

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0272-26 **Applicant:** Spalding Energy Company Limited

Proposal: Erection of 3 container units to house emergency generators

Location: Land At Spalding Power Station West Marsh Road Spalding

Terminal Date: 20th May 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

- Schedule 2, Part 15, Class B

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks prior approval, under Schedule 2, Part 15, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed development for the purposes of this prior approval, under Part 15, Class B (electricity undertakings) of the GPDO, is for the erection of 3 container units to house emergency generators, and no other development.

The application has been accompanied by a supporting statement/letter which states that: "In compliance with Part 15, Class B.2(d) of the GPDO 2015, this Design Note has been provided to outline the key design considerations of the container units, including elements of their purpose, appearance, and access. The prior approval application is supported by this Design Note and the following documents:

- Site Location Plan (ref. SP01; rev. 02);
- Proposed Site Layout Plan (ref. PL01; rev. 02);
- Container/Genset drawing (ref. SD01; rev. 03); and
- Step Up Transformer drawing (ref. SD02; rev. 01).

It should be noted that whilst a prior approval application has been submitted in this instance in light of the requirements of Class B.2(d), given its requirement for approval to be obtained from the relevant district authority in respect of the design and external appearance of the containers, there is no express procedure set out for the prior approval under Class 15, Part B. Notwithstanding this, it is considered appropriate to review the detail in this manner. Furthermore, this prior approval submission has been submitted parallel to a Lawful Development Certificate for the same application site.

Site Description

The application site comprises Spalding Power Station, located to the west of West Marsh Road, Spalding.

The application site specifically lies to the eastern side of the wider site and comprises a site area of 0.086ha, including the existing access.

Relevant Planning History

Notwithstanding the plethora of previous applications on site, there are no directly relevant applications for this proposal, with the exception of the corresponding lawful development certificate (Section 192).

- H16-0271-26 - 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 - Under Consideration.

Consultation Responses

During the application process, consultation responses have been received from the below referenced consultees. The responses are summarised below; however, the responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Highways and SUDS

No objections: Erection of 3 container units to house emergency generators - Established site with good access served by suitable roads on the highway network. The proposal will not have a adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Environmental Protection

No comments.

Welland & Deepings Internal Drainage Board

I confirm that Welland & Deepings IDB have no comment to make with regard to this application.

BNG Ecologist

We have no comments regarding ecology.

National Gas

Regarding planning application H16-0272-26: Land at Spalding Power Station there are no National Gas assets affected in this area.

Environment Agency

We have no objection to the application as submitted. The site could be affected by depths of up to 1.6 metres. The drawing 'Spalding Power Station Container/Genset', drawing number 'SD01-03' shows the container units will be set 1.6 metres above ground level, therefore will be resilient to flooding.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no representations have been received from members of the public.

Planning Considerations and Assessment

Schedule 2, Part 15, Class B

Schedule 2, Part 15 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relates to 'Power related development'. Specifically, Class B of this Part relates to 'Electricity Undertakings'.

Schedule 2, Part 15, Class B of the GPDO outlines that the following is permitted development:

"Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of:

- (a) 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 transforming or switching stations or chambers reasonably necessary in connection with an electric line;
- (b) the installation or replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;
- (c) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;
- (d) the extension or alteration of buildings on operational land;
- (e) the erection on operational land of the undertaking or undertaking of a building solely for the protection of plant or machinery;
- (f) any other development carried out in, on, over or under the operational land of the undertaking.

In this instance, the proposal relates to the erection of three container units to house emergency generators. More specifically, the proposed development and units would comprise "the fuel tanks/containers (119 m²), the transformers (15 m²), and stairs to the containers (26 m²). The Proposed Development also includes an underground electric cable".

As detailed within the submission, "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)".

