plan (16181- WDN- XX- XX- DR- A- 0500 P03)
  - 0600 - Indicative BESS General Arrangement Elevations (16181- WDN- XX- XX- DR- A- 0600 P03)
  - 1000 - Site Plan Parameter Drawings (16181- WDN- XX- XX- DR- A- 1000 P03)
  - 1010 - Site Elevations Parameter Drawings (16181- WDN- XX- XX- DR- A- 1010 P03)
  - 4201 - Indicative BESS Plans and Elevations (16181- WDN- XX- XX- DR- A- 4201 P01)
  - 4202 - Indicative Switchroom Plans and Elevations (16181- WDN- XX- XX- DR- A- 4202 P01)
  - 4203 - Indicative Control Room Plans and Elevations (16181- WDN- XX- XX- DR- A- 4203 P01)
  - 4204 - Indicative Storage Plans and Elevations (16181- WDN- XX- XX- DR- A- 4204 P01)
  - 4205 - Indicative Welfare Plans and Elevations (16181- WDN- XX- XX- DR- A- 4205 P01)
  - 4206 - Indicative Water Tank Plans and Section (16181- WDN- XX- XX- DR- A- 4206 P01)
  - 4207 - Indicative HV Substation Plans and Elevations (16181- WDN- XX- XX- DR- A- 4207 P01)
- Previously approved drawings:
  - Indicative Array Layout (16181-WDN-XX-XX-DR-A-4000 P02)
  - Indicative General Arrangement Elevations (16181-WDN-XX-XX-DR-A-0600 P02)
  - Site Elevations Parameter Drawings (16181-WDN-XX-XX-DR-A-1010 P02)
  - Site Plan Parameter Drawings (16181-WDN-XX-XX-DR-A-1000 P02)

- Indicative Welfare and Banking Station (16181-WDN-XX-XX-DR-A-4100 P02)
- Indicative General Arrangement Plan (16181-WDN-XX-XX-DR-A- 0500 P02)
- Site Location Plan (16181-WDN-XX-XX-DR-A-0320 P02)

A table with the proposed amendments to the conditions can be found in Appendix 3.

Summary

This statement supports the submission of a S73 application to SHDC to vary Conditions 4, 5, 6, and 7 of the Permission. It sets out the proposed changes and the necessary amendments to the approved plans.

The assessment of the potential environmental effects arising from the new Site layout have been assessed in the Environmental and Technical Report Addendum which finds that there would be no adverse impacts relating to noise, landscape, transport, contamination or ecology. Furthermore, the proposed changes would reflect an improvement on the approved development, given the reductions in scale, and improvements to fire safety (see NFCC compliance table in Appendix 2).

The application has been submitted electronically via the Planning Portal (PP-14889179) and is accompanied by the necessary fee of £2,076.00 via the planning portal, plus the £91.00 Planning Portal service charge.

I trust that sufficient information has been provided to enable validation of this application. Should you require any additional information or have any queries, please do not hesitate to contact me.

Yours sincerely,



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APPENDIX 1: PLANNING PERMISSION H16-1327-21

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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-1327-21 **Date of Decision:** 14th June 2023

Applicant: Spalding Energy Park Ltd.
30 Crown Place
Early 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.

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 and any necessary licences, the removal of existing hardstanding, and the removal of any standing surface water present;

-The carrying out of a geophysical survey to identify underground obstructions and services that may be present and may require removal in order to construct the development authorised by the planning permission. In the event that obstructions are found by the geophysical survey and these are in locations where piling or other

excavation will be required to construct the development authorised by the planning permission, these will be removed and re-used or disposed of in accordance with Appendix B (Outline Construction Environmental Management Plan (CEMP) Aspect-Specific Management Plans (1433618-10 (V04))) of the Environmental and Technical Report dated 20 December 2021; and

-Formation of an appropriate temporary construction access, for the purpose of carrying out the other permitted preliminary works.

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

Reason: To allow understanding of key terms used in other numbered conditions and for precision.

2 The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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 in (i), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow the development to be carried out in phases, and to plan suitably for transport implications of improvements to electrical performance or replacements of degraded battery cells.

