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DWD LLP
6 New Bridge Street
London
EC4V 6AB

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

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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.

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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.

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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.