



**PLANNING STATEMENT
SPALDING ENERGY EXPANSION LIMITED
APPLICATION TO EXTEND THE TIME LIMIT FOR
IMPLEMENTATION
OF PLANNING PERMISSION H16-0135-10
UNDERGROUND HIGH PRESSURE NATURAL GAS
PIPELINE
AND ABOVE GROUND INSTALLATION**

**LAND BETWEEN THE SITE OF THE PROPOSED
SPALDING ENERGY EXPANSION AT WEST MARSH
ROAD AND
WRAGG MARSH ABOVE GROUND INSTALLATION
TO THE NORTH EAST OF SPALDING**

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DOCUMENT 1: PLANNING PERMISSION H16-0135-10

**DOCUMENT 2: LETTER FROM THE CHIEF PLANNING OFFICER TO LOCAL
PLANNING AUTHORITIES IN ENGLAND 18.09.2012**

1.0 INTRODUCTION

- 1.1 This planning statement (Statement) on behalf of Spalding Energy Expansion Limited (SEEL), an affiliate of Spalding Energy Company Ltd (SECL), accompanies an application to South Holland District Council (SHDC) for planning permission, the effect of which is to extend the time limit for implementation of the extant planning permission H16-0135-10 dated 8 June 2010 (the 2010 Planning Permission) (Document 1).
- 1.2 Document 1 describes the approved development as: *"Construct and operate an 8 kilometre high pressure natural gas pipeline and extend existing Wragg Marsh above ground installation to support a new minimum off-take connection and a new minimum off-take facility"* referred to in this Statement as the Proposed Pipeline/AGI extension. The location of the above comprises land between the site of the proposed Spalding Energy Expansion (SEE) at West Marsh Road and Wragg Marsh above ground installation (AGI) to the north east of Spalding.
- 1.3 The Proposed SEE is a combined cycle gas turbine electricity generating station (CCGT) which was granted consent (the Original Consent) by the Secretary of State for Energy and Climate Change on 11 November 2010 under section 36 of the Electricity Act 1989, along with a direction that planning permission be deemed to be granted under section 90(2) of the Town and Country Planning Act 1990. It is intended that SEEL will shortly submit an application for variation of the Original section 36 Consent (Variation Application) under section 36C of the Electricity Act 1989 and a request that the Secretary of State direct that planning permission be deemed to be granted pursuant to section 90(2) and/or (2ZA) of the Town and Country Planning Act 1990.
- 1.4 The 2010 Application was agreed to comprise EIA (environmental impact assessment) development and therefore was accompanied by an Environmental Statement (ES 2010) along with a Non-Technical Summary, Design and Access Statement, Planning Statement and Statement of Community Involvement.
- 1.5 The present 2015 Application is accompanied by an ES Further Information Document (2015 ES FID), which includes an assessment of whether the likely significant effects of the Proposed Pipeline/AGI extension on the environment differ from those described in the 2010 ES, and if they do, includes an assessment of the likely significant effects. A non-technical summary of the ES FID 2015 is also provided.
- 1.6 This Statement refers in the following sections to the:
 - present Application process by which the time limit for implementation of the extant planning permission can be extended (section 2);
 - proposed Pipeline/AGI extension, which is unchanged from the 2010 Planning Permission (section 3)

- differences in environmental effects between the 2010 ES and the 2015 ES FID (section 4);
- development plan saved policies contained in the South Holland Local Plan 2006 (SHLP) and the former regional strategy which was revoked in 2013 (section 5);
- National Planning Policy Framework 2012 (NPPF) and Planning Practice Guidance 2014 which post-date the 2010 Application and Planning Permission (section 6);
- National Policy Statements for Energy 2011 which post-date the 2010 Application and Planning Permission (section 7);
- Conclusions (section 8).

2.0 EXTENDING PLANNING PERMISSIONS

- 2.1 The 2010 Planning Permission condition 1 states that *"The development must be begun not later than the expiration of five years beginning with the date of this permission"* i.e. 8 June 2010. The Planning Permission has not been implemented but so that it does not expire, SEEL wishes to extend the time limit for implementation, subject to the same conditions as presently exist. The effect of this will be to lengthen the term of the planning permission for a further 5 years from when permission (if granted) is issued.
- 2.2 The Town and Country Planning (Development Management Procedure) (England) Order 2010, S.I. 2010 No. 2184 (DMPO) consolidated with amendments the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and subsequent amending instruments as they apply to England. The Explanatory Memorandum to the DMPO on policy background (paragraph 7.6) explains that in 2009, the Department for Communities and Local Government (DCLG) *"became aware of a reduction in the implementation rate of major schemes"* which already had planning permission and that if large numbers of those permissions were not implemented and lapsed, this could delay economic recovery.
- 2.3 Subsequently SI 2012 No. 2274 The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 came into force on 1 October 2012. The 2012 Order amended article 18 of the DMPO so as to provide that less onerous consultation requirements apply to applications for replacement planning permissions. An accompanying letter of 18 September 2012 from the Chief Planning Officer to all Local Planning Authorities in England on *"Extending existing planning permissions & the positive and proactive statement in decision notices"* (Document 2) states:

"The amendments allow applicants with unimplemented extant permissions granted on or before 1 October 2010 (previously the deadline was 1 October 2009) to apply for a replacement permission for the same development, subject to a new time limit for implementation. As before such applications will be subject to a lower fee, less onerous information and consultation requirements and a design and access statement will not be required."

These provisions are applicable to this current Application as explained in 2.04 below.

