



Department  
of Energy &  
Climate Change

Mr Chris McKerrow  
Progress Power Ltd  
49 York Place  
Edinburgh  
United Kingdom  
EH1 3JD

Department of Energy & Climate Change  
Kings Buildings  
c/o 3 Whitehall Place,  
London SW1A 2AW  
T: +44 (0)300 068 5770  
E: [giles.scott@decc.gsi.gov.uk](mailto:giles.scott@decc.gsi.gov.uk)  
[www.decc.gov.uk](http://www.decc.gov.uk)

23 July 2015

Dear Mr Chris McKerrow

**PLANNING ACT 2008  
PLANNING CONSENT APPLICATION – PROPOSED PROGRESS POWER  
GAS FIRED POWER STATION**

1. I am directed by the Secretary of State for Energy and Climate Change (the "Secretary of State") to advise you that consideration has been given to:
  - (a) the report dated 24 April 2015 of the Examining Authority, Jonathan Green ("the ExA"), who conducted an examination ("the Examination") into the application (the "Application") submitted on 31 March 2014 by Progress Power Limited ("the Applicant") to the Planning Inspectorate for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("the 2008 Act") for the Progress Power Gas Fired Power Station; and
  - (b) representations received by the Secretary of State and not withdrawn in respect of the Application.
2. The Examination of the Application began on 25 July 2014 and was completed on 24 January 2015. The Examination was conducted on the basis of written evidence submitted to the ExA, site visits, an Open Floor Hearing held on 15 October 2014, an Issue Specific Hearing ("ISH") held on 16 October 2014 on the local impact of the project and the draft Order and a further ISH on local impact, the draft Order and any remaining Local Impact Report ("LIR") issues held on 10 and 11 December 2014. A compulsory acquisition hearing was also held on 9 December 2014.
3. The Order, as applied for, would grant development consent for the construction and operation of a simple cycle gas-fired 'peaking' power generation plant with capacity of up to 299 MW, integral gas and electrical cable connections and associated development comprising an electrical

connection compound ("ECC"), made up of a substation and sealing end compound, an access road and a new road junction off the A140 ("the Development"). The Development would be located in the administrative boundary of Mid-Suffolk District Council and within the parishes of Eye and Yaxley. The site for the proposed generation plant is on agricultural land on the former Eye Airfield in Eye, Mid Suffolk. The proposed electrical cable would have a total length of approximately 1.6 km and would run underground to the west of the generation plant passing under the north-south A140 Ipswich to Norwich road and beneath agricultural land to the ECC, where connection would be made through a sub-station and sealing end compound to the existing 400 kV overhead transmission line.

4. The generation station would be located about 1km north of the town of Eye. The ECC would be located to the north and north-west of the village of Yaxley and less than 500m from the nearest residential properties.
5. The Applicant submitted two variants for the substation with the Application which could be either an Air Insulated Substation ("AIS variant"), with the equipment open to the air, or a Gas Insulated Substation ("GIS variant") with equipment housed in a substation hall and associated annex. The Applicant expressed a preference for the AIS but consideration was given by the ExA to both options.
6. Published alongside this letter is a copy of the ExA's Report of findings and conclusions ("the Report") as amended by the Errata Sheet (Ref EN 010060) of corrections produced by the Planning Inspectorate and agreed by the ExA prior to a decision being made. The ExA's findings and conclusions are set out in chapters 4 and 5 of the Report, and the ExA's recommendation is at chapter 9.

#### **Summary of the ExA's Recommendation**

7. The ExA recommended that the Order be made, on the basis of the provisions for the GIS variant set out in Appendix 4 to the Report.

#### **Summary of the Secretary of State's Decision**

8. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting development consent for the proposals in the Application for the GIS variant. This letter is a statement of reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulation 23(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 ("2009 Regulations").
9. The Secretary of State has also had regard to the joint Local Impact Report ("LIR") submitted by Mid-Suffolk District Council and Suffolk County Council and to the relevant local plans as well as to the environmental information as defined in Regulations 2(1) of the 2009 Regulations, the Infrastructure Planning (Decisions) Regulations 2010 (the "Decisions Regulations") and to all other matters which the Secretary of State considers to be important and relevant to her decision as required by section 104 of the 2008 Act.

## **Secretary of State's consideration**

10. The Secretary of State has considered the Report and all other material considerations. The Secretary of State's consideration of the Report is set out in the following paragraphs. All numbered references, unless otherwise stated, are to paragraphs of the Report of the Examination ("ER").
11. Except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the Report, and the reasons for the Secretary of State's decision are those given by the ExA in support of her conclusions and recommendations.

