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Date: 19 March 2026
Our Ref: 14278g

Nick Atkinson and Phil Norman
South Holland District Council
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Dear Nick and Phil,

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 192

APPLICATION FOR A CERTIFICATE OF LAWFUL PROPOSED USE OR DEVELOPMENT FOR THREE CONTAINER UNITS HOUSING GENERATORS, THREE FUEL TANKS, THREE TRANSFORMERS, AN UNDERGROUND CABLE, AND ASSOCIATED HARDSTANDING ON LAND AT SPALDING POWER STATION, WEST MARSH ROAD, SPALDING

I write on behalf of Spalding Energy Company Limited ('SECL' or 'the Applicant'), a wholly owned subsidiary of InterGen, to submit an application for a Lawful Development Certificate ('LDC') to South Holland District Council ('SHDC'), the Local Planning Authority ('LPA'), in relation to land at Spalding Power Station, West Marsh Road, Spalding.

As required by Section 192(1) of the Town and Country Planning Act 1990 ('the Act'), this letter and enclosed drawings provide information to describe the land and the proposed development. In addition, the application documents comply with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('DMPO'), Article 39(2) and (4).

SECL intends to erect three container units each housing a circa 2 megawatts ('MW') generator, three circa 120,000 litre fuel tanks (one per generator), three transformers (one per generator), underground cabling, and associated hardstanding associated with the Spalding Power Station undertaking ('the Proposed Development'). The precise location of the Proposed Development can be seen in the submitted Site Location Plan submitted with this application (ref. SP01; rev. 02). A depiction of the scale, appearance and size of the Proposed Development can be found in the submitted Container/Genset drawing (ref. SD01; rev. 03) and Step Up Transformer drawing (ref. SD02; rev. 01).

The Proposed Development is designed to accord with the new Grid Code adopted by National Energy System Operator ('NESO') and only intended to be operated during emergency situations, in the event that Spalding Power Station loses power. The Applicant is required to have the equipment installed, commissioned and operational by 31 December 2026, as required by NESO and Ofgem.

The Applicant has an Electricity Generation License (Ofgem licence no. FC019668) and therefore benefits from permitted development rights as a statutory undertaker. In accordance with DMPO, Article 39(2), the LDC application is supported by this cover letter and the following documents:

- Site Location Plan (ref. SP01; rev. 02);

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Registered Office: Spring Lodge, 172 Chester Road, Helsby, Cheshire, WA6 0AR

- Proposed Site Layout Plan (ref. PL01; rev. 02);
- Container/Genset drawing (ref. SD01; rev. 03);
- Step Up Transformer drawing (ref. SD02; rev. 01); and
- A copy of the Applicant's Ofgem Electricity Generation Licence.

As a courtesy, the Applicant contacted SHDC on 2 March 2026 seeking to discuss this application. A follow up email was sent on 12 March 2026; no response has been received.

The Applicant's case for the issuing of the certificate is set out below. It is proposed the container units housing the generators would be erected under Part 15 of Schedule 2, Class B(e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('GPDO 2015'), the fuel tanks and transformers under Class B(f), and the underground cabling under Class B(a).

Proposed Permitted Development

NESO has a statutory obligation to ensure the continuity of the electricity supply in Great Britain. This is achieved through the publication of the Grid Code, a document which sets out the technical standards all generating undertaker, including the Applicant, have to follow. NESO periodically revise the Grid Code to reflect current risks and concerns and recently issued new obligations that relate to the resilience of the electricity grid. In particular, these cover the ability to restore the grid if there were to be a widespread and unforeseen outage to the national electricity grid. This new Grid Code requirement (known as GC0156) requires all generating plants, including the Spalding Power Station, to have sufficient on-site power to maintain all critical auxiliary and generation equipment protection systems for an extended period of up to 72 hours without any external grid connection providing the electricity import.

Diesel generators are quickly deployed and reliable and are commonly installed for backup power in a range of contexts including industrial and commercial premises. The deadline for project completion is December 2026; this is a non-negotiable compliance deadline set by NESO and its regulator Ofgem.