- 2.4 The current Application for planning permission is of the description contained in article 18(1)(b) of the DMPO namely the development has not yet begun and was granted planning permission before 1 October 2010 and accordingly the:
- a) requirements of article 6(1)(c) of the DMPO do not apply (those requirements are that an application be accompanied by plans, drawings and information necessary to describe the development);
 - b) requirement of article 8(4)(b) for a design and access statement does not apply;

- c) the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 Schedule 1 paragraph 7 (1) (b) stipulates a fee of £575 for a replacement application for a major development.
- 2.5 Notwithstanding the above, as the application is for EIA development, the exception (to the normal consultation requirements) for replacement applications does not apply (DMPO article 16(1)(e)) and consequently the local planning authority is required to consult the authority or person mentioned in schedule 5 to the DMPO. As a result it is necessary for the Council to consider whether the application falls within a category set out in the Table in schedule 5 to the DMPO. The background to this is explained in 2.06 below.
- 2.6 Guidance on extensions to time limits for implementing planning permission was provided in DCLG's publication Greater Flexibility for Planning Permissions: (DCLG, Second edition October 2010) (the 2010 Guidance). That guidance was cancelled when the Planning Practice Guidance came into effect in March 2014, however the approach set out in the 2010 Guidance (in advising planning authorities as to the approach to be taken when considering a replacement application) provides some assistance. In answer to the question "Do the EIA Regulations apply?" The 2010 Guidance at section 14 states as follows:
- "An application for an extension to the time limit is considered to be a new application for development consent under the 1999 EIA Regulations, and requires a planning authority to issue a new screening opinion whether EIA is necessary where the proposed development is listed under Schedules 1, or 2 where it satisfies the criteria or thresholds set to the 1999 EIA Regulations. In the majority of cases where EIA was carried out on the original application, further information to make the environmental statement satisfy the requirements of the EIA Regulations is unlikely to be required (see paragraph 13 above).*
- Extensions should not be seen as a mechanism to avoid proper and thorough consideration of environmental issues, where this is necessary. Where changes in the development plan or material considerations indicate that the effects on the environment need to be reconsidered, this should be done, ensuring that appropriate and up-to-date methodologies are used, and that Natural England or other statutory consultees are consulted as necessary.*
- When it is necessary to update environmental information, provide new information or alter the proposed mitigation measures, this can normally be done by means of a supplementary ES."*
- 2.7 This 2015 Application is accompanied by an ES FID, prepared by Ramboll (environmental consultants) in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulation 2011; the differences in environmental effects between the 2010 ES which accompanied the 2010 Application and the 2015 ES is discussed in section 4.

3.0 PROPOSED PIPELINE/AGI EXTENSION

- 3.1 The Proposed Pipeline/AGI in this Application is unchanged from that which was considered by SHDC in 2010, except to extend the time for implementing the 2010 Planning Permission.
- 3.2 The 2010 Application (submitted on 19.02.10) included various documents which are available on the SHDC website at: <http://www.sholland.gov.uk/doitonline/plandev/details.aspx?oref=H16-0135-10>.
- 3.3 The report by the Head of Planning and Development to the Development Control Committee of 2 June 2010 refers to the proposal; site description; relevant planning policies; relevant planning history; representations (including consultee responses); material considerations; recommendations. Among the material considerations, the main issues were:
- principle of development;
 - energy and climate change
 - planning policy
 - land use and visual impact;
 - environmental impacts;
 - economic development;
 - third party comments.

The 2010 report which recommended the grant of planning permission is available on the SHDC website at <http://www.sholland.gov.uk/PublishedRecords/PBC/DC/APP/6/0b7fde15-68c3-11df-b1d6-001e0be85c60.pdf>.

- 3.4 The conclusion of the planning officer was that *"The proposed development is essential infrastructure to facilitate the operation of the proposed SEE. It is considered to comply with relevant planning and national energy policy with no other material considerations to indicate against the proposal."* It was recommended to the Committee (and the Committee accepted) that planning permission should be granted subject to conditions.
- 3.5 The 2010 Planning Permission includes twelve conditions summarised as follows:
1. The development must be begun within 5 years from 8 June 2010.
 2. The development must be carried out in accordance with the ES and approved plans:
 - BPA-6851-P-MAP Rev C - pipeline application drawing (red line plan)
 - BPA-6731-P-LYT Rev D - MOF overall general arrangement
 - BPA-6732-P-LYT Rev D - MOF piping general arrangement

- BPA-6733-X-LYT Rev A - MOF extension preliminary land purchase drawing
- 08157-05-Rev 1 - elevation of proposed new SEE AGI at Wragg Marsh, "unless otherwise approved by the Local Planning Authority (LPA)".

No.	Topic	Reasons (incl. policies)
3	Pre-development approval required by the LPA of a Construction Environmental Management Plan (CEMP)	In the interests of amenity; SHLP policies SG13, SG17
4	Site clearance operations not to be undertaken between March-August, except when approved by the LPA	To ensure breeding birds are not adversely affected; Planning Policy Statement 9 Biodiversity and Geological Conservation (revoked by the NPPF)
5	Pre-development approval required by LPA of working design, methods statement and timetable to mitigate any undue adverse effects to water voles	To ensure water voles are not adversely affected; Planning Policy Statement 9 Biodiversity and geological conservation (revoked by the NPPF)
6	Pre-development approval required by LPA of working design methods statement and timetable to mitigate any undue adverse effects to badgers	To ensure badgers are not adversely affected Planning Policy Statement 9 Biodiversity and geological conservation (revoked by the NPPF)
7	Pre-development approval required by LPA of implementation of a programme of archaeological work in accordance with a written scheme of investigation	To ensure the preparation/ implementation of an archaeological mitigation scheme; Planning Policy Statement 5 Planning for the Historic Environment (revoked by the NPPF)
8	Specified construction hours of work required unless agreed in writing by the LPA or in emergencies	To enable reasonable/proper control; in accordance with SHLP policies SG13, SG17
9	Pre-development approval required by LPA of construction traffic management	To reduce numbers of traffic movements for the safety of other road users/pedestrians; SHLP policies SG1, SG13
10	Pre-development approval required by LPA of details of wheel washing facilities for construction vehicles	Measures to alleviate dust and dirt on the local environment; SHLP policies SG2, SG17
11	Pre-development approval required by LPA of temporary site establishment area, pipe storage compounds, welfare facilities and access arrangements	To ensure adequate facilities are available for the efficient construction of the pipeline.
12	Pre-development approval required by LPA of the AGI extension to a scheme of landscaping and tree	To ensure the development is adequately landscaped in the interests of visual amenity, SHLP policy SG18

planting, indicating numbers,
species, heights of planting and
position of all trees and
maintenance/
replacement over 5 years from
completion of the scheme

- 3.6 The Proposed Pipeline/AGI requires no changes to the 2010 Planning Permission except to extend the duration of the permission.