## **Need for the Proposed Development**

12. After having regard to the comments of the ExA set out in Chapter 6 of the Report, and in particular the conclusions set out in Chapter 9, the Secretary of State considers that in the absence of any adverse effects which are unacceptable in planning terms, making the Order would be consistent with energy National Policy Statements (NPS) EN-1 (Overarching NPS for Energy), EN-2 (NPS for Fossil Fuel Electricity Generating Infrastructure), EN-4 (Gas Supply Infrastructure and Gas and Oil Pipelines) and EN-5 (Electrical Networks Infrastructure) which set out a national need for development of new nationally significant electricity generating and network infrastructure of the type proposed by the Applicant. Accordingly, the Secretary of State is satisfied that the need for this development has been established.

## **Ecology and Biodiversity**

13. The Secretary of State notes that the Examining Authority considered a number of issues under the above heading:
  - a) Habitats Regulations Assessment
14. The Conservation of Habitats and Species Regulations 2010 (as amended) ("the Habitats Regulations") require the Secretary of State to consider whether the project would be likely, either alone or in combination with other plans and projects, to have a significant effect on a European site, as defined in the Habitats Regulations. If likely significant effects cannot be ruled out, then an Appropriate Assessment ("AA") must be undertaken by the Secretary of State pursuant to regulation 61(1) of the Habitats Regulations to address potential adverse effects on site integrity. The Secretary of State may only agree to the Application if the Secretary of State has ascertained that it will not adversely affect the integrity of a European site.
15. The ExA, with support from the Planning Inspectorate's Environmental Services Team, prepared a Report [ER 5.7] on the Implications for European Sites ("RIES"), based on working matrices prepared by the Applicant as part

of the No Significant Effects Report ("NSER") it submitted with the Application. These matrices presented the Applicant's evidence and assessed whether the project is likely to have a significant effect on European Sites. The Secretary of State is content to accept the ExA's recommendation that the RIES, and written responses to it, represents an adequate body of information to enable the Secretary of State to fulfil her duties in respect of European sites and species without the need for an AA to be undertaken.

16. The Secretary of State has considered the RIES alongside submissions from the Statutory Nature Conservation Body, Natural England ("NE"), and the Environment Agency ("EA"). The Secretary of State notes [ER 5.4] that the NSER prepared by the Applicant identified two European sites potentially affected by the Development which were agreed with NE for consideration in the NSER (Redgrave and South Lopham Fens Ramsar site and Waveney and Little Ouse Valley Fens Special Area of Conservation) and screened by the Applicant for likely significant effects. This showed no significant direct and in-combination effects at either site and NE was satisfied that the NSER demonstrated that subject to inclusion of the agreed mitigation measures there would be no significant effect on the two European sites.
17. The EA noted [ER 4.4 and 4.5] that an Environmental Permit would be required to ensure (among other things) that no significant pollution would be caused affecting European Sites. The EA confirmed during the ISHs that they were satisfied that the proposed single cycle gas generating station should be capable of being adequately regulated under the pollution control framework and that the cumulative impacts should fall within statutory limits [ER 4.65]. The Secretary of State notes that this is without prejudice to the EA's determination, once submitted, of the application made by the Applicant for an Environmental Permit.
18. The agreed mitigation measures will be secured through either the Order or through an Environmental Permit from the EA which would set emissions limits and monitoring requirements for air and water quality. The EA confirmed during the ISHs that they were not aware of anything that would preclude the grant of an Environmental Permit for the Development [ER 4.65].
19. Following the advice of NE and the EA, the Secretary of State is satisfied that the identified mitigation measures will effectively ensure that no likely significant effect will occur as a result of the Development alone and in-combination with other plans and projects. The Secretary of State is therefore satisfied that the Development will not have a likely significant effect on any European site; and agrees with the ExA that an AA is not required [ER 5.11].

b) Effects on other protected Sites and Species

20. NE also considered the possible impact on protected species including bats [ER 4.11] and great crested newts [ER 4.11] and noted that a licence for trapping great crested newts may be required. Requirement 19 of the Order

requires further survey work to be carried out to identify the presence of any European Protected Species, and if such species are identified, then protection and mitigation must be approved by the relevant planning authority after consultation with NE.

21. NE identified that alongside the two European sites mentioned above, three nationally designated sites could be affected by the Development: Redgrave and Lopham Fen Site of Special Scientific Interest (SSSI) and national nature reserve (NNR), Major Farm, Braiseworth SSSI and Gypsy Camp Meadows, Thrandeston SSSI [ER4.9]. As with the European sites NE concluded that subject to mitigation measures and the need to gain an Environmental Permit there would be no significant effects on these designated sites.
22. NE noted [ER 4.11] that the mitigation measures proposed by the Applicant in respect of protected species and general biodiversity impacts should be a requirement in any approval granted for the Development. This is secured in Requirement 10 of the Order with provisions for the agreement of the final Ecological Management Plan to be agreed by the relevant planning authority in consultation with NE.

