

**APPENDIX A
MINUTE 295
DEVELOPMENT CONTROL COMMITTEE – 4 NOVEMBER 2009**

295. SPALDING ENERGY, WEST MARSH ROAD, SPALDING

DECISION:

That contrary to the recommendation of the Head of Planning and Development the application be deferred to enable officers to go back to the developer and renegotiate the terms of the proposed S106 agreement on the basis that Members considered it failed to address the adverse impacts of the development on the basis that (i) the environmental impact of the development on the district was very large and covered an extensive area; (ii) the number of permanent jobs created for loss of 14 hectares of employment land was small; (iii) the proposed park would cost considerably more than £600,000; (iv) all maintenance payments were required to be index linked; (v) the acquisition of land and the construction of a park was likely to take in excess of 5 years and therefore the cut off date required to be extended; (vi) the economic prosperity of the district would be potentially damaged by the proposals because it would deter other companies from locating within the area and could impact on the desirability of the agricultural produce grown; (vii) the district should benefit from an annual index-linked economic and leisure payment; (viii) the loss of the British Sugar Sports and Social Club would have a significant impact as it was a well used facility and efforts should be made to require it to be replaced; (ix) there needed to be more onus on the company to utilise waste heat – including to horticultural and agricultural businesses in the vicinity of the Power Station; (x) there would be an impact on tourism within the district and therefore a contribution be made on an annual basis (e.g. towards the Flower Parade and Pumpkin Festival); and that (xi) contributions must be substantially increased, for example by ½% of revenue on an annual basis, since the power station would create a micro climate and payments needed to reflect this. Members were also concerned to ensure that the use of carbon capture technology was more certain and that, if possible, it ought to be required as a condition of a permission.”

Appendix B
Report to 4 November 2009 Development Control Committee
 AGENDA
 ITEM NO.

SOUTH HOLLAND DISTRICT COUNCIL

REPORT TO: DEVELOPMENT CONTROL – 4 NOVEMBER 2009

BY: HEAD OF PLANNING AND DEVELOPMENT

SUBJECT: Spalding Energy, West Marsh Road, Spalding

PURPOSE: To Consider Deemed Planning Application H16-0241-09

Application Number: H16-0241-09

Date Received: 07 April 2009

Application Type: Electricity

Description: Proposed 900MW CCGT Electricity Generating Station

Location: Spalding Energy, West Marsh Road, Spalding

Applicant: Spalding Energy Expansion Ltd Agent: Dalton Warner Davis

1. REASON FOR COMMITTEE CONSIDERATION

The issues raised merit Committee consideration.

2. PROPOSAL

This proposal seeks consent for a 900MW CCGT Electricity Generating Station. It needs to be borne in mind that, as the proposed generating capacity exceeds 50MW, it falls to the Secretary of State for Energy and Climate Change to determine this application under the provisions of Section 36 of the Electricity Act 1989 and the deemed planning permission under Section 90 (2) of the Town and Country Planning Act 1990. The District Council, as local planning authority, has been consulted on the application as has Lincolnshire County Council. As consultees, the District and County Councils cannot grant or refuse planning permission. They are, however, able to recommend conditions and to negotiate any legal agreements with the applicants considered necessary to secure matters that cannot be dealt with by conditions. Any formal objection from either Council would be likely to result in a public inquiry.

As set out above, the proposals seek to develop a 900 megawatt (MW) combined cycle gas turbine (CCGT) electricity generating station on a site of 14 hectares at West Marsh Road, Spalding. The site adjoins an existing power station. The proposal is EIA (environmental impact assessment) development and therefore an environmental statement (ES) has been submitted. A copy of the Non-Technical Summary is appended to this report. In addition to the ES, the application is also accompanied by: Combined Heat and Power (CHP) Assessment; Carbon Capture Readiness Feasibility Study; Public Consultation Statement; Design and Access Statement and Planning Statement.

The proposed CCGT plant would be of a similar size and appearance to the existing power station. The power plant would consist of two gas turbines, each capable of producing approximately 300MW, connected to heat recovery steam generators that would serve steam turbine(s) capable of producing approximately a further 300MW. The efficiency of the electrical output would be up to around 55%. The electricity generated would be exported to the National Grid via a new sub-station that would be constructed adjacent to the existing sub-station. The proposed plant would have an operational life of about 35 years.

The final detailed design of the proposed CCGT plant would not be completed until a construction contract is in place. The details submitted are therefore effectively illustrative, indicating the maximum extent of the physical development and height of the proposal.

Of the total site area of 14 hectares, about 9 hectares would be used for constructing the CCGT plant including the sub-station. The remainder would be used as a constructors' laydown area and then held for future use for Carbon Capture Storage (CCS).

The main process plant which is proposed to be situated on the application site would include:

- 2 gas turbines
- 1 or more steam turbines
- 2 heat recovery steam generators (HRSG)
- 1 or more auxiliary boilers
- 2 stacks
- Air cooled condensers (ACC) and ancillary cooling
- 2 or more transformers
- Gas reception facility
- Other plant and equipment
- Water treatment plant
- 400kV sub-station
- 2 water tanks
- Buildings (including administration offices, control room, engineering works including contractors temporary laydown areas, vehicle loading/unloading/fencing, storage facilities, lighting)

In addition to the above it is proposed to incorporate landscaping and biodiversity provision.

The main items of plants and buildings and their approximate sizes are listed below:

Proposed SEE Plant	Dimensions	Area (Sqm)	Height
2 gas turbines, 1 steam turbine (turbine hall)	45 x 120m	4550	36.5m
2 heat recovery steam generators (HRSG)	20 x 40m	1600	39.5m
2 stacks	12 d.m	226	82m
Air cooled condenser (ACC)	80 x 80m	6400	36m
3 transformers	10 x 15m	450	10m
Workshop, warehouses	60 x 27m	1620	20m
Offices, control room	53 x 28m	1180	20m
2 water tanks	24 d.m	900	21m
400kV	200 x 115m	22500	12m

The ground height of the proposed power station would be 6.5 metres AOD.

The remainder of the application site would comprise roads/footpaths/service yards and car parking (56 cars, 3 disabled car parking spaces, 6 motorcycle spaces and secure storage for 10 bicycles).

In order to provide the proposed CCGT plant with a gas supply it would be necessary to construct a new gas pipeline approximately 7.5 km in length and an above ground installation (AGI) linking the proposal with the Gas National Transmission System located to the north east, near Wragg Marsh. The pipeline would be subject to a planning application to be determined by this Council and would require an ES.