B.1 of Part 15, Class B sets out that development is not permitted by Class B if:

- (a) 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 for housing apparatus and the chamber would exceed 29 cubic metres in capacity;
- (b) in the case of any Class B(b) development; (i) the development would take place in a National Park, an area of outstanding natural beauty, or a site of special scientific interest; (ii) the height of any support would exceed 15 metres; or (iii) the electronic communications line would exceed 1,000 metres in length;
- (c) in the case of any Class B(d) development: (i) the height of the original building would be exceeded; (ii) the cubic content of the original building would be exceeded by more than 25% or, in the case of any building on article 2(3) land, by more than 10%, or (iii) the floor space of the original building would be exceeded by more than 1,000 square metres or, in the case of any building on article 2(3) land, by more than 500 square metres;
- (d) in the case of any Class B(e) development, the building would exceed 15 metres in height, or
- (e) 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 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.

It is considered that the proposed development, comprising three container units as detailed within the supporting covering letter and as shown within the submitted plans, accords with the criteria of Part 15, Class B as detailed above.

Schedule 2, Part 15, Class B - Conditions

B.2 of Schedule 2, Part 15, Class B, details that development is permitted by Class B subject to the following conditions:

- (a) 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;
- (b) 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;
- (c) in the case of any Class B(c) development, on the completion of that development, or at the end of a period of 6 months from the beginning of that development (whichever is the sooner) any plant or machinery installed is removed and the land is restored as soon as reasonably practicable to its condition before the development took place; and
- (d) 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, from: (iii) in any other case, the district planning authority.

In respect of B.2(a), the proposed development, when considered as a whole, would comprise the installation of an underground electric cable. Notwithstanding this, in this instance there is no existing electric line being replaced, and as such, whilst this does require replacement electric lines to comply with any conditions contained in the extant planning permission relating to the height, design or position, this does not apply to the proposed underground cable in this case.

The proposed development also satisfies the conditions outlined under B.2(b) and B.(c).

Given that the proposal largely relates to the erection 'on operational land of the undertaking or undertaking of a building solely for the protection of plant or machinery, under Class B(e) of Part 15, the requirements of condition B.2(d) are relevant in this case. As such, approval of details of the design and external appearance of the buildings must be obtained by the district planning authority.

Schedule 2, Part 15, Class B.2(d) - design and external appearance of the buildings

The submission has been accompanied by a supporting statement, which expresses the importance of the site, and the proposed development. This outlines that "The scale of the Proposed Development is fit for purpose in order to safely and securely provide emergency generators and associated ancillary equipment to Spalding Power Station, as required by the new Grid Code adopted by NESO".

Notwithstanding this, the LPA are able to assess the appropriateness and acceptability of the design and external appearance of the building only. In this regard, the submission considers that the proposed development is "characterised by its functional and efficient design, which is of similar colours and materials to the other infrastructure within Spalding Power Station. The container units are identical and do not exceed the 15 m height limit stipulated by the GDPO 2015".

This goes on to express that "The Proposed Development is located within the eastern area of the operational power station. Its scale and form are consistent, and actually considerably smaller, with the adjacent power station buildings and would not result in any perceptible change to the established built environment. Accordingly, the Proposed Development is not considered visually intrusive, as it would not affect wider views of the area and is not overlooked by surrounding developments, buildings, or dwellings".

The proposed containers are, as detailed, functional and utilitarian in appearance. The containers are not of any notable quality in respect of design, nor do they contribute positively to the area. Irrespective of this, the proposal lies within the site of Spalding Power Station. This site is dominated by large, utilitarian style buildings and associate structures. The site itself is utilised, designed and functions for its intended purpose, and as such, the erection of three containers, which are modest in scale when viewed in the context of the wider application site, are considered to be appropriate.

The proposed containers and works, subject to permitted development under Part 15, Class B, are acceptable with regard to the design and external appearance.

During the course of the application process, the applicant's agent on behalf of 'Spalding Energy Company Limited has submitted a further coving letter, 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 agreed, based on the information provided, that this is the case and the proposal subject to this submission would be acceptable as detailed.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposal constitutes permitted development and complies with the relevant conditions under Schedule 2, Part 15, Class B of the Town and Country Planning (General Permitted Development) Order, 2015.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.