### **Landscape and Visual Impacts**

23. The Secretary of State notes the ExA's consideration of the landscape and visual impact of the Development [ER 4.84-4.124] and of the guidance in EN-1 and EN-2. EN-1 acknowledges that virtually all nationally significant infrastructure projects ("NSIPs") will have effects on the landscape and have visual effects for many people, but the aim in designing a project should be to minimise the harm to the landscape and visual effects and provide reasonable mitigation. EN-2 states that if the location for a fossil fuel generation project is appropriate and it has been designed sensitively to minimise harm to landscape and visual impact, then the visibility of the generating station should be given limited weight.
24. The Secretary of State notes that concerns were raised by a number of different parties about the impact of the Development on visual amenity and the landscape in respect of the: generation station with its five generating units with separate 30m high stacks; Above Ground Installation ("AGI"); and the ECC, which is to be located on agricultural land.

### **Generating Station**

25. The Secretary of State notes that the generating station would be located close to a number of existing industrial structures, including four wind turbines and the National Grid Gas Compressor Station (with associated 50m mast) and the Eye Power Station (with its 40m high stack). The Secretary of State notes that the ExA considered that the five 30m stacks would be the main element visible from all directions and would change the skyline, but would be seen in the context of the other tall structures on the Airfield [ER 4.94].
26. The Secretary of State notes the assessment of the impacts by the Applicant in their Environmental Statement which concluded that while there would be



a short term moderate adverse visual impact from some nearby viewpoints, the proposed planting would offset this during the operational period leaving a negligible longer term impact [ER4.96].

27. The Secretary of State also notes that the ExA considered that from the north, north-east and north-west existing structures and woodland would largely screen the generating plant but that taller elements of the plant were likely to be visible over a large area to the south, south-east and south-west [ER 4.90]. The ExA concluded that the generation plant would add to the industrialisation of the Eye Airfield and the buildings and stacks associated with the generating station would be visible from the nearby town of Eye and neighbouring villages, but mitigation planting and the landscape mitigation strategy secured through the Order would help to provide a screen over the years [ER 4.121]. It was noted that the 30m stacks would be seen over a much wider distance and although they would not be as tall as nearby existing structures, they would be a significant feature on the skyline. It was noted, however, that the choice of Simple Cycle Gas Turbine ("SCGT") technology ensured stack height would be kept to a maximum of 30m and would not result in a visible plume. The ExA also noted that further mitigation of impacts would take place through the opportunities for further consultation on the design of the final development. For this reason the Secretary of State notes that the ExA was satisfied that the agreed approach to landscaping, design and lighting of the generation plant meet the requirements of EN-1 and EN-2 to minimise harm to landscape and visual amenity.

#### The Above Ground Installation ("AGI")

28. The Secretary of State notes [ER 4.97] that in relation to the AGI, there would be a temporary loss of 0.32 ha of agricultural land of which 0.2 ha would be permanently displaced. The ExA noted [ER 4.98] that the Applicant's Environmental Statement concluded that the AGI would have a moderate adverse effect on the landscape character of this part of the Eye Airfield and would indirectly alter the open rural character of the area, but that the impacts on landscape and views would decrease as mitigation planting matured and would be reduced to a level that was not significant. The Secretary of State notes the conclusion of the ExA that the gas connection and AGI would have some adverse impact on landscape and visual amenity but that this would be confined to the immediate vicinity of the Development [4.122].

#### The Electrical Connection

29. The ExA noted [ER 4.99] that potential landscape and visual impacts could occur from all the components of the electrical connection: the cable; the access road and the A140 junction; and the Electrical Connection Compound ("ECC") with substation and sealing end compound.
30. The Secretary of State notes that the main concerns raised by the local authorities around the landscape and visual impact of the Development were in relation to the ECC. They considered that both the AIS and GIS variant would represent an alien feature in the landscape and that the AIS variant was not consistent with local policy on landscape and visual effects. The local authorities however considered that the GIS variant would minimise the

footprint and intrusion of the ECC [ER 4.113]. A number of local interested parties also raised concerns about the location of the ECC in an agricultural area [ER 4.115] with strong opposition to any part of the Development taking place west of the A140. The Secretary of State notes that concern was also raised about the possible impact of lighting at the ECC as this would introduce light into a rural area that is at present dark. The Eye Airfield Parishes Working Group ("EAPWG") was concerned [ER 4.116] that little had been done to blend the generation plant and the ECC into the immediate surroundings or to minimise the impact on viewpoints over a wide area. The EAPWG provided a detailed report on landscaping and screening that argued [ER 4.117] that the evaluation of the impacts in the Environmental Statement submitted with the Application was flawed in a number of respects. The EAPWG report concluded [ER 4.118] that the generation plant would be highly prominent and constitute a visual intrusion on a massive industrial scale and that the sensitivity of the site for the ECC made it highly unsuitable for either the AIS or GIS variant.