The electricity generated by the proposed CCGT plant would require transmission by a new 400kV overhead transmission line to the National Grid, including construction of new transmission towers. An application for this line accompanied by a separate ES would be made by National Grid to DECC for Section 37 consent under the Electricity Act 1989.

The proposed CCGT plant is anticipated to take 5 years to construct and test.

3. SITE DESCRIPTION

The application site is bounded to the east partly by West Marsh Road and partly by a vacant area of land, to the north by the National Grid sub-station serving the existing power station, to the west by Vernatts Drain and to the south by a further vacant area of land covered in made ground and contiguous to two businesses.

The application site area of 14 hectares comprises:

- A soil mound, about 4 metres high on an area of 2.4 hectares containing around 140,000 tonnes of made ground, arising in the aftermath of the demolition process and during construction of the existing power station.
- The existing sports and social club buildings, bowling green and car park, a dilapidated two story office building and an area of unused land, totaling about 2 hectares.
- Other land of approximately 8.5 hectares, formerly part of the British Sugar factory site and settling ponds, containing made ground.
- A corridor of land for infrastructure extending northwards from the main site into the existing power station, about 1 hectare.

The topography across the application site is variable. Along the western boundary adjacent to Vernatts Drain, is an embankment at a maximum elevation of 10.8 metres AOD; the ground along the northern boundary adjacent to the existing sub-station is approximately 4.8 metres AOD, while the remainder, apart from the mound, which is about 4 metres higher, is approximately 7.5 metres AOD.

4. RELEVANT PLANNING POLICIES

The Development Plan

East Midlands Regional Plan, 2009

Provides the framework for meeting the Region's development needs in a way that promotes a more sustainable pattern of development. The core objectives aim to deliver housing, including affordable housing, to meet need; social inclusion; environmental quality and enhancement; economic prosperity; and to minimize the impacts of climate change.

Policy 2 – Promoting Better Design
 Policy 3 – Distribution of New Development
 Policy 4 – Development in the Eastern Sub-area
 Policy 5 – Strategy for Lincolnshire Coastal Districts
 Policy 18 – Regional Priorities for the Economy
 Policy 19 – Regional Priorities for Regeneration
 Policy 20 - Regional Priorities for Employment Land
 Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage
 Policy 27 – Regional Priorities for the Historic Environment
 Policy 28 – Regional Priorities for Environmental and Green Infrastructure
 Policy 29 - Priorities for Enhancing the Region's Biodiversity
 Policy 31 - Priorities for the Management and Enhancement of the Region's Landscape
 Policy 32 – A Regional Approach to Water Resources and Water Quality
 Policy 33 – Regional Priorities for Strategic River Corridors
 Policy 35 – A Regional Approach to Managing Flood Risk
 Policy 36 – Regional Priorities for Air Quality
 Policy 38 – Regional Priorities for Waste Management
 Policy 39 – Regional Priorities for Energy Reduction and Efficiency
 Policy 40 – Regional Priorities for Low carbon Energy Generation
 Policy 41 - Regional Priorities for Culture, Sport and Recreation
 Policy 43 - Regional Transport Objectives
 Policy 44 – Sub-area Transport Objectives
 Policy 45 – Regional Approach to Traffic Growth Reduction
 Policy 46 – A Regional Approach to Behavioral Change
 Policy 48 – Regional Car Parking Standards
 Policy 49 – A Regional Approach to improving Public Transport Accessibility

South Holland District Local Plan, 2006

Policy SG1 – General Sustainable Development
 Policy SG2 – Distribution of Development
 Policy SG3 – Settlement Hierarchy
 Policy SG6 – Community Infrastructure and Impact Assessment
 Policy SG7 – Energy Efficiency
 Policy SG11 Sustainable Drainage Systems (SUDS)
 Policy SG12 – Sewerage and Development
 Policy SG13 – Pollution and Contamination
 Policy SG14 – Design and Layout of New Development
 Policy SG15 – New Development: facilities for Road Users, Pedestrians and Cyclists
 Policy SG16 – Parking Standards in New Development
 Policy SG17 – Protection of Residential Amenity
 Policy SG18 – Landscaping of New Development
 Policy EC1 – Major Employment Areas – Sites Allocated for Employment Uses
 Policy EC3 – Existing Employment Areas/Premises
 Policy EN1A – Development and Sites of Local Biodiversity Interest
 Policy LT2 – Safeguarding Open Space for Sport, Recreation and Leisure
 Policy LT3 – Recreational Routes, Public Rights-of-Way, Disused Railway Lines
 Policy TC2 – Cycling, Cycleways

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

Planning Policy Guidance Notes (PPG)/Statements (PPS)

Planning Policy Statement No.1 – ‘Delivering Sustainable Development’

Planning and Climate Change – Supplement to PPS1

Planning Policy Guidance Note No.4 – ‘Industrial, Commercial Development and Small Firms’

Planning Policy Statement No.9 – ‘Biodiversity and Geological Conservation’

Planning Policy Statement No.10 – ‘Planning for Sustainable Waste Management’

Planning Policy Statement No.13 – ‘Transport’

Planning Policy Guidance Note No.14 – ‘Development on Unstable Land’

Planning Policy Statement No.22 – ‘Renewable Energy’

Planning Policy Statement No.23 – ‘Planning and Pollution Control’

Planning Policy Guidance Note No.24 – ‘Planning and Noise’

Planning Policy Statement No.25 – ‘Development and Flood Risk’

Government Energy Policy

In particular those elements set out in:

- “The Energy Challenge – Energy Review” (2006)
- “Meeting the Energy Challenge (M)124” (2007)
- “Energy Markets Outlook 2008”

5. RELEVANT PLANNING HISTORY

Section 36 Consent was granted by the Secretary of State for Trade and Industry for the existing CCGT generating station on 15 November 2000.

H16-1075-02 – Outline - Development of land for Use Classes B1, B2 and B8, open storage, vehicle parking and petrol filling station with access from West Marsh Road, plus re-leveling and landscaping. Granted subject to conditions 5 February 2005.

H16-1117-08 – Outline – Proposed use of land for B1, B2 and B8 employment with open storage, vehicle parking, car showroom and petrol filling station. Granted subject to conditions 23 December 2008. The current SEE application site incorporates a substantial part of the H16-1117-08 application site.