4.0 DIFFERENCES IN ENVIRONMENTAL EFFECTS

- 4.1 The ES FID accompanying this Application includes an assessment of whether the likely significant effects on the environment of the Proposed Pipeline/AGI differ from those described in the February 2010 ES. The SEE Gas Pipeline 2010 ES was prepared under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the 1999 Regulations). The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations), applicable to England consolidate with amendments the provisions of the 1999 Regulation and subsequent amending instruments.
- 4.2 It has been explained already that the purpose of this Application is to extend the duration of the Planning Permission and that the permission if granted will be subject to the same conditions, the same description of development, within the same site and subject to the same mitigation and monitoring measures, designed to minimise any likely significant environmental effects.
- 4.3 The 2015 ES FID describes its purpose as being to accompany the 2015 Application by providing an updated environmental baseline and to assess whether the likely significant effects on the environment of the Proposed Pipeline/AGI differ from those described in the 2010 ES. It is emphasised that, used in combination the 2010 and 2015 ESs provide the results of a comprehensive and independent assessment of the likely significant effects on the environment as described in Schedule 4 of the 2011 EIA Regulations.
- 4.4 The 2015 ES FID provides detailed information in the following sections:

	List of Abbreviations	9	Noise and Vibration
	Summary of ES FID	10	Landscape And Visual
1	Introduction	11	Ecology
2	Rationale for Development	12	Ground Conditions (Geology and Land Contamination)
3	Policy Context	13	Water Resources and Flood Risk
4	Environmental Impact Assessment Methodology and Environmental Statement Content	14	Transport And Access
5	Stakeholder Consultations	15	Archaeology And Cultural Heritage
6	The Proposed Development and Alternatives	16	Socio-Economics
7	Construction/Operation/Decommissioning	17	Cumulative Impacts
8	Air Quality	18	Environmental Management

- 4.5 The 2015 ES FID contains a useful summary of all sections headed “*Relationship between the February 2010 ES and This Replacement Application ES FID*”. In particular, it should be noted that the technical EIA sections confirm that the findings of the 2010 ES in respect of the impact assessment and associated recommended mitigation and monitoring “*remain valid and appropriate*” subject to the following:
- a) Section 11 Ecology – includes the requirement for an updated impact of assessment of water voles (see also planning permission condition 5);
 - b) Section 15 Archaeology and Cultural Heritage - notes that since the 2010 ES, additional features of archaeological/cultural heritage importance (eight historic farmsteads) have been recorded in the study area, notably Marsh Farm for which an updated impact assessment has been provided (see also planning permission condition 7).
- 4.6 Section 17 Cumulative Impacts considers the potential cumulative effects of the Proposed Pipeline/AGI, providing a summary of whether the likely significant impacts on the environment would differ from those described in the 2010 ES. The section considers both ancillary development associated with SEE, and other planned developments / projects in the surrounding area. In terms of the ancillary development, it explains that since the 2010 ES, it has been established that the existing overhead line, which serves the Spalding CCGT generating station will be used by SEE for the export of electricity and therefore no new overhead transmission line will be required (ES FID 17.2.6). In terms of other planned developments / projects, it explains that, based on the use of the SHDC on line mapping tool, whilst there are no major planned developments within the 2010 planning permission site boundary (paragraph 17.2.7) there are a number of other planned developments / projects located to the south of the SEE site. In addition, it identifies two other planned developments / projects which were noted during consultation with SHDC.
- 4.7 Accordingly, updated assessments of cumulative impacts during construction and operation are provided in this Section. In undertaking the updated assessments it was assumed that construction of all developments overlapped. The updated assessments confirmed that likely significant impacts on the environment of the Proposed Pipeline/AGI would not differ from those described in the 2010 ES.
- 4.8 Section 18 Environmental Management provides a consolidated summary of environmental management measures in respect of construction/decommissioning (Table 18.1) and during operation (Table 18.2). Tables 18.1 and 18.2 identify which conditions of the 2010 Planning Permission are relevant to the respective topics. In particular, the Environmental Management measures for construction will require the contractor to prepare/agree/implement a construction environmental management plan (CEMP) as required under condition 3 in the 2010 Planning Permission.

- 4.9 Section 5 provides details of the compliance of the Proposed Pipeline / AGI of relevant policies in the development plan.

5.0 DEVELOPMENT PLAN

- 5.1 In deciding applications for planning permission, the LPA must have regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which states *“If regard is to be had to the development plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

South Holland Local Plan 2006

- 5.2 At the time when the 2010 Application was determined, the development plan comprised the South Holland Local Plan 2006 and the East Midlands Regional Plan March 2009.
- 5.3 On 14 March 2013 the Secretary of State for Communities and Local Government made the Statutory Instrument SI 2013 No. 629 *“Regional Strategy for the East Midlands (Revocation) Order 2013”* which was laid before Parliament on 20 March 2013 and came into force on 12 April 2013 (Document 4). The Order revoked the Regional Strategy (RS) and all directions under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in structure plans in the area to which the RS related. The RS is no longer part of the development plan and is therefore not considered further.
- 5.4 The South Holland Local Plan sets out planning policies to guide and control new development in the District until 2021. The following “saved” policies were considered relevant to the 2010 Pipeline/AGI Application and presented on behalf of the Head of Planning and Development to the Development Control Committee of 2 June 2010, namely, SG1, SG2, SG3, SG4, SG6, SG11, SG12, SG13, SG14, SG15, SG16, SG17, SG18, EC3, ENIA, LT3, TC2. These policies also substantially overlap with policies referred to in the application to the Secretary of State for the proposed SEE considered by SHDC under application reference H16-0241-09. Policy SG7 (Energy Efficiency) may also be considered relevant.
- 5.5 The planning officer considered the 2010 Application to *“generally accord with the statutory development plan.... Accordance with a number of policies would be achieved by mitigation measures set out in the ES and by conditional requirements including the Construction Environmental Management Plan and the Transport Management Plan.”* (Section 7(b) Planning Policy). NOTE: the observation referred to above would continue to be applicable to the South Holland Local Plan only.
- 5.6 In the first column of “relevant policies” the table provides a summary heading of the respective policies; the full text of policies can be read in <http://www.sholland.gov.uk/local-plan/>. The table below provides a very brief summary of whether or not the proposal complies with policies. The table demonstrates that the Proposed Pipeline/AGI accords with the following 17 no. policies.