31. The Secretary of State notes that the ExA considered that the ECC and associated cable laying and access road would introduce an industrial type development into an agricultural area, albeit an area crossed by a major overhead power line [ER 4.123]. The ExA noted that the AIS variant would require the removal of a considerable length of hedgerow and the layout would sit diagonally across the existing field boundary orientation. It would also be visible from nearby houses and villages and whilst mitigation planting would reduce this impact it could take fifteen years to develop [ER 4.123]. The Secretary of State notes [ER 4.124] that the ExA considered that the GIS variant would provide some mitigation of the impact by providing a design with a much smaller footprint involving only a small loss of existing hedgerow and would be aligned with existing field boundaries. Most of the equipment would be installed in the building, which although this would still be a new intrusion on agricultural landscape, could be designed to blend in with other nearby farm buildings [ER 4.124]. The ExA therefore concluded the GIS variant provided the opportunity to reduce the impact of the ECC on landscape and visual amenity compared with the AIS variant, and that it would be consistent with the principle of minimising harm as set out in EN-1 to prefer the GIS variant. The Secretary of State also notes that the ExA concluded that the lighting plans should be adequate to avoid any adverse impact from lighting in a rural area [ER 4.123].

#### Conclusion

32. Overall the Secretary of State notes the ExA considered [ER 6.10] that there would be a visual impact from each of the main elements of the proposed Development and that mitigation would reduce but not completely offset this impact. Taking the proposed mitigation measures into account it would be consistent with the guidance in EN-2 to give limited weight to the visual impact of the generation plant, but the Secretary of State notes that the other elements of the Development also needed to be considered. The Secretary of State notes that the rural location of the ECC means that the landscape and visual impact is greatest at the ECC. The Secretary of State notes that the ExA considered that it would be consistent with the principle of minimising harm, as set out in EN-1, to prefer the GIS variant which would

reduce the impact of the ECC on landscape and visual amenity compared with the AIS variant.

33. The Secretary of State notes the ExA considered [ER 9.8] there was a fine balance between the benefits and adverse effects of the Development [ER 9.4-9.6] and that the benefit of allowing the Development was not contingent on adopting the AIS variant. Taking the Development as a whole, the Secretary of State notes that the ExA attached some weight to the adverse effects of the proposed Development on landscape and visual impact but considered that this weight would be reduced if the GIS variant were to be adopted [ER 6.10]. The Secretary of State agrees with the ExA, that on balance the case for the GIS variant has been made and the need and other benefits can be expected to be greater than the harm, with the GIS variant, to landscape and visual impact and to historic and heritage assets [ER 9.10]. The Secretary of State's consideration of historic and heritage assets is set out below at paragraphs 34- 45.

### **Historic and Heritage Assets**

34. The Secretary of State notes that the main issues raised during the Examination were in relation to the potential impact from the Development on heritage and historic assets. English Heritage (now Historic England), in its written representation, stated it considered that the Development had the potential to impact upon the historic environment both directly, through permanent physical changes, and indirectly through changes to the setting of heritage assets [ER 4.154].
35. The ExA considered the designation to be given to heritage assets [ER 4.125-7] and the requirement on the decision maker to identify and assess the significance of heritage assets that might be affected by the Development. The potential impact of the Development on the setting and significance of heritage assets was considered in the Environmental Statement prepared by the Applicant and its conclusions considered by the ExA [ER 4.128 -136]. The ExA concluded [ER 9.6] that EN-1 is clear that there should be a presumption in favour of conservation of designated assets or assets with archaeological interest that are not currently designated as Scheduled Monuments ("SM") but are demonstrably of equivalent significance. The ExA noted the matters which the decision-maker must have regard to under the Decisions Regulations. The ExA further noted that EN-1 sets out that loss affecting any designated asset of the highest significance should require clear and convincing justification, and substantial harm to or loss of designated assets of the highest significance should be wholly exceptional. The ExA noted that the same consideration applies to an asset that may be of equivalent significance to a designated SM.
36. The Secretary of State notes that the ExA considered the potential impact of the Development on three categories of heritage assets, namely, heritage assets designated by statute, non-designated assets and heritage assets with archaeological significance not currently designated as a SM but which could be argued to be demonstrably of equivalent significance [ER 4.168]. The ExA also considered the concerns expressed about the impact of the



If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:

Telephone: 0370 333 0607

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: [customers@HistoricEngland.org.uk](mailto:customers@HistoricEngland.org.uk)