6. REPRESENTATIONS

East Midlands
Regional Assembly

Comment as follows:

The Planning Statement accompanying the application provides a comprehensive analysis of the relevant policies in the RSS as they relate to the proposals in this application. In particular, Policy 1 sets out the 11 Core Spatial objectives for the East Midlands Region, Policy 2 seeks to promote better design in new development, Policy 3 sets out a sequential approach to the location of new development with a focus on urban concentration, and Policies 39 and 40 set out the Regional Priorities for Energy Reduction and Efficiency, and Low Carbon Energy Generation respectively. In particular, Policy 40 states that local authorities, energy generators and other relevant public bodies should promote:

- *the development of Combined Heat and Power and district heating infrastructure necessary to achieve Regional targets; and*
- *the development of a distributed energy network using local carbon and renewable resources.*

However it is recognised that, although the Government's target is for a sizeable share of national energy demand to be met from renewable sources by 2020, gas fired generation has a significant role to play in meeting the need for new power generating plant as gas plant can contribute towards lowering carbon emissions and the transition to a low carbon economy because it is highly efficient, yet still has flexibility to enable it to be "turned up or down" at all times of the year in response to variations in demand for energy. It is also understood that opportunities are being explored both to providing waste heat from the development both to the nearby hospital and to other employment uses in the vicinity of the site, and to reserving land on the site for carbon capture and storage, and these should clearly be pursued as part of project in view of the policy context referred to above.

In locational terms, the proposal is on a site adjacent to an existing power station operated by the applicants and is in an area designated for employment use in your existing saved local plan. The site is in a relatively sustainable urban location and will bring heavily contaminated and underused land back into employment use.

In light of the above, therefore, with the inclusion of measures to enable the local distribution of waste heat, and carbon capture, as referred to above, this would appear to be broadly acceptable in terms of the overall policy aims of the RSS. The Regional Assembly will be guided by the views of other statutory bodies on issues such as flood risk, biodiversity, and landscape."

Environment Agency

No objection subject to the imposition of conditions.

Welland and Deepings
Internal Drainage Board

Comment that the submitted details do not contravene the byelaws that no structures or fences should be erected within 9 metres of the Vernatts Drain. The Board will not accept any runoff into the Vernatts Drain and the applicant has proposed attenuation ponds which will then be discharged to the tidal River Welland. Some environmental and conservation enhancements are proposed on the Vernatts Drain and the Board's approval to these will be required when details are finalised.

Pinchbeck Parish Council

Request some kind of community benefit be secured for the village.

Environmental Protection

Request that full contaminated land condition be imposed. With regard to air quality, there is an obligation for the operator to provide assistance in the assessment and review of the air quality in relation to the application. It is appropriate to use a S106 agreement in this instance and a request is made for new equipment and an enhanced

annual maintenance contribution. There is no objection to the measures specified in the Environmental Statement for the monitoring of air and land quality and noise during the construction phase.

Health & Safety Executive No comments other than to advise that as a new gas supply pipeline is proposed for the new facility HSE will require notification of this under the Pipeline Safety Regulations 1996.

PEDALS Offers no views as to the principle of whether or not the power station should be permitted but request the applicant enter into agreements to fund the design and construction of improvements for the benefit of cyclists at two busy road junctions which are the meeting points for existing cycle routes but where no provision has been made for cyclist to move in safety from one route to another. These junctions are at the "Twin bridges" over the river Welland at the southern end of West Marsh Road and at the western end of West Elloe Avenue with its junction with Pinchbeck Road.

Spalding & District
Civic Society

Strongly recommend the application be refused for the following reasons:

1. Environmental Impact – due to the size of the turbine hall and height of the stacks in a flat landscape, it would not only be a visual impact on the area but is also alien to the essential rural nature of the District and the market town character of Spalding. It cannot be mitigated by landscaping. Proposal is contrary to Objective 2 of the Local Plan to safeguard, enhance and extend the amenity, wildlife and landscape quality of the district and SG1 which requires that South Holland's essential character and main environmental assets are not damaged.
2. Prospect of cumulative damage. Permission for a second power station would make it more difficult to resist any further character destroying industrial development.
3. Lack of compensatory employment opportunities. When functioning it employs few people and few of them of the skilled kind Spalding needs.
4. Given the imperative need to curtail global warming by energy efficiency, there can be no place for a gas-burning station that does not guarantee combined-heat-and-power production.
5. The siting of a power station far from its end-users is inevitably inefficient as a result of transmission loss. Would be in conflict with Policy SG which requires reasonable measures to have been taken to conserve energy and natural resources.

However should central government approve the project, conditions should be imposed including no work to commence until agreements for full combined heat and power production have been put in place and a bold imaginative landscaping scheme has been approved for on-site and off-site landscaping. The Civic Society also comment that S106 monies should be ring-fenced for Spalding's environmental enhancement, including:

- i) A comprehensive riverside appraisal (from Little London Bridge to the West Elloe Bridges), encompassing the riverside's built and natural environment, and the resulting drawing up of a Welland Environmental Strategy, including principles to govern both development proposal and maintenance;
- ii) An appraisal of the town centre's public spaces, with a strategy and funding for their enhancement;
- iii) A comprehensive arterial cycle-route scheme for Spalding;
- iv) The purchase, as opportunity arises, of land between the By-pass and Lock's Mill Island with a view to creating an area of public open parkland space for Spalding;
- v) Professionally designed welcome-signs for Spalding;

Public

No responses received

7. MATERIAL CONSIDERATIONS

In this case the main issues relate to:

- Principle of Development
- Landscape and Visual Impact
- Transport
- Noise and Vibration
- Air Quality
- Ground Conditions
- Water Resources and Flood Risk
- Ecology
- Socio-economic Impacts
- Indirect, Secondary and Cumulative Impacts
- Proposed Planning Obligation

Principle of Development

(a) Energy and Climate Change

Two of the main objectives of national Government policy are to address climate change by reducing greenhouse gas emissions and to provide sufficient electricity generating capacity to replace power stations (mainly coal and oil fired) which have to close by 2015 to meet air quality requirements and older nuclear capacity due to close by 2020. The Energy Markets Outlook Report 2008 refers to the twin goals of secure energy supplies and lower emissions.

The proposed SEE is considered to contribute to these objectives by providing up to 900 MW of electricity generating capacity whilst reducing carbon emissions, in comparison with coal and oil, by using CCGT technology, together with the use of waste heat through CHP which is the subject of an element of the proposed Section 106 agreement. Furthermore, there is the possibility of retrofit of Carbon Capture Storage (CCS) in the event this is proven to be technically feasible and required to be fitted to CCGT plants.

It is accepted that nationally there is a need for replacement electricity generating capacity to replace the closing coal, gas and nuclear power stations and to meet expected increases in electricity demand. This is set out in the 2007 White Paper. One of the benefits of CCGTs is that they can be built within 30-36 months, thus relatively quickly contributing to the required new electricity generating requirement.

