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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H18-0128-16 **Date of Decision:** 25th April 2016
Applicant: DONG Energy RB (UK) Ltd
5 Howick Place
London
SW1P 1WG

Location: Land Approximately 800m East Of The Mouth Of The River Nene North Of
Sutton Bridge Spalding Lincs

Description: Temporary modification to primary sea defence, installation of 2 x 220 KV
electricity cables and full reinstatement (amendment to planning permission
H18-0102-13)

**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:
2216-0134-01 (Site Location Plan);
2216-0133-02 (Planning Application Boundary);
2216-0083-02 (Consents Plan);
MMD-357166-C-DR-00-XX-0002-Rev APR P1 (Topo Plan);
MMD-357166-C-DR-00-XX-0102-Rev APR P1 (General Arrangement);

MMD-357166-C-DR-00-XX-0104-Rev APR P1 (Indicative Construction Monitoring Plan);
MMD-357166-C-DR-00-XX-0105-Rev APR P1 (Indicative Post Construction Monitoring Plan);
MMD-357166-C-DR-00-XX-0202-Rev APR P1 (Sections);
MMD-357166-C-SK-00-XX-0018-Rev P1 (Constraints Sketch);
MMD-357166-C-SK-00-XX-0019-Rev P1 (Trackway East Cable);
MMD-357166-C-SK-00-XX-0020-Rev P1 (Trackway West Cable);
20162216-0125-05 (Proposed Footpath Diversion);
20162216-0127-01 (Indicative Temporary Staircase Design);
Flood Risk Assessment, undertaken by RPS Health, Safety & Environment (Ref: HLEF38824/001R dated March 2016);
Heritage Statement by Wessex Archaeology (Ref. 73504.03) dated December 2015;
Race Bank Export Cable Installation Plan 2016;

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 approved Flood Risk Assessment, undertaken by RPS Health, Safety & Environment (Ref: HLEF38824/001R dated 24 March 2016) and include all the proposed mitigation measures detailed on pages 15-17 therein.

Reason: To reduce the risk of flooding to and from the proposed development.
This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 4 The workers cabins shall not be used for sleeping accommodation.

Reason: To reduce the risk to occupants should flooding occur.
This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 5 Prior to the excavation of the primary sea defence a specific flood warning and evacuation plan to protect workers and nearby residents shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk to workers and residents should flooding occur.
This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 6 Prior to the excavation of the primary sea defence, a detailed scheme of monitoring of the sea defences within the area of the works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the future integrity of the sea defences and reduce the risk of flooding.
This Condition is imposed in accordance with advice within Section 10 of the National Planning Policy Framework 2012.

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 by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

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.