4 The development hereby permitted, or each phase thereof, shall be carried out in accordance with the following submitted parameter plans:
16181-WDN-XX-XX-DR-A-0320 P02
16181-WDN-XX-XX-DR-A-1000 P02
16181-WDN-XX-XX-DR-A-1010 P02

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 plans:
16181-WDN-XX-XX-DR-A-0600 P02
16181-WDN-XX-XX-DR-A-4000 P02
16181-WDN-XX-XX-DR-A-4100 P02

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

DC_FINAL_DECISION - ODB:14

South East Lincolnshire Local Plan (2019).

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 of development has been submitted to and approved in writing by the Local Planning Authority.

Such details shall be in general conformity with the submitted indicative plan 16181-WDN-XX-XX-DR-A- 0500 P02 unless otherwise agreed in writing by the Local Planning Authority.

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).

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 of development has been submitted to and approved in writing by the Local Planning Authority.

Such details shall be in general conformity with the following submitted indicative drawings:
16181-WDN-XX-XX-DR-A-0600 P02
16181-WDN-XX-XX-DR-A-4000 P02
16181-WDN-XX-XX-DR-A-4100 P02
unless otherwise approved in writing by the Local Planning Authority.

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).

8 No construction works, save for the Permitted Preliminary Works, shall commence until a Construction Environmental Management Plan (CEMP) for the specified phase of development has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall be in accordance with:
Appendix B (Outline Construction Environmental Management Plan (CEMP) Aspect-Specific Management Plans (1433618- 10 (V04))) of the Environmental and Technical Report dated 20 December 2021, including the working hours in section 2.2;
Appendix C (Ecological Impact Assessment (1433618-29 (V03))) of the Environmental and Technical Report dated 20 December 2021, ecological management feature and measures in section 5.3;
Appendix E (Flood Risk Assessment (1433618-28 (V03)) of the Environmental and Technical Report dated 20 December 2021, including the surface water drainage strategy in section 6; and,
Appendix H (Transport Statement (1433618- 14 (V04))) of the Environmental and Technical Report dated 20 December 2021, including the framework Construction Management Plan (CTMP) in Appendix H-3.

DC_FINAL_DECISION - ODB:14

The CEMP shall include details of how airborne pollutants, smoke, noise, vibration, and odour from construction work associated with the specified phase of development will be controlled and mitigated, how surface water run off will be managed during construction (including protection for any sustainable drainage features and connection for drainage systems to an outfall during construction), how vehicles will be parked, how materials will be stored, and how any ecological features present are to be surveyed, excluded, conserved, or relocated.

For each phase of development, works shall only 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 Highways Authority, or which are associated with an emergency) shall only take place on Monday to Friday inclusive between 07:00 and 19:00 hours, or on Saturdays between 08:00 and 16:00 hours, and not 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 details have been submitted to and approved in writing by the Local Planning Authority:

1) a preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site
- recommendations as to a site investigation

2) if recommended in (1), a programme for a site investigation compliant with the assessment produced in (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) the results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of any remediation measures required and how they are to be undertaken.

4) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

DC_FINAL_DECISION - ODB:14

The site investigation in (2), the remediation strategy in (3), and the verification plan in (4) must be fully implemented in accordance with the approved details unless otherwise 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).

11 In the event that contamination that was not previously identified is found at any time when carrying out the development hereby permitted, work on that part of the Site shall cease immediately and the contamination shall be reported in writing to the local planning authority. A risk assessment and investigation must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, and 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, which shall be given on the submission of a suitable Foundation Works Risk Assessment or on demonstration that there is no resultant unacceptable risk to groundwater for development on those parts of the Site.

Each phase of development shall thereafter be carried out 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).

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 of development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:
-be in conformity with the principles in Appendix E (Flood Risk Assessment (1433618- 28 (V03)) of the Environmental and Technical Report dated 20 December 2021, including the

surface water drainage strategy in section 6;
-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 that achieve a greenfield run-off rate;
-provide details of the timetable for and any phasing of implementation; and
-provide details of arrangements for management and maintenance of the surface water drainage system over the lifetime of the authorised development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements reasonably required to maintain and manage the surface water drainage system;

The surface water drainage scheme shall be constructed and completed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

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 national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

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 of development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be in general accordance with the principles in Appendix F (Indicative Landscaping Plan (1433618-8 (V03))) of the Environmental and Technical Report dated 20 December 2021, and include consideration of the use of native species, including planting / seeding mixtures and provenance with known value to wildlife.