(b) Planning Policy

National planning policy is set out in Planning Policy Statements and Planning Policy Guidance Notes. Because of the nature of this development the majority of this guidance has relevance to the proposal.

At a regional level the Regional Spatial Strategy sets out policies relating to energy generation in Policy 39: Regional Priorities for Energy Reduction and Efficiency; and Policy 40: Regional Priorities for Low Carbon Energy Generation.

In the supporting text to the regional policies the following 'energy hierarchy' has been adopted:

- to reduce the need for energy
- to use energy more efficiently
- to use renewable energy
- any continuing use of fossil fuels to be clean and efficient for heating and co-generation

Whilst the need for and advantages of certain locations within the region for major energy installations is recognised, the main thrust of the Regional Strategy is reduction in energy usage and the development of non carbon forms of energy production. In the promotion of low carbon forms of energy production the development of combined heat and power plants is promoted.

It is important in this context to note the comments of the East Midlands Regional Assembly that the proposal is broadly in line with regional policy.

Landscape and Visual Impact

There is little doubt that the proposed CCGT plant will be visible in the surrounding wider landscape. This is acknowledged by the applicants. There is similarly little argument that a power station cannot be effectively screened and that its impact upon the wider landscape must be seen as generally negative. Nevertheless, the fact remains that there is an existing plant on this site and the proposed plant will sit alongside it. To this extent, its impact is mitigated against in certain views since its will be set against the backdrop of its pre-existing neighbour. Nevertheless, two issues come to the fore. The visibility of the proposed plant is one and the perception of the town is another. The proposed plant will sit alongside an existing plant, this already set to the north-west of Spalding's defined settlement boundary. It will be open to long views across open countryside and will be readily visible when travelling along the A16 by-pass. Views will also be generally open to the north-east where the plant will be visible from the edge of the development boundary to Pinchbeck. This area of open countryside provides a north-east/south-west tranche of generally open farmland which effectively separates and identifies the two distinct settlements of Spalding and Pinchbeck. Local plan policies seek to reinforce the distinctiveness of the two settlements by defining them separately, giving them distinct but separate settlement boundaries, and generally seeking to resist all but essential countryside settlement in the tranche of open land between them. These policies have the dual role of preventing urban coalescence and reinforcing the importance of the role the open land between the two settlements plays by only permitting development within this area which is appropriate to the countryside. Your officers have explored with the applicants the disbenefits of the proposals in terms of their impact on the wider and more localised landscapes. Officers have concluded that in order to ameliorate the effects of the proposed development on both Spalding and Pinchbeck it would be appropriate to seek to minimise its wider landscape impacts on both settlements. For these reasons the proposed S106 is seeking to deliver an area of parkland within this important corridor which reinforces the distinctiveness of the two settlements and addresses the adverse wider impacts of the proposed CCGT plant on both. This approach has its base firmly established within the broader policy aims of the existing adopted Local Plan and is one which will be reinforced through the emerging Local Development Framework (LDF) which will continue to seek to protect this important area of open

countryside and to prevent the coalescence of the two settlements. The LDF will, furthermore, seek to ensure that all future development which has the potential to impact adversely upon this open corridor similarly contribute towards measures which retain its openness and maintain the identity of the two settlements. The advantage of this approach is that this not only plays an important planning policy role but it also delivers an appropriate countryside amenity to the residents of both settlements in a location which has the greatest potential to benefit those directly impacted upon by this an future developments in this locality.

In terms of the proposed plant itself, the application site is part of the former British Sugar site on which stood a number of silos, up to 55 metres high. The site adjoins industrial premises to the south and the existing power station to the north, which is of a comparable scale to the proposal. When built it is highly probable that the proposal will be similar in appearance to the existing power station which would result in a more unified and visual image. Irrespective of those considerations set out above relating to the wider landscape impacts it is suggested that a condition is recommended that will require the submission of final design details for subsequent approval.

Transport

Substantial HGV movements will be generated by the construction phase. The site does however have good access to the A16. The ES sets out transport mitigation and monitoring measures with the following measures to mitigate impacts of construction vehicles by: prescribed HGV and personnel routes; personnel parking including some off site; route signage and route plan; vehicle maintenance standards; working hours; minibuses and car/van pooling; no parking on West Marsh Road; monitoring of activities; on site speed restrictions; abnormal vehicle loads, safety steward. This process was successfully managed during the construction phase of the existing power station and would again be subject to agreement with the relevant Highways Authorities.

The transport impacts once operational will be negligible and a “green” travel plan will be developed which would operate throughout the working life of the proposed CCGT plant.

However, whilst the above mitigation measures generally deal with vehicular movements consideration also needs to be given to pedestrian and cycle movements within the immediate and wider locality of the proposed CCGT plant

The proposed power station will be an employer in its own right and employees will have to travel to work from the surrounding area. As a net producer of carbon, the power station development should find ways of encouraging carbon reduction. One appropriate and relevant way would be to encourage cycling both for its own employees and for other journeys to work in the area. A cycleway from Pinchbeck Road in Spalding is shown in the South Holland Local Plan. A route has been provided from Pinchbeck Road to Enterprise Way but its use is hampered by the perceived standard of construction. A contribution to upgrade this cycleway and improve its use has been proposed as a way of overcoming the potential disbenefit.

Noise and Vibration

Noise and vibration throughout the construction period can be effectively managed through the imposition of a standard construction condition. Once the proposed plant is operational, on-site noise and vibration levels can be controlled by imposing suitably worded planning conditions. Such conditions would need to specify times of operation and the switching off of machinery when not in use.

In addition to the above, high performance noise barriers and silencers are proposed to be used to reduce noise at source. The noise profiles show high levels (70dB) noise on site but reducing to 50dB at the boundaries and 40dB at the nearest noise sensitive properties. Again, these issues can be addressed by the imposition of conditions.

Air Quality

The Environmental Statement: Non-Technical Summary states that dust will be the main air emission during construction. By adherence to the construction industry standards it is considered by the applicants that this aspect can be controlled. A condition to this effect is therefore recommended.

During the operation of the site the main air emission would be CO₂ (carbon dioxide) and NO₂ (Nitrogen Dioxide). The low pollution technology specified for the plant is stated as being such that harmful emissions would be avoided and reduced. The emissions themselves would be controlled and would need to comply with the provisions of the Environment Act 1990 and the Environmental Permitting (England and Wales) Regulations 2007.