Relevant Policies	Compliance with Policies
Core Strategic and General Policies	
SG1 – General Sustainable Development	The Proposed Pipeline/AGI is an essential constituent of the Proposed SEE which will contribute to the transition to a low carbon economy. The CCGT element of the Application demonstrates that the proposed SEE meets the requirements of being carbon capture ready (CCR) consistent with NPS policy EN-1 (see also the findings of the Supplementary Carbon Capture Readiness Feasibility Study 2015). Mitigation measures will be adopted as indicated in the Pipeline/AGI ES FID (section 18), including consolidated environmental management measures, along with monitoring conditions imposed in the 2010 Planning Permission. The proposal is consistent with the principles of sustainable development and complies with the policy.
SG2 – Distribution of Development	The proposed SEE is within an employment area, adjacent to the SECL power station, accessible to infrastructure and transportation. The SEE site comprises previously developed land; the proposed power station development represents an efficient use of the land which is accessible to existing public transport and the highway network and raises no additional issues in respect of traffic generation and road safety. The location of the proposed SEE pre-determines the connection point of the proposed gas pipeline. Development adjacent to the existing AGI is necessary as there is insufficient land within the compound to accommodate the necessary plant/equipment. The location of the proposed development accords with sustainable development principles and therefore complies with the policy.
SG3 – Settlement Hierarchy	The Application Site of the proposed SEE is within the main town of Spalding which offers the greatest potential to meet the Plan's aims and objectives. As the District's principal urban settlement, Spalding is identified as the main location for new development which includes the proposed SEE and consequently the Proposed Pipeline/AGI is an essential component of the proposed power station development. The proposed development supports the development of the SEE in the District's principal settlement and complies with the policy.
SG4 – Development in the Countryside	Development of the Proposed Pipeline adjacent to the existing AGI is necessary as there is insufficient land within the compound to accommodate the necessary plant/equipment. The Proposed Pipeline will be installed underground, avoiding sensitive areas, and adopt appropriate remediation measures defined in the 2010 ES, the 2015 ES FID and the requisite planning conditions for minimising construction effects. The

Relevant Policies	Compliance with Policies
SG6 – Community Infrastructure and Impact Assessment	location of the proposed pipeline in the countryside is essential as it is necessary to transport gas from the national transmission system to the SEE. The policy is complied with. When granting section 36 consent the Secretary of State noted that the Company had entered into planning obligations with SHDC associated with cycleway improvements, air quality monitoring, supporting land for employment purposes, community sports and leisure, provision of apprenticeships, supplying heat to the South Holland Community Hospital and local businesses as well as supporting biodiversity projects. These measures and conditions imposed in the 2010 Consent demonstrate the contribution of the Proposed SEE to community infrastructure, however there is no justification for the proposed underground pipeline and AGI being required to contribute separately to community infrastructure. The proposal will facilitate the SEE development and complies with the policy.
SG7 – Energy Efficiency	The Proposed Pipeline/AGI is an essential component of the proposed SEE which, as a gas fired power station, is acknowledged by the Secretary of State to <i>“play a vital role in providing electricity supplies; they can be operated flexibly in response to changes in supply and demand and provide diversity in our energy mix.”</i> The proposal advances the objectives of and complies with policy SG7.
SG11 – Sustainable Urban Drainage Systems (SUDS)	In terms of the underground gas pipeline, the ES FID notes that <i>“pre-construction land drainage schemes will be installed to help prevent water logging of the working width, and reduce future construction drainage problems. Particular emphasis will be placed on ensuring that existing agricultural land drainage schemes crossed by the route of the underground gas pipeline are maintained and reinstated”</i>. In terms of the associated AGI, the ES FID notes that <i>“The new AGI compound will be covered in a layer of terram and stone chippings spread over it. There is no requirement for mains drainage. Run-off surface water will flow off the concrete / tarmac roads onto the terram and stone chippings and / or soak away trenches. Through the use of this design, the surface water run off rates post-development will be no greater than the existing surface water run off rates”</i> In so far as it is relevant, the policy is complied with.
SG12 – Sewerage and Development	During operation, there is no potential for the underground gas pipeline and associated AGI to give rise to foul sewage discharge. In particular, in terms of the associated AGI, the ES FID notes that <i>“No washing / toilet facilities are required. Therefore, no waste</i>

Relevant Policies	Compliance with Policies
SG13 – Pollution and Contamination	<i>water treatment / disposal is required</i>". Insofar as it is relevant the policy is complied with. The ES FID Table 18.1 refers to a variety of mitigation and monitoring measures, namely, appropriate construction techniques (including for crossings); development and implementation of a CEMP; inclusion of a dust management plan, an emergency response plan (ERP), a noise management plan and a site waste management plan (SWMP) within the CEMP. The proposal will not give rise to unacceptable levels of pollution and the policy is complied with.
SG14 – Design and Layout of New Development	The design requirements of energy infrastructure are recognised in EN-1 in the advice that the "<i>functionality of an object – be it a building or other types of infrastructure - including fitness for purpose and sustainability is equally important.</i>" (EN-1, 4.5.3). The proposed extension of the AGI has adopted the same design approach to achieve a consistent and functional approach. The AGI will not have an adverse effect on the character and appearance of the locality and the policy is complied with.
SG15 – New Development: Facilities for Road Users, Pedestrians and Cyclists	The 2010 Planning Permission H16-0135-10 requires in condition 9 a Construction Traffic Management Plan to be submitted to and approved by SHDC. The ES FID confirms that the measures proposed in the planning permission are appropriate and will ensure compliance with the policy.
SG16 – Parking Standards in New Development	The temporary construction compound and pipe storage yard will provide the necessary parking facilities for cars and vehicles; mitigation and monitoring measures will include development and implementation of a transport management plan as required in the planning permission condition 9. These measures will ensure compliance with the policy.
SG17 – Protection of Residential Amenity	The ES considered various potential effects on amenity; it reports that avoidance, reduction or mitigation will be possible in order to eliminate or limit potential harm from smell, dust and other pollutants and that residual impacts on residential amenity will be limited. There will be no material harm to residential amenity and the policy is complied with.