On the Spalding Power Station site, the system (the Proposed Development) will take the form of a diesel generator set, located externally within an acoustic enclosure, which can withstand a 72-hour blackout in compliance with the latest issue of the Grid Code. Notably, the proposed generators would be able to run on Hydrotreated Vegetable Oil (HVO) as well as diesel, or a blend of the two. HVO is a sustainable, drop-in diesel alternative that reduces net greenhouse gas emissions by up to 90% compared to fossil diesel. Made from waste products, it offers cleaner combustion with up to 30% fewer particulate matters and 27% fewer emissions, directly improving air quality without requiring engine modifications.

The red line boundary including the existing access comprises 0.086 hectares ('ha'). The footprint of the Proposed Development is approximately 160 m^2 and would comprise the fuel tanks/containers (119 m^2), the transformers (15 m^2), and stairs to the containers (26 m^2). The maximum external dimensions of the proposed aboveground equipment are:

- Container units, including stairwells, and fuel tanks (combined): 14.1 m (L) x 5.2 m (W) x 6.7 m (H); and

- Transformers: 2.4 m (L) x 2.1 m (W) x 2.05 m (H).

The Proposed Development also includes an underground electric cable. The Proposed Development area is already serviced by an existing site access from the public highway off West Marsh Road, which is included in the red line area.

The container units housing the generators are proposed to be sited directly on top of the fuel tanks and would therefore have the same footprint. On top of each container is a ventilation system and silencer, and on each side is a door and associated stairwell for access. Each transformer would be located at the western end of each container unit. The underground cable would connect the Proposed Development to existing infrastructure associated with the power station to the west and would be approximately 8.0 metres ('m') long and 1.0 m wide, running entirely underneath existing hardstanding. The indicative internal floorplans, roof plans, and elevations can be found in the submitted Container/Genset drawing (ref. SD01; rev. 03) and Step Up Transformer drawing (ref. SD02; rev. 01).

As such, the Proposed Development is only intended to be used as back-up equipment during emergency situations, such as in the unlikely event that Spalding Power Station loses power for an extended period due to a blackout on the National Grid. In this instance, the generators will be used for a maximum period of 72 hours (the NESO requirement) whilst the grid is restored by NESO before being switched off or running out of fuel. There will also be maintenance testing once per month to ensure the generators are working, however, this is likely to only take 15 minutes. The generators will be switched off in all other scenarios.

The Proposed Development will be set back from boundaries and from easements to the National Grid electricity pylon, and other utilities and circulation areas.

The Proposed Development would constitute permitted development under Part 15 of Schedule 2, Class B (electricity undertakings) of the GPDO 2015. The relevant section(s) of Part 15, Class B that each item of proposed infrastructure would fall under and how it satisfies the relevant criteria is set out in Table 1 overleaf.

Table 1 – Relevant Part of the GPDO 2015 for each Item of Infrastructure

Equipment	Relevant GPDO 2015 Class	Relevant GPDO 2015 Class Wording	Relevant GPDO 2015 Class Restrictions and Conditions	Compliance with Restrictions/Conditions
Container units housing the generators	Part 15, Class B(e)	*Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of the erection on operational land of a building solely for the protection of plant or machinery.*	**Restrictions** *In the case of any Class B(e) development, the building would exceed 15 metres in height.* **Conditions** *In the case of any Class B(e) development, approval of details of the design and external appearance of the buildings must be obtained, before development is begun.*	As shown on the submitted Container/Genset drawing (ref. SD01; rev. 03), the container units would not exceed 15 m in height. A Prior Approval application outlining the design and external appearance of the containers will be submitted to SHDC alongside this application. There is no express procedure set out for the prior approval of the design details but the urgency due to the NESO requirements is emphasised and we request that both are determined in parallel. As required by DMPO Article 39(4), the container units are outlined in dark orange on the submitted Site Layout Plan (ref. PL01; rev. 02).
Fuel tanks and transformers	Part 15, Class B(f)	*Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of any other development carried out in, on, over or*	**Restrictions** *In the case of any Class B(f) development, it would consist of or include—* *i. the erection of a building, or the reconstruction or alteration of a building where its design or*	As shown on the submitted Container/Genset drawing (ref. SD01; rev. 03) and Step Up Transformer drawing (ref. SD02; rev. 01), the design and appearance of the fuel tanks and transformers would be in keeping with the remainder of Spalding Power Station and the surrounding area and not materially affect the