As part of the assessment of the proposed traffic and stack emission/dispersion, modelling has been undertaken. In summary the Environmental Assessment states that air quality in the Spalding area is generally good and meets all the relevant air quality objectives. The plant has been designed to meet the relevant standards. However, there would be negligible to slight impacts on neighbouring receptors. The maximum predicted increase from both plants in operation would be 3-8µgm⁻³ (micro grammes), whereas the background is 16µgm⁻³. The area with the slight increase would be north of the two plants just south of Pinchbeck Pumping Station. A small increase would also be experienced south of the site along Vernatt's Drain.

The proposed Section 106 equipment includes provision for new air monitoring equipment and on-going annual maintenance contributions.

Ground Conditions

The site was formerly occupied by a sugar beet factory. This former use has left behind organic material which is generating ground gas at low flow rates. Prior to development the gas generating material would be removed. The foundation design would ensure that any remaining ground gas would be prevented from entering the building. A condition to deal with contaminated land issues is recommended.

Water Resources and Flood Risk

The site lies within an area evaluated as Flood Zone 3a, i.e. an area at high risk of flooding, yet outside the functional floodplain. This flood zoning does not take into account the flood defences along Vernatt's Drain and the River Welland. Whilst in 1978 a tidal event reached near to the 1 in 200 year level and was accompanied by strong winds and wave action, flooding was centred on the opposite bank of the River Welland to the application site. The Strategic Flood Risk Assessment for the area has not shown any incidents of flooding, other than those due to the inadequacy of the local surface water drainage provision.

The scheme includes a Sustainable Urban Drainage Strategy to deal with water run off. Rainwater harvesting will be incorporated within the detailed design to reduce water consumption.

The main issues relating to groundwater stem from the previous use of the site and are to be dealt with during the construction process. Investigations on site have not, however, identified any groundwater contamination.

Ecology

The site itself has been thoroughly investigated and found to have limited ecological value, the immediate surrounds, namely the River Welland and Vernatt's Drain, have a diverse and thriving flora and fauna. This diversity includes otters, 4 bat species and 43 bird species. Whilst the development site has little ecological value, the applicants are proposing a range of enhancement

measures for species mostly centred on the Vernatt's Drain and River Welland. These measures would include:

- annual reed cutting;
- enhancement of reed beds;
- removal of Japanese knotweed;
- litter removal;
- provision of bird boxes (reed and wooden);
- provision of bat boxes;
- artificial sand martin/kingfisher nest bank;
- artificial otter holt;
- interpretation boards;
- tree planting;
- provision of marsh water margin to sustainable drainage pond; and
- potentially the provision of a green/brown roof on at least one of the buildings.

In addition during discussions the applicant has proposed to undertake biodiversity enhancement works within the wider locality. This would be in accordance with a programme/specification to be agreed as part of the proposed Section 106 agreement.

Socio-Economic Impact

The construction phase would create the greatest number of potential employment opportunities with up to 600 jobs predicted during the construction phase. Once in operation the plant would employ between 56 and 61 persons directly and indirectly. The Sports and Social Club on the site would, however, be demolished. As part of the mitigation for the loss of community facilities a contribution towards future facilities is proposed to form part of the Section 106 agreement.

In addition to the above, it is acknowledged that the proposed CCGT plant is sited on land allocated for employment purposes within the statutorily adopted Local Plan 2006. The future employment generating capacity of this land would be lost if this proposals was to proceed for the whole of the construction and operational life of the development. Furthermore, the land itself would be unlikely to become available in the short to medium term once operational use ceased. In this context there is conflict with those policies contained within the Local Plan which seek to retain allocated employment land for employment purposes. It is, however, acknowledged that this particular parcel of land is unserviced and would additionally be expensive to develop given the amount of spoil contained on site. Finally, whilst it is accepted that the proposed CCGT plant would provide employment throughout the construction phase it has to be acknowledged that employment on-site during the operational phase would be low. Given all of the above, the applicants are proposing that a contribution is made by way of a proposed s106 agreement to the District Council to acquire further employment land or for wider economic development purposes.

Indirect, Secondary and Cumulative Impacts

(a) Associated Infrastructure

The two elements of associated infrastructure are:

a new overhead transmission line; and

a new gas supply pipeline.

These will be the subject of future applications.

(b) Carbon Capture

A report on the feasibility of retro fitting carbon capture equipment to the proposed CCGT plant forms part of the application. This report concludes that it would be technically feasible to retrofit post-combustion carbon capture equipment and to transport the CO₂ to a suitable location on the East Coast (preferably by pipeline) and store the CO₂ offshore. In respect of the economic feasibility of retrofit and transport, it is considered that these aspects will become economically feasible at some point in the future when the equipment becomes proven on a commercial scale and is supported by the likes of a UK wide regulatory framework and carbon price. Any retrofitting of carbon capture equipment will be subject to a future application.

(c) Combined Heat and Power

The combined heat and power potential of the plant has been explored. The applicant has been pursuing the preferred option of supplying waste heat to the new hospital which is around 1km away. It is understood that if S36 consent is granted, Department of Energy and Climate Change (DECC) would themselves impose a condition requiring the necessary infrastructure to be provided to the site boundary. The applicants are themselves proposing to additionally provide the necessary infrastructure from the site boundary to the hospital in order to provide heat to it for the operational life-span of the power plant. The proposed Section 106 agreement would require the infrastructure to be provided by the applicants to the hospital boundary and the heat to be made available to the hospital at no cost. In the event the hospital does not take the heat, provision would be made in the agreement for alternative takers for the heat.

Proposed Planning Obligation

Members will be aware that planning obligations can only be sought where they are (i) necessary; (ii) relevant to planning; (iii) directly related to the development; (iv) fairly and reasonably related in scale to the proposed development; and (v) reasonable in all other respects. Circular 05/2005 gives detailed advice on the form and content of planning obligations and it is stressed that such agreements must not be seen as 'purchasing planning permission'.

Your officers have been in negotiations with the applicants for some considerable period of time. In addition, an independent consultant has been employed by the department to assess the development and to advise upon both the reasonableness and proportionality of the overall S106 package set out below. His conclusions are that all of the proposed S106 contributions have policy support and that all are required to make the unacceptable aspects of the development acceptable in planning terms. He further concludes that the overall value of the contributions is in line with the general experience for similar developments throughout the region and that the nature of the contributions themselves brings with it greater certainty that the S106 elements will be realised as the council is in control of the delivery of the park and cycleway. This brings with it greater certainty that local people will receive the benefit of mitigation measures. The overall conclusion of the departments' consultant is that it is unlikely that a higher package in terms of quantum could be negotiated at this time.

