

DOCUMENT 2: COMPLIANCE SCHEDULE

The Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 (as amended) ('the Variation Regulations') sets out the procedures for applications to vary extant consents granted under Section 36 of the Electricity Act 1989 for the construction, extension and operation of electricity generation stations.

Specifically, Regulation 3 of the Variation Regulations provides the required content of a variation application.

The Table below sets out the required content of a variation application, along with a description of SECL's compliance.

TABLE: REQUIRED CONTENT OF A VARIATION APPLICATION / DESCRIPTION OF SECL'S COMPLIANCE

Regulation 3		SECL's Compliance
(1)	A variation application must –	
(a)	be made in writing;	SECL is submitting the variation application. The variation application has been made in writing, via DOCUMENT 1 (Variation Application Covering Letter), and is accompanied by a number of additional documents. DOCUMENT 2 (Compliance Schedule) (this Document) sets out these additional documents.
(b)	describe the location of the Proposed Development by reference to a map;	The Proposed Development relates to the way in which the existing Spalding Energy Project (SEP) is authorised to operate, facilitated by an upgrade to the existing gas turbines and associated systems. DOCUMENT 1 (Variation Application Covering Letter) notes that the location of SEP is on West Marsh Road, Spalding, Lincolnshire PE11 2BB. DOCUMENT 4 (Location Plan) presents the location of SEP within the context of the surrounding area, and DOCUMENT 5 (Application Site Plan ('Plan DWD 2544/2/G')) is the original application site plan referred to in the existing consent which identifies the area of land (outlined in black) within which SEP was authorised to be constructed and is authorised to be operated (no change proposed).

Regulation 3		SECL's Compliance
	(c) state –	
	why is it proposed that the relevant section 36 consent should be varied;	<p>SECL has undertaken an Advanced Gas Path (AGP) upgrade to SEP which comprised changes to the existing gas turbines and associated systems, and improved both the environmental performance and electricity market competitiveness of SEP. Amongst the improvements, the AGP upgrade to SEP allows for an increase in the maximum electricity generation output to up to 950 MW capacity in excess of the current permitted output of around 800 MW. The variation application seeks to increase the permitted output to up to 950 MW as well as seeking amendments to conditions to reflect the fact that construction of SEP is complete and to allow for certain further changes to Deemed Planning Permission conditions, or matters controlled by those conditions, to be agreed with the local planning authority and to reflect other changes in circumstances since the consent was granted in 2000.</p> <p>DOCUMENT 10 (Environmental and Technical Schedule) provides, in Section 3.3 (The Proposed Development), further rationale for the Proposed Development.</p>
	what account has been taken by persons who have been consulted by the applicant about the proposed variation;	<p>DOCUMENT 10 (Environmental and Technical Schedule) sets out, in Section 4.3 (Additional Consultation undertaken as part of the Variation Application), a summary of the consultation undertaken by the applicant about the variation application, what account has been taken of the views expressed and, where relevant, a summary of the subsequent actions taken and links to additional information.</p>
(d) include –		
	a draft of the variations which the applicant proposes should be made to the relevant section 36 consent; and,	<p>DOCUMENT 7 (Proposed Changes to the Existing Consent (Tracked Changes Version)) and DOCUMENT 8 (Proposed Changes to the Existing Consent (Clean Version)) provides the variations which SECL proposes should be made to the existing consent for SEP.</p> <p>DOCUMENT 9 (Draft Explanatory Memorandum) explains the variations which SECL proposes should be made to the Existing Consent.</p>

Regulation 3		SECL's Compliance
	copies of any maps or plans not referred to in the relevant section 36 consent but which the applicant proposes that the relevant section 36 consent should refer to after it is varied; and,	Not relevant. SECL is not proposing to replace any maps or plans.
(e)	if the application relates to an offshore generating station, identify which of the bodies referred to in paragraph (b) of the definition of "relevant planning authority" in regulation 2(1) are, in the applicant's opinion, likely to have an interest in the variation application.	Not relevant. SEP is not an offshore generating station.
(2)	A variation application must include particulars of –	
(a)	the relevant section 36 consent, and, if that consent was not granted to the applicant, how the applicant has the benefit of that consent.	<p>On 15 November 2000, the original consent was granted for SEP under Section 36 of the Electricity Act 1989. The original consent was accompanied by a direction that planning permission be deemed to be granted under Section 90 of the Town and Country Planning Act 1990. Together, these (the original consent and the direction that planning permission be deemed to be granted) comprise the existing consent for SEP.</p> <p>DOCUMENT 6 (The Existing Consent) provides the existing consent for SEP.</p> <p>The existing consent for SEP was originally granted to InterGen. Subsequently, in May 2002, InterGen transferred the benefit of the existing consent for SEP to SECL (a wholly owned subsidiary of InterGen).</p> <p>Therefore, SECL has the benefit of the existing consent for SEP.</p>
(b)	where the appropriate authority is the Secretary of State, any section 90 direction given on granting the relevant section 36 consent;	<p>On 15 November 2000, the original consent was granted for SEP under Section 36 of the Electricity Act 1989. The original consent was accompanied by a direction that planning permission be deemed to be granted under Section 90 of the Town and Country Planning Act 1990. Together, these (the original consent and the direction that planning permission be deemed to be granted) comprise the existing consent for SEP.</p> <p>DOCUMENT 6 (The Existing Consent) provides the existing consent for SEP.</p>

