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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-0932-17 **Date of Decision:** 23rd November 2017

Applicant: Spalding Energy Expansion Limited
C/O Intergen (Uk) Ltd
2nd Floor
81 George Street
Edinburgh
EH2 3ES

Location: Intergen Spalding Energy Company West Marsh Road Spalding

Description: Construction and operation of a new natural gas pipeline from the existing Above Ground Installation (AGI), located on the east of West Marsh Road, to a new Gas Reception Facility (GRF) to be located on the site of the approved new Open Cycle Gas Turbine (OCGT) unit (s), on the west side of West Marsh Road and associated drainage works

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

- 1 The development must be begun not later than the expiration of three 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 following approved plans:
Drwg No: 1620002349-014 Figure 1 Rev P01; 1620002349-014 Figure 2 Rev P01; 1620002349-014 Figure 3 Rev P01; 1620002349-014 Figure 4 Rev P01; 1620002349-014 Figure 5 Rev P01; 1620002349-014 Figure 6 Rev P01; 1620002349-014 Figure 7 Rev P01; Environmental Report (Document Reference: 907885-1 Revision 1) prepared by

Ramboll, dated 27 September 2017.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (FRA), undertaken by Ramboll (contained in Appendix B of Environmental Statement) and the following mitigation measures detailed within the FRA:

-Finished floor levels of the Gas Reception Facility shall be set a minimum 6.5m Above Ordnance Datum (AOD) or as otherwise agreed in writing with the Local Planning Authority and Environment Agency.

The applicant shall confirm to the Local Planning Authority that this has taken place, in writing, within one month of completion.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 4 The commencement of the development hereby permitted shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a Construction Environmental Management Plan. The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work including from piling and associated traffic movements, from both inside and outside the Site boundary, will be controlled and mitigated. The construction of the specified phase of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing by the Council.

Reason: To ensure 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

- 5 No construction work associated with the development hereby permitted shall take place on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday 0700 - 1900

Saturday 0700 - 1700

Unless such work -

(a) is associated with an emergency ; or

(b) is carried out with the prior written approval of the Council; or

(c) does not cause existing ambient background noise levels to be exceeded.

Reason: To ensure 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

- 6 Within 6 months of the development ceasing to be used for the purposes of supplying gas for electricity generation, a scheme for the demolition and removal of redundant buildings and structures from the Site and the restoration of the Site shall be submitted to the Council, for approval in writing and unless otherwise agreed in writing by the Council shall thereafter implement the approved scheme.

Reason: To ensure the Site is not allowed to become derelict after the cessation of electricity generation.

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

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>



Paul Jackson
Place Manager
South Holland District Council

BUILDING REGULATIONS:

This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

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

Timescales for appealing

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

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

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.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

<http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

The Secretary of State can allow a longer period for giving notice of an appeal but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

<http://www.planningportal.gov.uk/planning/appeals/planningappeals>

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.