In conclusion, the proposed S106 agreement associated with the current proposals takes the following form:

Matter	Value	Total
New Cycleway proposal	£130,000 upgrade £2,000 pa maintenance x 35 years	£200,000
New Public Park proposal	£600,000 land £20,000 pa maintenance x 35 years	£1,300,000
Air Quality Monitoring	£50,000 equipment £25,000 pa maintenance x 35 years less £15,000 pa already paid through SEC S106	£400,000

Employment Contribution	£400,000 land £100,000 maintenance	£500,000
Sport and Leisure	£100,000 club facility – Spalding £20,000 bowling green – Spalding £10,000 equipment – Spalding £20,000 enhancements – Pinchbeck	£150,000
Planning Resources	£20,000 fees £10,000 pa fees x 2 years	£40,000
Biodiversity Works	No longer contained in S106	
The provision of a combined Heat and Power link to the neighbouring hospital	No longer contained in S106	
	TOTAL	£2,590,000

All figures are subject to inflation and must be spent on the matters described within five years

The proposed Heads of Terms are themselves set out in full at Appendix One to this report.

Conclusion

The application, which is made to the Secretary of State for determination proposes a 900 MW CCGT electricity generating station together with the potential for use of waste heat through the provision for CHP and the possible retrofit of carbon capture storage. The site is adjacent to the existing power station and is likely to be similar in appearance.

The ES that accompanies the application addresses a variety of potential impacts as well as setting the context for the application in terms of the existing pattern and supply for electricity. It has not identified any environmental impacts either during construction or when operational that would be unacceptable.

The proposal would confirm to the objectives of national energy and climate change policy, which seek to minimise carbon emissions while maintaining security of energy supply.

The application site is of sufficient size to incorporate the station plus land set aside for CCS. It is allocated for employment use, close to other industrial premises and some distance away from residential areas. It is accessible to existing gas and electrical infrastructure.

The proposal is considered to be broadly in accordance with national, regional and local planning policies but has some issues that need to be addressed if the District Council is not to raise objection to the application.

8.0 RECOMMENDATION

8.1 That the District Council does not object to the proposal subject to completion of a satisfactory Planning Obligation and to the imposition of the following conditions:

Conditions:

- 1 The commencement of the Development hereby permitted shall not be later than the expiry of the 5 year period from the date of this permission or such longer period as the Secretary of State may hereafter direct in writing.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended

- 2 The Development shall be constructed and operated in accordance with the description contained in the definition of the Development above and the details contained in the Company's Environmental Statement dated March 2009.
Reason: To define the terms of the consent and limit the impacts to those described in the Environmental Statement.
- 3 Where any details are submitted to and approved by the LPA pursuant to this consent the Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA.
Reason: To ensure the development is carried out in accordance with the agreed details.
- 4 The Mound Works shall not be commenced until the following details have been submitted to and approved in writing by the LPA:
- vehicle circulation, car parking, hardstanding, loading/unloading facilities and turning facilities required during the carrying out of the Mound Works;
 - facilities required on site for the storage of plant, materials and equipment for the Mound Works; and
 - the phasing of the Mound Works.
- 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 SG2, SG14, SG15, SG16, SG18 and LT3 of the South Holland Local Plan 2006.
- 5 The Preparatory Works shall not be commenced until the following details have been submitted to and approved in writing by the LPA:
- vehicle circulation, parking, hardstanding, loading/unloading facilities and turning facilities required during the carrying out of the Preparatory Works;
 - facilities required on site for the storage of plant, materials and equipment for the Preparatory Works; and
 - the phasing of the Preparatory Works.
- 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 SG2, SG14, SG15, SG16, SG18 and LT3 of the South Holland Local Plan 2006.
- 6 The SEE Development shall not be commenced until the following details have been submitted to and approved in writing by the LPA:
- the layout of the SEE Development covering the siting, design, dimensions, external appearance of all permanent buildings and structures;
 - roads, parking, hardstanding, turning facilities and loading/unloading facilities of the SEE Development;
 - vehicle circulation, parking, hardstanding, loading/unloading facilities and turning facilities required during the construction of the SEE Development;
 - permanent fencing and gates and any perimeter fencing and gates and artificial lighting required during construction of the SEE Development;
 - facilities required on site for the storage of plant, materials and equipment of the SEE Development; and
 - the phasing of the SEE Development works.
- 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 SG2, SG14, SG15, SG16, SG18 and LT3 of the South Holland Local Plan 2006.
- 7 Prior to the commissioning of the SEE Development full details of both hard and soft landscape works and a programme for the works shall be submitted to and approved in writing by the LPA. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts where appropriate. Soft landscape works shall include a planting plan to include written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate. All hard and soft landscape works shall be carried out in

accordance with the approved details and programme unless otherwise agreed in writing by the LPA.

Reason: To ensure proper landscaping for the Development. This condition is imposed in accordance with Policies SG18 of the South Holland Local Plan 2006.

- 8 Any trees or plants that within a period of 5 years from the completion of the Development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the LPA gives written approval to any variation.

Reason: To ensure proper landscaping for the Development. This condition is imposed in accordance with Policies SG18 of the South Holland Local Plan 2006.

- 9 Prior to the commencement of each Phase of the Development full details of the foul and surface water drainage arrangements for such Phase shall be submitted to and approved in writing by the LPA. The drainage details for each Phase shall be constructed as approved unless otherwise agreed in writing by the LPA.

Reason: To ensure proper drainage of the site. This condition is imposed in accordance with Policies SG11 and SG12 of the South Holland Local Plan 2006.

- 10 Prior to the commencement of the Development, a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the LPA. The CEMP must 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 of the Site boundary, will be controlled and mitigated for each Phase. The details will include methods and duration of each activity proposed to be undertaken in each Phase. The CEMP shall be implemented as approved unless otherwise agreed in writing by the LPA.

Reason: In the interests of the amenity of the area. This condition is imposed in accordance with Policies SG12, SG13 and SG17 of the South Holland Local Plan 2006.

- 11 All construction activities associated with Development shall be carried out in accordance with the recommendations contained in British Standard 5228, Parts 1 and 2 1984, and Part 4 1986.

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

- 12 Construction work shall only take place between the hours of 07.00 to 19.00 Monday to Friday and 07.00 to 17.00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless otherwise agreed in writing by the LPA 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.

- 13 No piling of any type shall take place outside the hours of 07.00 to 19.00 Monday to Friday and 07.00 to 17.00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless otherwise agreed by the LPA 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.

- 14 During the construction phase no deliveries shall be taken at or dispatched from the site outside the hours of 07.00 to 19.00 Monday to Friday or 07.00 to 17.00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless otherwise agreed in writing by the LPA 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 SG2, SG13 and SG17 of the South Holland Local Plan 2006.