Relevant Policies	Compliance with Policies
SG18 – Landscaping of New Development	Mitigation and monitoring measures include reinstatement by way of replanting any hedgerow features with native species; soil from ditch banks/road verges reinstated and sown with appropriate seed mix; replacement of any trees removed during construction with the same species; maintenance of the above until adequately compensated; permanent implementation of landscaping around the new AGI compound and maintenance of the above. So far as appropriate landscaping proposals are incorporated and the policy is complied with.
Economy	
EC3 – Existing Employment Areas/ Premises	This permissive policy is designed to permit proposals for development for employment uses within existing employment curtilages and/or for the expansion of existing employment undertakings. The location of the proposed SEE is within an area of employment development and whereas that is not the case in respect of the Proposed Pipeline/AGI, it is linked as an essential component to the proposed SEE. The proposal for the proposed underground pipeline and AGI comply with this policy.
Conservation and Enhancement of the Environment	
EN1A – Development and Sites of Local Bio diversity Interest	With mitigation there are unlikely to be any significant residual effects during the construction or operational phases in relation to ecology. In particular there are no potential impacts on designated sites in the wider area. As a result the policy is complied with. A range of mitigation measures are proposed in the SEE design, including avoidance of disturbance to Vernatts Drain and provision of enhancement measures mostly centered on the Vernatts Drain corridor and the River Welland.
Leisure, Recreation and Tourism	
LT3 – Recreational Routes, Public- Rights-of-Way, Local Disused Railway Lines	There is no conflict with the policy which seeks protection, enhancement and extension of rights of way for recreational and nature conservation purposes with improved access from the built up areas into the Countryside.
Transport and Communications	
TC2 – Cycling, Cycleways	A specific aspect of the legal agreement with the Council in respect of the Proposed SEE is the planning obligation to contribute to the provision, improvement or upgrading of cycleways and footpaths; these details are to be agreed with the Council, which accords with the policy.
5.7 It is considered that the above policies remain relevant to the Replacement Application and that there are no material conflicts with policies which overall point in favour of the Proposed Development.	

Emerging Local Policy

- 5.8 The South East Lincolnshire Local Plan is at an early stage preparation. The Revised Local Development Scheme (March 2015) indicates that public consultation on the draft local plan will take place between October and November 2015, after the time for determination of the current application.

6.0 NATIONAL PLANNING POLICY FRAMEWORK 2012

Introduction

- 6.1 The NPPF, which came into effect on 27.3.12 sets out the Government's planning policies for England and how they are to be applied; Annex 3 lists policy documents revoked and replaced by the NPPF (paragraph 1). The NPPF restates the legal position that planning law requires that applications for planning permission must be determined in accordance with the development plan (section 38(6) Planning and Compulsory Purchase Act 2004 (PCPA) and section 70(2) Town and Country Planning Act 1990 (TCPA 1990) unless material considerations indicate otherwise (paragraph 2).
- 6.2 There are no specific policies for NSIPs in the NPPF. Such applications are to be determined in accordance with the Planning Act 2008 and relevant NPSs for major infrastructure, "*as well as any other matters that are considered both important and relevant*" (which may include the [NPPF]). NPSs "*form part of the overall framework of national planning policy and are a material consideration in decisions on planning applications*" (paragraph 3).

Achieving Sustainable Development

- 6.3 On the matter of achieving sustainable development, it is stated that "*policies in paragraphs 18 to 219 taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system*" (paragraph 6). The three dimensions to sustainable development are defined as "*economic, social and environmental*"; the economic role refers to building a strong, responsive, competitive economy, including the provision of infrastructure; the environmental role refers to protection of the natural, built and historic environment, using natural resources prudently; minimising waste and pollution and mitigating/adapting to climate change, including moving to a low carbon economy. Low carbon technologies are defined as those that can help reduce emissions, compared to conventional use of fossil fuels (paragraph 7, Annex 2). The proposed infrastructure in this Application is required to enable the development of the proposed SEE, which was approved by the Secretary of State, who recognised that gas-fired generation will continue to play an important role in the energy mix as the UK makes the transition to a low carbon economy. Furthermore, the environmental role referred to above has been addressed in the 2010 ES and the 2015 ES FID, as an equally important element of sustainable development.

The presumption in favour of sustainable development

- 6.4 The NPPF constitutes guidance for LPAs and decision takers, both in respect of plan preparation and as a material consideration in determining applications (paragraph 13). There is a presumption in favour of sustainable development, which means LPA's approving development without delay where it accords with the development plan. In cases where the development plan is absent, silent or out of date, permission should be granted unless adverse

impacts would significantly / demonstrably outweigh the benefits when assessed against policies in the NPPF, taken as a whole or if specific policies indicate development should be restricted, e.g. sites protected under the Birds and Habitats Directives and/or Sites of Special Scientific Interest (SSSI), etc. (paragraph 14, footnote 9 and paragraph 119). The report to SHDC's Development Control Committee of 2 June 2010 considered that the proposed pipeline application accorded generally with the development plan with "*no other material considerations to indicate against the proposal.*"

Core Planning Principles

6.5 Among twelve core planning principles, these selected matters are relevant to this Application: (paragraph 17):

- proactively drive and support sustainable economic development to deliver, among others, "*infrastructure*" that the country needs;
- take account of the different roles and character of different areas;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and encouraging the reuse of existing resources;
- contribute to conserving and enhancing the natural environment and reducing pollution; and
- conserve heritage assets appropriate to their significance.

Building a strong competitive economy

6.6 Building a strong competitive economy is to be encouraged by the following:

- securing economic growth to create jobs and prosperity, building on the country's inherent strengths and meeting the twin challenges of global competition and a low carbon future (paragraph 18);
- the planning system doing everything it can to support sustainable economic growth (paragraph 19); and
- LPAs planning proactively to meet the development needs of business (paragraph 20).