Regulation 3		SECL's Compliance
(c)	any permit, licence, consent or other authorisation (other than the relevant section 36 consent) given in connection with the construction or operation of the Proposed Development (a "relevant authorisation"), including any variation or replacement of a relevant authorisation; and,	<p>The Variation Application is accompanied by:</p> <ul style="list-style-type: none"> – DOCUMENT 11A (Associated Authorisation: Gas Connection Above Ground Installation (AGI)): Planning permission renewal (Ref: H22/0019/02) under the Town and Country Planning Act 1990, dated 11 February 2002, for the AGI and ancillary development near Wragg Marsh; – DOCUMENT 11B (Associated Authorisation: Gas Connection): Consent under Section 1 of the Pipelines Act 1962, dated 15 December 2000, for the 7.4 km underground gas pipeline from the AGI to the site; – DOCUMENT 11C (Associated Authorisation: Electrical Connection): Consent under Section 37 of the Electricity Act 1989, dated 11 October 2001, for the electrical substation and the 5.8 km overhead electricity line; and, – DOCUMENT 11D (Associated Authorisation: Environmental Permit): Environmental Permit (Reference: EPR/BK0701IW). The latest version (V005) was issued in May 2020 (under the Environmental Permitting (England and Wales) Regulations 2016). – DOCUMENT 11E (Associated Authorisations: Deemed Planning Permission Conditions): Approval of details under conditions (4), (13), (17) and (33) on various dates in 2001).
(d)	any application that has been made for a relevant authorisation or variation of a relevant authorisation.	Not relevant. At this time, no such applications have been made.
(3)	Where the appropriate authority is the Secretary of State and the applicant requests the Secretary of State to make a section 90 direction on varying the relevant section 36 consent, the application must –	

Regulation 3		SECL's Compliance
	<p>(a) identify the section 90 development in respect of which that request is made and describe its location by reference to a map;</p>	<p>The Proposed Development relates to the way in which the Spalding Energy Project (SEP) is authorised to operate, facilitated by an upgrade to the existing gas turbines and associated systems.</p> <p>DOCUMENT 1 (Variation Application Covering Letter) notes that the location of SEP is on West Marsh Road, Spalding, Lincolnshire PE11 2BB.</p> <p>DOCUMENT 4 (Location Plan) presents the location of the existing SEP (within the context of the surrounding area), and DOCUMENT 5 (Application Site Plan ('Plan DWD 2544/2/G')) is the original application site plan referred to in the existing consent which identifies the area of land (outlined in black) within which SEP was authorised to be constructed and is authorised to be operated (no change proposed).</p>
	<p>(b) state –</p> <p>(i) why it is proposed that the direction should be made; and</p>	<p>SECL has undertaken an Advanced Gas Path (AGP) upgrade to SEP which comprised changes to the existing gas turbines and associated systems, and improved both the environmental performance and electricity market competitiveness of SEP. Amongst the improvements, the AGP upgrade to SEP allows for an increase in the maximum electricity generation output to up to 950 MW capacity in excess of the current permitted output of around 800 MW. The variation application seeks to increase the permitted output to up to 950 MW as well as seeking amendments to conditions to reflect the fact that construction of SEP is complete and to allow for certain further changes to Deemed Planning Permission conditions, or matters controlled by those conditions, to be agreed with the local planning authority and to reflect other changes in circumstances since the consent was granted in 2000.</p> <p>DOCUMENT 10 (Environmental and Technical Schedule) provides, in Section 3.3 (The Proposed Development), further rationale for development.</p>

Regulation 3		SECL's Compliance
	(ii) what account has been taken of views expressed by persons who have been consulted by the applicant about the proposed direction; and	DOCUMENT 10 (Environmental and Technical Schedule) sets out, in Section 4.3 (Additional Consultation undertaken as part of the Variation Application), a summary of the consultation undertaken by the applicant about the variation application, what account has been taken of the views expressed and, where relevant, a summary of the subsequent actions taken and links to additional information.
	(c) include –	
	(i) a draft of the proposed direction; and	DOCUMENT 7 (Proposed Changes to the Existing Consent (Tracked Changes Version)) and DOCUMENT 8 (Proposed Changes to the Existing Consent (Clean Version)) provides the variations which SECL proposes should be made to the existing consent for SEP. DOCUMENT 9 (Draft Explanatory Memorandum) explains the variations which SECL proposes should be made to the Existing Consent.
	(ii) copies of any maps or plans to which it is proposed that the section 90 direction should refer which are not – (aa) referred to in the relevant section 36 consent or any section 90 direction given on granting the relevant section 36 consent; or (bb) included in the application in accordance with paragraph (1)(d)(ii).	Not relevant. SECL is not proposing to replace any maps or plans.
(4)		Provision revoked by paragraph 6(2) of Schedule 5 of the EIA Regulations.

SPALDING ENERGY PROJECT

Variation Application under Section 36C of the Electricity Act 1989



Based on the above, the Table below sets out a summary of the variation application documents.

TABLE: SUMMARY OF THE VARIATION APPLICATION DOCUMENTS

#	Document
1	Variation Application Covering Letter
2	Compliance Schedule (This Document)
3	Proposed Consultee Schedule
4	Location Plan
5	Application Site Plan
6	The Existing Consent
7	Proposed Changes to the Existing Consent (Track Changes Version)
8	Proposed Changes to the Existing Consent (Clean Version)
9	Draft Explanatory Memorandum
10	Environmental and Technical Schedule
App. A	(Appendix A) Consenting History of the Spalding Energy Project
App. B	(Appendix B) April 2020 EIA Screening Report
App. C	(Appendix C) June 2020 EIA Screening Opinion
App. D	(Appendix D) Supporting Carbon Capture Readiness (CCR) Assessment / Information
App. E	(Appendix E) Supporting Combined Heat and Power (CHP) Assessment / Information
11	Associated Authorisations
A	For the Gas Connection AGI
B	For the Gas Connection
C	For the Electrical Connection
D	Environmental Permit
E	For the Discharge of Deemed Planning Conditions