- 15 Prior to installation of any outdoor lighting a detailed lighting scheme shall be submitted to and approved in writing by the LPA. The scheme shall be in accordance with guidance from the Institute of Lighting Engineers and include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on the adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained unless otherwise agreed in writing by the LPA.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure the development is adequately lit. This condition is imposed in accordance with Policies SG13, SG14 and SG17 of the South Holland Local Plan 2006.

- 16 Prior to the commissioning of the SEE Development a detailed scheme for the monitoring and control of noise generated by the commissioning and operation of the SEE Development shall be submitted to and approved in writing by LPA. The programme should consider methodology from British Standard 4142, and shall specify boundary noise levels to be agreed with the LPA at specific measurement locations. The scheme shall be implemented as approved prior to the commissioning of the SEE Development and thereafter maintained to ensure that the boundary noise levels are met at all times unless otherwise agreed in writing by the LPA.

Reason: To ensure the proper control of noise during the operation of the SEE Development. This condition is imposed in accordance with Policies SG13, SG14 and SG17 of the South Holland Local Plan 2006.

- 17 The commencement of the SEE Development shall not take place until there has been submitted to, approved in writing by and deposited with the LPA a scheme or schemes for the monitoring of noise generated during the demolition of existing buildings and structures on the Site and construction of the SEE Development. The scheme(s) shall be implemented as approved unless otherwise agreed in writing by the LPA.

Reason: To ensure the proper control of noise during the construction of the development. This condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan 2006.

- 18 The commencement of the Development shall not take place until a scheme for the suppression of dust during the construction phase, has been submitted to and approved in writing by the LPA. Any measures specified in that scheme shall be employed throughout the period of construction, unless otherwise agreed in writing by the LPA.

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 SG13 and SG14 of the South Holland Local Plan 2006.

- 19 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment, undertaken by ENVIRON and dated August 2009 (Issue 2), and especially the following mitigation measures detailed within the FRA:

- The switch yard/substation area of the complex shall be located on a platform set no lower than 5.3 metres above Ordnance Datum.
- The power station area of the complex shall be located on a platform set no lower than 6.5 metres above Ordnance Datum.

The applicant shall confirm completion of the approved scheme, in writing, within one month thereafter.

Reason: To reduce the risk and impact of flooding to the development and future occupants, in accordance with PPS25.

- 20 Prior to the commencement of the Development details of wheel washing facilities for construction vehicles shall be submitted to the LPA 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 LPA.

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.

- 21 Prior to the commencement of each Phase of the Development a Construction Traffic Management Plan for such Phase which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway, shall be submitted to and approved in writing by the LPA together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic. The agreed Construction Traffic Management Plan for each Phase shall be complied with for the duration of the Development unless otherwise agreed in writing by the LPA.

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.

- 22 Prior to the commencement of each Phase of the Development, an investigation and risk assessment in respect of such Phase, in addition to any assessment provided with the application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the Site, whether or not it originates on the Site. The contents of the scheme in respect of each Phase are subject to the approval in writing of the LPA. The investigation and risk assessment for each Phase must be undertaken by competent persons and a written report of the findings must be produced. The written report in respect of each Phase is subject to the approval in writing of the LPA and must include:

- i) a survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: To ensure that contaminated waste found on the Site is disposed of properly. This condition is imposed in accordance with Policy SG13 of the South Holland Local Plan 2006.

- 23 Prior to the commencement of the Preparatory Works, a detailed remediation scheme to bring the Site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared for the approval in writing of the LPA. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works site management procedures and a procedure in respect of any contamination found at any time when carrying out the Development in order to carry out a similar investigation and risk assessment and where necessary a remediation scheme which would be subject to the further approval of the LPA.

Reason: To ensure that contaminated waste found on the Site is disposed of properly. This condition is imposed in accordance with Policy SG13 of the South Holland Local Plan 2006.

- 24 Following the completion of the Mound Works the remediation scheme approved pursuant to condition 22 must be carried out in accordance with its terms prior to the commencement of the Preparatory Works unless otherwise agreed in writing by the LPA. The LPA must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be prepared and submitted to the LPA for approval in writing.

- Reason: To ensure that contaminated waste found on the Site is disposed of properly. This condition is imposed in accordance with Policy SG13 of the South Holland Local Plan 2006.
- 25 Prior to the commencement of the development hereby permitted, a "Green Transport Plan" prepared by an appropriately qualified and experienced person shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out proposals to positively encourage visitors and staff to travel to and from the site by alternative modes of transport to the private car, set out a timetable for its implementation and a programme and methodology for monitoring and review. The plan that is approved in writing by the Local Planning Authority shall be implemented in accordance with the timetable set out therein, unless the Local Planning Authority gives its prior written consent to any variation.
- Reason: To encourage travel to and from the site by means other than the private car, in the interests of sustainable development and environmental protection. This condition is imposed in accordance with Policy SG1 of the South Holland Local Plan 2006.