The proposed pipeline/AGI in providing necessary infrastructure to the approved SEE, contributes to building a strong competitive economy.

Meeting the challenge of climate change, flooding and coastal change.

6.7 Among its many roles, planning is required to support the delivery of "*renewable and low carbon energy and associated infrastructure*", which is central to the economic, social and environmental dimensions of sustainable development (paragraph 93). LPA's should have a positive strategy to maximise renewable / low carbon energy and should consider identifying

suitable areas (paragraph 97). When determining applications, LPA's should *"not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy"* (NPPF, 98).

- 6.8 On the matter of flood risk, there is advice that *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere"* and it is noted that NPPF Technical Guidance on flood risk sets out how the policy should be implemented (paragraph 100, footnote 19). The NPPF explains that a Sequential Test should first be applied to steer new development to areas with the lowest probability of flooding (paragraph 101); however, if, following application of the Sequential Test it is not possible, consistent with wider sustainability objectives to locate development in zones with a lower probability of flooding, the Exception Test can be applied if appropriate (paragraph 102). This requires that the development must provide wider sustainability benefits to the community which outweigh flood risk (informed by the strategic flood risk assessment), while demonstrating that the development will be safe for its lifetime, taking account of the vulnerability of its uses without increasing flood risk elsewhere (paragraph 102).
- 6.9 The Technical Guidance to the NPPF was archived and replaced by the New Planning Practice Guidance (PPG) launched on 6.3.14. The PPG on Flood Risk includes Table 2 : Flood Risk Vulnerability Classification which defines essential utility infrastructure as that *"which has to located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations...."* As with the 2010 Application, various mitigation and monitoring measures have been addressed in the 2010 ES and the 2015 ES FID.

Conserving and enhancing the natural environment

- 6.10 The planning system is required to contribute to and enhance the natural and local environment by protecting/enhancing valued landscapes, geological conservation interests and soils; the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains where possible; preventing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability; remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate (paragraph 109). LPAs should also *"take into account the economic and other benefits of the best and most versatile agricultural land"* (paragraph 112). Through good design, impact of light pollution should be minimised from artificial light on local amenity, intrinsically dark landscapes and nature conservation (paragraph 125).

Conserving and enhancing the historic environment

- 6.11 LPAs should adopt a positive strategy for the conservation and enjoyment of the historic environment; applicants should describe the significance of any heritage assets affected, however the level of detail required should be *"proportionate to the asset's importance"*

(paragraph 128). The ES FID explains that mitigation and monitoring measures include the use of appropriate construction techniques and implementation of an archaeological written scheme of investigation as required in condition 7 of the 2010 Planning Permission.

Using a proportionate evidence base

- 6.12 On the matter of plan making and using a proportionate evidence base in respect of business, LPA's *"should have a clear understanding of business needs within the economic markets operating in and across their area"* (paragraph 160). Separately on the matter of infrastructure, LPAs should work with providers to assess the quality and capacity of infrastructure such as *"energy (including heat)"*, while taking *"account of the need for strategic infrastructure including nationally significant infrastructure within their areas"* (paragraph 162). The requirement for the Proposed Pipeline/AGI to serve the proposed SEE and the overall investment is consistent with the NPPF.
- 6.13 It can be concluded that the Proposed Pipeline/AGI accords with policy in the NPPF in its sustainable approach towards the undertaking of the development and the important role of the infrastructure (the subject of this Application). This was recognised in the officer's report of 2 June 2010 in the conclusion that *"The proposed development is essential infrastructure to facilitate the operation of the proposed SEE."*

Planning Practice Guidance

- 6.14 On 6.03.14, DCLG launched its Planning Practice Guidance website <http://planningguidance.planningportal.gov.uk>. This replaced previous planning guidance documents. Relevant guidance categories and ES FID sections are provided in Table 6.1 below.

TABLE 6.1: PLANNING PRACTICE GUIDANCE AND ES FID SECTIONS

Guidance Category	Relevant ES Section
Air Quality	Section 8 – Air Quality
Noise	Section 9 – Noise and Vibration
Light Pollution	Section 10 – Landscape and Visual
Natural Environment	Section 11 – Ecology
Land Affected by Contamination	Section 12 – Ground Conditions, (Geology and Land Contamination)
Water supply, wastewater and water quality	Section 13 – Water Resources and Flood Risk
Flood Risk and Coastal Change	Section 13 – Water Resources and Flood Risk
Travel plans, transport assessments and statements in decision-taking	Section 14 – Transport and Access
Conserving and Enhancing the Historic Environment	Section 15 – Archaeological and Cultural Heritage

- 6.15 The EIA methodology used is provided in Section 4 of the 2015 ES FID (Environmental Impact Assessment Methodology and Environmental Statement Content). In terms of the 2015 ES FID, key aspects of the methodology included:
- establishing the updated baseline environmental conditions through desk-top research and site-surveys to determine the main respects in which the conditions differ from those described in the 2010 ES;
 - determining the main respects in which there is potential for the proposed pipeline/AGI to interact with the surrounding environment in a way that differs from that described in the 2010 ES; and,
 - where there are differences, identifying and assessing the likely effects on the environment of the proposed pipeline/AGI.
- 6.16 In terms of establishing the updated baseline environmental conditions, technical sections 8 to 15 of the 2015 ES FID have updated environmental baseline information. For example:
- Section 8 (Air Quality): updated nitrogen dioxide (NO₂) concentrations;
 - Section 9 (Noise and Vibration): an updated baseline noise survey has been undertaken;
 - Section 10 (Landscape and Visual): an updated landscape and visual baseline conditions survey has been undertaken;
 - Section 11 (Ecology): an updated search of biological records and an ecological walkover survey was undertaken in February 2015;
 - Section 12 (Ground Conditions): updated data has been provided;
 - Section 13 (Water Resources and Flood Risk): updated data has been provided, including discussion on surface water quality assessments;
 - Section 14 (Transport and Access): updated traffic flows have been provided;
 - Section 15 (Archaeology and Cultural Heritage): an updated search of historic environment records has been provided.
- 6.17 In terms of determining the main respects in which there is potential for the proposed pipeline/AGI to interact with the surrounding environment in a way that differs from that described in the 2010 ES, the proposed development is located wholly within the area covered by the 2010 Planning Permission and during construction / operation / decommissioning the structure and processes associated with the proposed development do not materially differ from those reported in the 2010 ES.
- 6.18 In addition, in terms of determining the main respects in which there is potential for the proposed pipeline/AGI to interact with the surrounding environment in a way that differs from

