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DWD Property and Planning Limited
69 Carter Lane
London
EC4V 5EQ

# TOWN AND COUNTRY PLANNING ACT 1990
# LAWFUL USE CERTIFICATE

**Reference:** H16-0271-26 **Date of Decision:** 19th May 2026

**Applicant:** Spalding Energy Company Ltd.
C/O Dwd Property And Planning Limited
69 Carter Lane
London
EC4V 5EQ

**Location:** Land At Spalding Power Station West Marsh Road Spalding

**Description:** Erection of three container units each housing a circa 2 megawatts 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.

**South Holland District Council hereby give notice that on the date of the application the use, operations or matter described below was LAWFUL within the meaning of Section 192 of The Town and Country Planning Act 1990 for the reasons set out below:**

1 Schedule 1 - Description of Use or Operation

Erection of three container units each housing a circa 2 megawatts 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.

Schedule 2 - Land Specified

Land at Spalding Power Station, West Marsh Road, Spalding (as outlined in red on the attached plan)

Reason for determining the use, operations or other matters to be lawful:

The proposed development, comprising the erection of three container units, underground cabling, and associated hardstanding in association with the Spalding Power Station undertaking, would be in accordance with Schedule 2, Part 15 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2 This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 as amended. It certifies that the use, operations or matter specified in Schedule 1 taking place on the land described in Schedule 2 was or would have been lawful on the date of the application, and thus was not or would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.

This Certificate applies only to the extent described in Schedule 1 and to the land specified in Schedule 2 and on the attached plan. Any use, operation, or other matter which is materially different from that described, or which relates to other land, may render the owner or occupier liable to enforcement action. For a Section 192 Certificate, the lawfulness is only conclusively presumed where there has been no material change in any relevant matter before the use or operations are begun.

Notes:

This decision is pursuant to the details as submitted, contained within the list of determined plans and documents as stated below. This is inclusive of a letter prepared by DWD, on behalf of 'Spalding Energy Company Limited, dated 29 April 2026, which expresses that the equipment can be acceptably installed, either in the arrangement shown on the submitted plans, or if rotated 90 degrees anticlockwise. It is the Local Planning Authority's view that the development would remain lawful, in such instance that the development was rotated 90 degrees anticlockwise.

The determined plans are:

- Application Form
- Covering Letter dated 19 March 2026
- DWD001 SP01 Rev 02 - Site Location Plan
- DWD001 PL01 Rev 02 - Proposed Site Layout Plan
- DWD001 SD01 Rev 03 - Container/Genset
- DWD001 SD02 01 - Step Up Transformer
- Layout Rotation Letter, dated 29 April 2026



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

**BUILDING REGULATIONS:**
This decision refers only to planning permission as granted under the Town and Country Planning

Act 1990.  The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control team for further information on 01775 764557 or bcadmin@sholland.gov.uk

BUILDING REGULATIONS 2010:

The plans given approval as part of this application, may require the provision of additional information or amendment to show compliance the relevant requirements of the Building Regulations 2010. Typical circumstances include, highly glazed extensions achieving compliance with requirement L1 (Conservation of fuel and power) which may influence the areas of glazed elements/ building elevations, or requirement B1 (Means of warning and escape) which may influence an internal layout for fire safety purposes. Please contact the Building Control team for further information on 01775 764557 or bcadmin@sholland.gov.uk

# RIGHTS OF APPEAL

## Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

## Timescales for appealing

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

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

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

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

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

## Enforcement Notices

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

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

Appeals can be made online at: **https://appeal-planning-decision.service.gov.uk/before-you-start**. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

## Purchase Notices

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

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

## Compensation

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

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