Background papers:- Planning Application Working File

File Ref: H16-0241-09

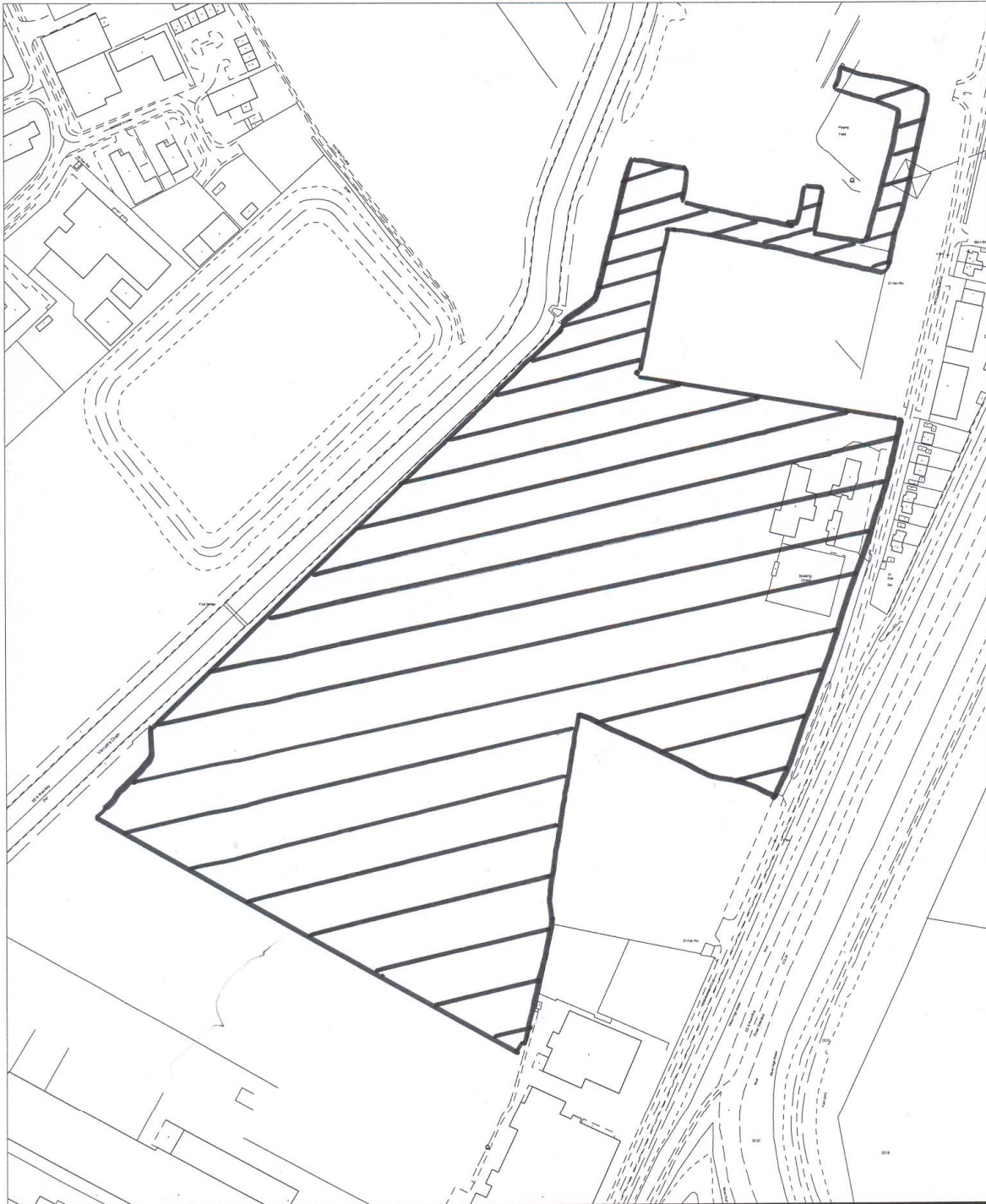
Appendices Appendix 1 – Non Technical Summary (Separate Document)
 Appendix 2 - Heads Of Terms For Proposed S106 Agreement
 Plan A – Site Location Plan
 Plan B
 Plan C
 Plan D

Local Government (Access to Information) Act 1985

Please contact Steve Williams, the Head of Planning and Development if you want more information about this report or the background papers. You can contact him:

- by post at the Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE
- by phone on 01775 761161
- by email at info@sholland.gov.uk

Plan A



H16-0241-09

Scale: 1:3500

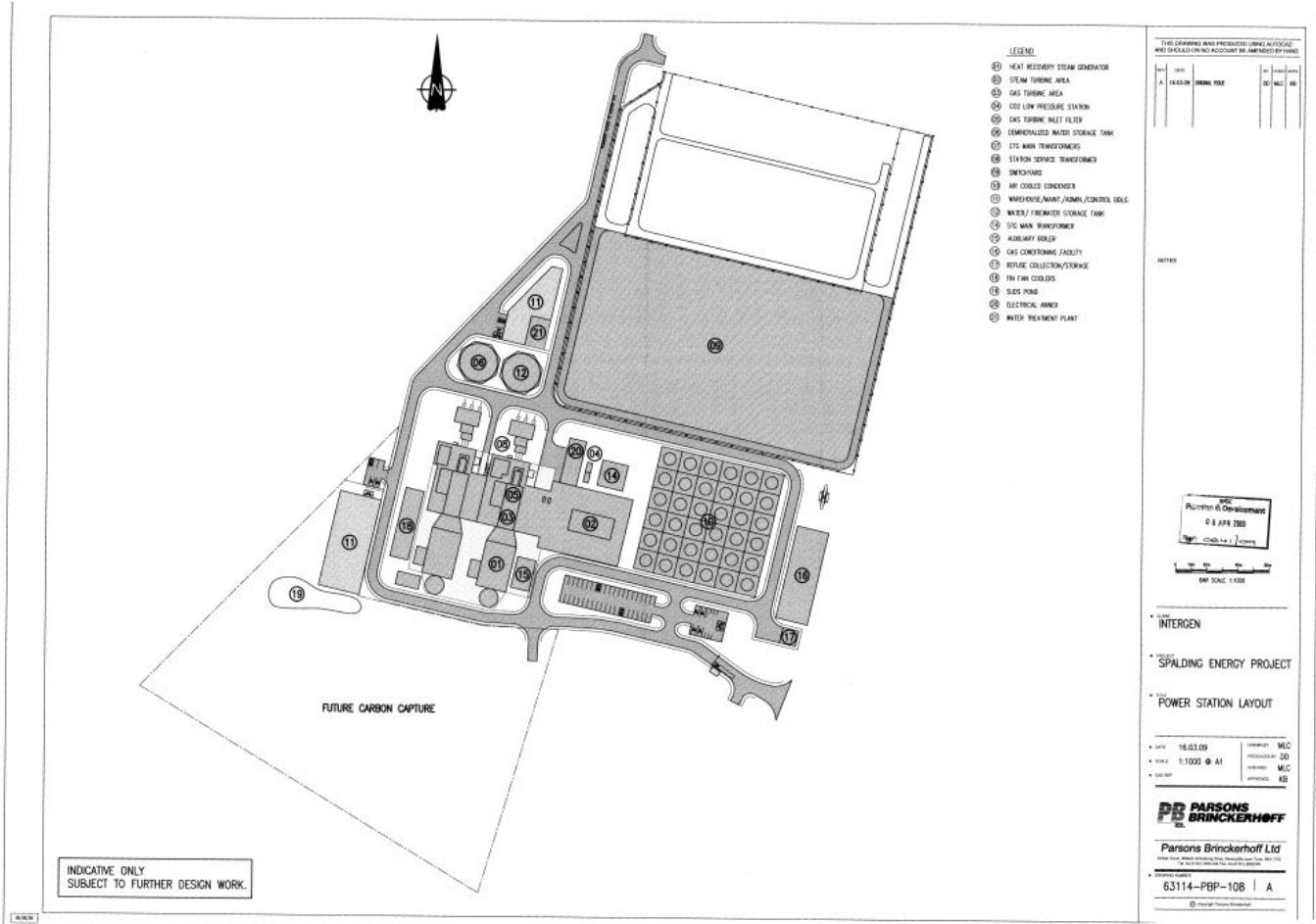
October 2009

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Plan B



Plan D