that described in the 2010 ES, consideration has been given to the methodology used in the 2010 ES. At the time that the 2010 ES was being prepared the assessment methodology and significance criteria were informed by the use of available PPSs and PPGs. However, the PPSs and PPGs have been replaced by the NPPF and the associated Planning Practice Guidance (PPG). Nevertheless, it is considered that an impact assessment undertaken in accordance with PPSs and PPGs would yield results that are not materially different from an impact assessment undertaken in accordance with the NPPF and associated PPG.

- 6.19 Therefore, although undertaken at separate times, used in combination, the 2010 ES and the 2015 ES FID provide the results of a *"comprehensive and independent assessment of the likely significant effects on the environment as described in Schedule 4"* to the 2011 EIA Regulations and the *"mitigation and monitoring measures designed to minimise any identified significant effects"*. This assessment is representative of best practice, commensurate with relevant Planning Practice Guidance.

7.0 NATIONAL POLICY STATEMENTS

- 7.1 As mentioned in the previous section, the NPPF does not contain specific policies for NSIP projects, to which particular considerations apply, however National Policy Statements (NPSs) are a material consideration in decision making in planning applications (NPPF paragraph 3).

NPS EN-1

- 7.2 The Overarching National Policy Statement for Energy (EN-1) in Part 3 sets out its planning policy, in which it states:

"The UK needs all the types of energy infrastructure covered by this NPS in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions.

It is for industry to propose new energy infrastructure projects within the strategic framework set by Government. The Government does not consider it appropriate for planning policy to set targets for or limits on different technologies.

The [relevant authority] should therefore assess all applications for development consent for the types of infrastructure covered by the energy NPSs on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need is as described for each of them in this Part.

The [relevant authority] should give substantial weight to the contribution which projects would make towards satisfying this need when considering applications for... consent...."

EN-1's position that the UK needs all types of energy, infrastructure covered by the NPSs is consistent with the Secretary of State's decision when granting section 36 consent for the proposed SEE and similarly SHDC's decision in 2010 to grant planning permission for the proposed pipeline/AGI.

NPS EN-4

- 7.3 National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines EN-4 Part 1 states that this NPS, with EN-1 provides the primary basis for decisions under the Planning Act 2008 on applications for gas supply infrastructure and gas and oil pipelines defined in Section 1.8 (1.2.1). The underground gas pipeline associated with SEE is not of itself an NSIP, however it is noted that this NPS may be helpful to LPAs and is likely to be a material consideration in decision making on relevant applications under the Town and Country Planning Act 1990 (as amended), with the proviso that its materiality will be judged on a case by case basis (EN-4, 1.2.3). The request in this Application for planning permission is consistent with the policy in EN-4.

8.0 CONCLUSIONS

- 8.1 Planning Permission for the Proposed Pipeline/AGI was granted by the Council in 2010 in the knowledge that the development would supply gas to the proposed Spalding Energy Expansion combined cycle gas turbine electricity generating station (CCGT) at West Marsh Road, Spalding.
- 8.2 The conclusion reached by the Council's Head of Planning and Development in the report to the meeting of the Council's Development Control Committee held on 2nd June 2010, was that *"The proposed development is essential infrastructure to facilitate the operation of the proposed SEE. It is considered to comply with relevant planning and national energy policy with no other material considerations to indicate against the proposal."*
- 8.3 Given that the current proposal is the same as that proposed in 2010, regard must be had to the important principle of consistency in decision making. In the circumstances there would have to be some compelling reason to come to a different conclusion that he reached on the 2010 application.
- 8.4 The environmental effects of the proposal have been assessed in the ES and ES FID. Subject to the imposition of appropriate conditions, the proposal will not give rise any unacceptable effects on the environment.
- 8.5 The development plan has changed since 2010, in that the regional strategy has been revoked. The proposal complies with the remaining relevant part of the development plan, namely the saved policies of the South Holland Local Plan 2006.
- 8.6 Other material considerations, including the NPPF, NPSS and the PPG also indicate that planning permission should be granted.
- 8.7 There is no reason to justify taking a different approach from that taken in 2010. As the proposal accords with the development plan, following the guidance in paragraph 14 of the NPPF, planning permission should be granted without delay.

DOCUMENT 1: PLANNING PERMISSION H16-0135-10



NF



Council Offices
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Spalding
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PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Town and Country Planning Act 1990 Planning Permission

Reference: H16-0135-10

Received: 20-FEB-10

Type: FULL

Name: Spalding Energy Expansion Limited
21 Holborn Viaduct
London
EC1A 2DY

Agent: Dalton Warner Davis LLP
21 Garlick Hill
London
EC4V 2AU

Description: Construct and operate an 8 kilometre high pressure natural gas pipeline and extend existing Wragg Marsh above ground installation to support a new minimum off-take connection and a new minimum off-take facility

Location : Land between proposed SEE and Wragg Marsh AGI to the north east of Spalding

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

- 1 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.

- 2 The development hereby permitted shall be carried out in accordance with the Environmental Statement and approved plans BPA-6851-P-MAP-Rev C, BPA-6731-P-LYT-Rev D, BPA-6732-P-LYT-Rev D, BPA-6733-X-LYT-Rev A, 08157-05-Rev 1, received 20 February 2010, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and limit the impacts to those described in the Environmental Statement.

- 3 The commencement of the development shall not take place until there has been submitted to, approved in writing by, and deposited with the Local Planning Authority a Construction Environmental Management Plan. The Plan shall include details of how all construction activities including those relating to construction traffic, will be controlled and mitigated, address the potential environmental impacts associated with oil/chemical storage, plans for the disposal of waste produced at the construction site, how the environmental impacts of the open cut approach to watercourses will be minimised and confirm whether any crossing points at watercourses along the

route of the pipeline will involve culverting. The construction of the development shall be completed in accordance with the approved plan unless any variation has been approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area.