		under the operational land of the undertaking.	*external appearance would be materially affected, or* *ii. the installation or erection by way of addition or replacement of any plant or machinery exceeding 15 metres in height or the height of any plant or machinery replaced, whichever is the greater.*	appearance of Spalding Power Station / the premises. As also shown on the aforementioned plans, the fuel tanks and transformers would not exceed 15 m in height. The fuel tanks and transformers are not replacing any other plant or machinery. As required by DMPO Article 39(4), the fuel tanks are located underneath the container units outlined in dark orange on the submitted Site Layout Plan (ref. PL01; rev. 02). The transformers are outlined in pink.
Underground cable	Part 15, Class B(a)	*Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or*	**Restrictions** *In the case of any Class B(a) development* *i. it would consist of or include the installation or replacement of an electric line to which section 37(1) of the Electricity Act 1989 (consent required for overhead lines) applies; or* *ii. it would consist of or include the installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber*	As shown on the submitted Proposed Site Layout Plan (ref. PL01; rev. 01), the cable would be laid entirely underground within the curtilages of the existing Spalding Power Station site. The underground cable is not replacing or temporarily diverting an existing electric line. As required by DMPO Article 39(4), the underground cable is marked in pale orange on the submitted Site Layout Plan (ref. PL01; rev. 02).

		transforming or switching stations or chambers reasonably necessary in connection with an electric line.	*for housing apparatus and the chamber would exceed 29 cubic metres in capacity.* **Conditions** *In the case of any Class B(a) development consisting of or including the replacement of an existing electric line, compliance with any conditions contained in a planning permission relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line;* *In the case of any Class B(a) development consisting of or including the installation of a temporary electric line providing a diversion for an existing electric line, on the ending of the diversion or at the end of a period of 6 months from the completion of the installation (whichever is the sooner) the temporary electric line is removed and the land on which any operations have been carried out to install that line is restored as soon as reasonably practicable to its condition before the installation took place;*	

Environmental Impact Assessment

Regarding the requirements to screen for Environmental Impact Assessment ('EIA'), as the Proposed Development may constitute an extension to a consented Schedule 2 EIA development, being Spalding Power Station, it could fall under Schedule 2, Section 13(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regs'). This states:

"*Any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.*"

It should be emphasised that the above commentary relates to EIA considerations. The proposed development does not comprise a functional extension to Spalding Power Station since it does not expand its generation capacity and simply substitutes for the grid import connection for up to 72hrs if the grid connection is unavailable.

The corresponding thresholds to screen for EIA are:

(i) *"The development as changed or extended may have significant adverse effects on the environment; or*

(ii) *in relation to development of a description mentioned in column 1 of this table, the thresholds and criteria in the corresponding part of column 2 of this table applied to the change or extension are met or exceeded."*

With regard to point (i), in view of the characteristics of the Proposed Development, the low environmental sensitivity of the location, and by virtue of only being operational in rare emergency situations, for no longer than 72 hours at a time or once per month for 15 minutes for maintenance, we consider that it clearly would not result in significant environmental effects that would constitute the development being EIA. Each of the containers housing the generators will include an air silencer for noise abatement and acoustic padding to mitigate any adverse noise effects in the event they are operated for 72hrs.

In respect of point (ii), the area of the Proposed Development is 0.086 ha and therefore is considerably below 0.5 ha.

On the basis of the above, we consider that the submission of a request for an EIA Screening Opinion for the Proposed Development is not required under the EIA Regs.

Conclusion

The relevant application fee of £294.00 plus the £85.00 service charge has been paid via the Planning Portal. We consider the proposal falls under "*The erection, alteration or replacement of plant or machinery*" for a site of 0.086 ha.

Due to the above, we politely request the issuing of an LDC for the Proposed Development in accordance with S192(3) of the Act. A determination within the statutory timescale of eight weeks in the DMPO is requested. We are not aware of any consultations that would be required.

I trust you have all the information you require to determine the application. I would be grateful if you could please contact my colleague Ollie Williams (ollie.williams@dwd-ltd.co.uk) and myself via the details below if you have any queries in relation to the submissions.

Yours sincerely,

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