The scheme shall be accompanied by a detailed Biodiversity Metric output demonstrating a net gain of up to and around 5%.

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 of development has been submitted to, and approved in writing by the Local Planning Authority.

The details of the lighting scheme shall be in accordance the Planning Statement

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(14278A) which includes:
(i) there will be no permanent or regular lighting, and only emergency / intermittent lighting is proposed;
(ii) the operational (intermittent) lighting columns will be motion sensitive (for example, controlled by an infrared motion sensor system), and will switch on only when movement within the BESS site is detected or when essential operational maintenance is required;
(iii) the emergency / intermittent lighting will be highly directional (for example, controlled by cowling) to avoid excessive light spillage beyond the boundary fencing; The associated lighting design will be undertaken with reference to the relevant guidance such as the 'Guidance Note 01/21 for the Reduction of Obtrusive Light'. Furthermore, whilst they are noted to be up to approximately 4 m in height, the operational (intermittent) lighting columns will be of the minimum height possible to provide the required lighting. The lighting design will be in compliance with 16181- WDN-XX-XX-DR-A-1000 P02 (parameter plan) and 16181-WDN-XX-XX-DR-A-1010 P02 (parameter elevations), committing to a minimum sized landscaping zone of 10m; and,
(iv) the lighting design will be limited to no greater than 0.5 lux into the proposed landscaping zone or beyond the site boundary.

The lighting scheme shall be constructed and completed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

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 Appendix E (Flood Risk Assessment (1433618-28 (V03)), including:
(i) The finished floor levels for the BESS Zone, Electrical Banking Station Zone, and Welfare Compound Zone shall be set no lower than 6.7 metres above Ordnance Datum (AOD); and
(ii)The flood resistance and resilience measures in section 5.2.

These measures shall be fully implemented prior to occupation in accordance with the phasing of development. The measures shall be retained and maintained throughout the lifetime of the development hereby permitted.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
This Condition is imposed in accordance with Policy 4 of the adopted South East Lincolnshire Local Plan (2019) and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

17 Prior to the first commercial use, a Flood Warning and Evacuation Plan (FWEP) shall be submitted to and approved in writing by the Local Planning Authority.

FWEP shall be in accordance with Appendix E (Flood Risk Assessment (1433618-28 (V03))) including the Framework Flood Warning and Evacuation Plan in Appendix E -3.

The approved FWEP shall be implemented, and made available for inspection by all users of the site, and be displayed in a visible location at all times thereafter.

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

18 Within 6 months of the development ceasing to be used for the purposes of electricity storage, a scheme for the demolition and removal of redundant BESS buildings and structures from the Site and the restoration of the Site shall be submitted to the Local Planning Authority, for approval in writing. The scheme shall include a written explanation of which buildings and structures, if any, are not redundant, making reference to their potential for reuse.

The scheme shall be implemented in full within 12 months of approval, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the Site is not allowed to become derelict after the cessation of electricity storage in accordance with the policies of the adopted South East Lincolnshire Local Plan (2019).

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

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



Phil Norman
Head of Planning
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 section 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://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 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.