This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan 2006.

- 4 Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved by the Local Planning Authority.

Reason: To ensure that breeding birds are not adversely affected.

This Condition is imposed in accordance with national guidance contained in Planning Policy Statement 9 'Biodiversity and Geological Conservation'.

- 5 Before development commences, a working design, methods statement and timetable of works to mitigate any undue adverse effects to water vole shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out as part of the development. No development shall take place except in accordance with the agreed details.

Reason: To ensure that water voles are not adversely affected.

This Condition is imposed in accordance with national guidance contained in Planning Policy Statement 9 'Biodiversity and Geological Conservation'.

- 6 Before development commences, a working design, methods statement and timetable of works to mitigate any undue adverse effects to badgers shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out as part of the development. The method statement will contain details of how badgers will be allowed to escape from any trench near known sett(s) or suspected commuting corridors. No development shall take place except in accordance with the agreed details.

Reason: To ensure that badgers are not adversely affected.

This Condition is imposed in accordance with national guidance contained in Planning Policy Statement 9 'Biodiversity and Geological Conservation'.

- 7 No development shall take place within the application area until the applicant has secured the implementation of a programme or archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning

Authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written consent of the Local Planning Authority.

Reason: In order to ensure the preparation and implementation of an appropriate scheme of archaeological mitigation.

This Condition is imposed in accordance with national guidance contained in Planning Policy Statement 5 'Planning for the Historic Environment'.

- 8 Construction work shall only take place between the hours of 0700 to 1900 Monday to Friday, 0700 to 1700 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority or in emergencies.

Reason: To enable reasonable and proper control to be exercised over the methods of construction of the development.

This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan 2006.

- 9 Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed Construction Traffic Management Plan shall be complied with for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the number of traffic movements for the safety of other road users and pedestrians.

This Condition is imposed in accordance with Policies SG1 and SG13 of the South Holland Local Plan 2006.

- 10 Prior to the commencement of development details of wheel washing facilities for construction vehicles shall be submitted to the Local Planning Authority for approval in writing. The approved wheel washing facilities shall be maintained and used for the duration of the construction phase of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment.

This Condition is imposed in accordance with Policies SG2 and SG17 of the South Holland Local Plan 2006.

- 11 Prior to the commencement of development details of the locations of the temporary site

establishment area (SEA), temporary Pipe Storage Compounds (PSC), welfare facilities and access arrangements shall be submitted to the Local Planning Authority for approval in writing. No development shall take place except in accordance with the agreed details.

Reason: As full details have not been submitted with the application and to ensure adequate facilities are available for the efficient construction of the pipeline.

- 12 Before the commencement of the AGI extension hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the AGI extension site, indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development of the AGI extension is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set. This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan 2006.

Reason For Approval

The proposal is in accordance with national and local policies as set out in:

Planning Policy Statement 1 - "Delivering Sustainable Development".

Planning Policy Statement 4 - "Planning for Sustainable Economic Growth".

Planning Policy Statement 5 - "Planning for the Historic Environment".

Planning Policy Statement 9 - "Biodiversity and Geological Conservation".

Planning Policy Statement 10 - "Planning for Sustainable Waste Management".

Planning Policy Statement 22 - "Renewable Energy".

Planning Policy Statement 23 - "Planning and Pollution Control".

Planning Policy Statement 25 - "Development and Flood Risk".

Planning Policy Guidance Note 13 - "Transport".

Planning Policy Guidance Note 24 - "Planning and Noise".

Policies 1, 2, 3, 4, 5, 18, 19, 20, 26, 27, 28, 29, 31, 32, 33, 35, 36, 38, 39, 40 and 45 of the East Midlands Regional Plan, March 2009.

Policies SG1, SG2, SG3, SG4, SG6, SG11, SG12, SG13, SG14, SG15, SG16, SG17, SG18, EC3, EN1A, LT3 and TC2 of the South Holland Local Plan, 2006.

The issues relating to impacts on local communities are material considerations but not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above. The Council considers that any impacts can be overcome by the above conditions.



Head of Planning & Development

08 JUN 2010

H16-0135-10

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.

DOCUMENT 2: LETTER FROM THE CHIEF PLANNING OFFICER TO LOCAL PLANNING AUTHORITIES IN ENGLAND 18.09.2012



Department for Communities and Local Government

The Chief Planning Officer
Local Planning Authorities in England

Date: 18 September 2012

Dear Colleague

Extending existing planning permissions & the positive and proactive statement in decision notices

I am writing to confirm that on 6 September 2012 the Secretary of State announced a one year extension to the temporary provisions introduced in October 2009, which allow applicants to extend the time limits for implementing a planning permission. This one year extension is given effect through two Statutory Instruments^{1 2} laid in Parliament on 6 September 2012, and will come into force on 1 October 2012.

The effect of these Statutory Instruments is to bring a new 12-month cohort of planning permissions within the scope of these provisions. The amendments allow applicants with unimplemented extant permissions granted on or before 1 October 2010 (previously the deadline was 1 October 2009) to apply for a replacement permission for the same development, subject to a new time limit for implementation. As before, such applications will be subject to a lower fee, less onerous information and consultation requirements and a design and access statement will not be required.

In addition, one of the statutory instruments¹ introduces a requirement for local planning authorities, from 1 December 2012, to include a statement on every decision letter stating how they have worked with the applicant in a positive and proactive way, in line with the NPPF³. We envisage that in the majority of cases it will be sufficient for the authority to include a simple statement, confirming that they have implemented the requirement in the NPPF.

For further information about these changes, please contact Julie Shanahan on 0303 444 3378 (julie.shanahan@communities.gsi.gov.uk).

Yours faithfully

Steve Quartermain
Chief Planner

¹ The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012
<http://www.legislation.gov.uk/uksi/2012/2274/contents/made>

² The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012
<http://www.legislation.gov.uk/uksi/2012/2275/contents/made>

³ National Planning Policy Framework - paragraphs 186-187.
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>