APPENDIX 2: NFCC GRID SCALE ENERGY STORAGE SYSTEM PLANNING GUIDANCE – COMPLIANCE TABLE

Ref.	NFCC Guidance	Project Response and Design Measure	Compliance Status	Evidence / Drawing Reference
1. Site Selection & Layout				
1.1	BESS installation should be located to minimise risk to life and surrounding property, taking into account proximity to occupied buildings, public highways and property boundaries. An initial minimum distance of 30m is proposed between BESS cabinets (or associated infrastructure such as transformers and switchgear) and occupied building.	The general location is highly suitable being secure and set away from sensitive receptors. As detailed in the submitted indicative Site Layout Plan (16181- WDN- XX- XX- DR- A- 0500 P03), BESS units are sited away from occupied structures (welfare facilities) and 3 m from site boundaries, in accordance with the NFCC guidance separation distances.	**Compliant**	0500 - Indicative BESS General Arrangement Plan (16181- WDN- XX- XX- DR- A- 0500 P03)
1.2	Adequate separation distances should be maintained between individual BESS units / containers.	A minimum of 3 m separation is maintained in the indicative layout, between adjacent BESS containers. It is noted that the current proposals are indicative. The final design would be confirmed with the local Fire and Rescue Service at the discharge of conditions stage. We recommend a planning condition requiring the submission of a Battery Safety Management Plan is attached to the new planning permission,	**Compliant**	0500 - Indicative BESS General Arrangement Plan (16181- WDN- XX- XX- DR- A- 0500 P03)

Ref.	NFCC Guidance	Project Response and Design Measure	Compliance Status	Evidence / Drawing Reference
1.3	Site access should be suitable for fire appliances, including turning circles and load-bearing surfaces.	The indicative site layout (16181- WDN- XX- XX- DR- A- 0500 P03) includes dual site access from the east and northwest of the Site with suitable internal access tracks for emergency vehicles.	**Compliant**	0500 - Indicative BESS General Arrangement Plan (16181- WDN- XX- XX- DR- A- 0500 P03)
2. Fire Detection & Suppression				
2.1	An early warning fire detection system should be installed within each BESS unit, capable of detecting thermal runaway at the earliest opportunity.	The Applicant is committed to following industry standards. The type of suppression system and BESS unit would be selected at the detailed design stage.	**Compliant**	
3. Firefighting Provisions				
3.1	Adequate water supply for firefighting should be available on site or within a reasonable distance.	Four fire water tanks (minimum 60,000 litres each), are proposed. The location of the fire tanks is indicative and would confirmed in consultation with the local Fire and Rescue Service at the discharge of conditions stage as part of the consultation required for the proposed Battery Safety Management Plan condition.	**Compliant**	0500 - Indicative BESS General Arrangement Plan (16181- WDN- XX- XX- DR- A- 0500 P03) 4206 - Indicative Water Tank Plans and Section (16181- WDN- XX- XX- DR- A- 4206 P01)
3.3	Run-off containment measures should be in place to prevent contaminated firewater from entering the drainage system.	The indicative site layout includes an attenuation basin attenuation basin to be used a secondary containment to capture runoff from firefighting activities in the event that one or more of the BESS units was compromised. The provision on the attenuation basin will prevent hazardous contaminants from entering	**Compliant**	0500 - Indicative BESS General Arrangement Plan (16181- WDN- XX- XX- DR- A- 0500 P03)

Ref.	NFCC Guidance	Project Response and Design Measure	Compliance Status	Evidence / Drawing Reference
		local watercourses and the surrounding environment. It is envisaged that final details of the attenuation basin would be confirmed at the detailed design stage.		
4. Emergency Planning & Management				
4.1	A site-specific Emergency Response Plan (ERP) should be prepared and shared with the local Fire and Rescue Service (FRS) prior to commissioning.	We recommend a planning condition requiring the submission of a Battery Safety Management Plan (BSMP) (including the ERP) is attached to the new planning permission. The Applicant should be required to engage with the local Fire and Rescue Service on the drafting of the BSMP and ERP.	**Compliant**	
4.2	The project proponent should engage with the relevant FRS at the earliest opportunity during the design and planning stage.	The Applicant intends to consult the local Fire and Rescue Service in advance of the detailed design which will be submitted at this discharge of conditions phase.	**Compliant**	
5. Planning & Risk Assessment				
5.1	The planning application should include sufficient information to allow assessment of fire safety measures by the Local Planning Authority and statutory consultees.	The Applicant has elected to amend the layout in accordance with the NFCC guidance to ensure safety and compliance with industry standards. It is anticipated that consultation with the local Fire and Rescue Service would take place at the detailed design stage.	**Compliant**	

APPENDIX 3: PROPOSED VARIATION OF CONDITIONS

Proposed Change	Amendment to condition	New Drawings	Summary of Changes
Variation of condition 4	*The development hereby permitted, or each phase thereof, shall be carried out in* *accordance with the following submitted parameter plans:* *16181-WDN-XX-XX-DR-A-0320 P02* ~~*16181-WDN-XX-XX-DR-A-1000 P02*~~ *16181- WDN- XX- XX- DR- A- 1000 P03* ~~*16181-WDN-XX-XX-DR-A-1010 P02*~~ *16181- WDN- XX- XX- DR- A- 1010 P03* *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).*	• *16181- WDN- XX- XX- DR- A- 1000 P03* • *16181- WDN- XX- XX- DR- A- 1010 P03*	Replacement of consented site parameter plan and elevations plan to reflect the new Site parameters.
Variation of condition 5	*The development hereby permitted, or each phase thereof, shall be carried out in general conformity with the following submitted plans:* ~~*16181-WDN-XX-XX-DR-A-0600 P02*~~ ~~*16181-WDN-XX-XX-DR-A-4000 P02*~~	• *16181- WDN- XX- XX- DR- A- 0600 P03* • *16181- WDN- XX- XX- DR- A- 0500 P03* • *16181- WDN- XX- XX- DR- A- 4207 P01*	Replacement of consented indicative site arrangement plan, indicative BESS arrangement plan and indicative welfare and banking station to reflect scheme updates.

	~~*16181-WDN-XX-XX-DR-A-4100 P02*~~ *16181- WDN- XX- XX- DR- A- 0600 P03* *16181- WDN- XX- XX- DR- A- 0500 P03* *16181- WDN- XX- XX- DR- A- 4207 P01* *Reason: For the avoidance of doubt and and to ensure that the development is carried outin accordance with the details as approved with regard to the policies of the adopted*		
Variation of condition 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 of development has been submitted to and approved in writing by the Local Planning Authority.* *Such details shall be in general conformity with the submitted indicative plan ~~16181-WDNXX- XX-DR-A- 0500 P02~~ 16181-WDN- XX- XX- DR- A- 0500 P03 unless otherwise agreed in writing by the Local Planning Authority.* *Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to the policies of*	• *16181- WDN- XX- XX- DR- A- 0500 P03*	Replacement of indicative layout plan with new indicative general arrangement plan.

	the adopted South East Lincolnshire Local Plan (2019).		
Variation of condition 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 of development has been submitted to and approved in writing by the Local Planning Authority.* *Such details shall be in general conformity with the following submitted indicative drawings:* ~~*16181 WDN XX XX DR A 0600 P02*~~ ~~*16181 WDN XX XX DR A 4000 P02*~~ ~~*16181 WDN XX XX DR A 4100 P02*~~ *16181- WDN- XX- XX- DR- A- 0600 P03* *16181- WDN- XX- XX- DR- A- 0500 P03* *16181- WDN- XX- XX- DR- A- 4207 P01*	• *16181- WDN- XX- XX- DR- A- 0600 P03* • *16181- WDN- XX- XX- DR- A- 0500 P03* • *16181- WDN- XX- XX- DR- A- 4207 P01*	Replacement of consented indicative site arrangement plan, indicative BESS arrangement plan and indicative welfare and banking station to reflect scheme updates. Whilst not referenced in condition 7, the Applicant has provided a suite of new drawings to reflect the updated technology and new infrastructure proposed. These drawings would supersede any previous drawings submitted as part of the original application: • 4202 - Indicative Switchroom Plans and Elevations (16181- WDN- XX-

	unless otherwise approved in writing by the Local Planning Authority. *Reason: For the avoidance of doubt 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).*		XX- DR- A- 4202 P01) • 4203 - Indicative Control Room Plans and Elevations (16181- WDN- XX- XX- DR- A- 4203 P01) • 4204 - Indicative Storage Plans and Elevations (16181- WDN- XX- XX- DR- A- 4204 P01) • 4205 - Indicative Welfare Plans and Elevations (16181- WDN- XX- XX- DR- A- 4205 P01) • 4206 - Indicative Water Tank Plans and Section (16181- WDN- XX- XX- DR- A- 4206 P01)

			• 4207 - Indicative HV Substation Plans and Elevations (16181- WDN- XX- XX- DR- A- 4207 P01)