

**OPERATION OF A GAS-FIRED ELECTRICITY GENERATING STATION AT SPALDING, LINCOLNSHIRE**

**DRAFT EXPLANATORY MEMORANDUM RELATING TO  
THE VARIATION OF THE CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989**

Note: This Explanatory Memorandum explains the proposed variations to the consent (Ref: AAH/1/53) granted on 15 November 2000 under Section 36 of the Electricity Act 1989 and the direction under section 90(2) of the Town and Country Planning Act 1990 for the construction and operation of the combined cycle gas turbine generating station at West Marsh Road, Spalding, Lincolnshire PE11 2BB, known as Spalding Energy Project ('SEP') or Spalding Power Station, operated by Spalding Energy Company Limited ('SECL').

<b>Paragraph / Condition</b>	<b>Proposed 2021 Variation</b>	<b>Justification / Explanation</b>
<b>Consent under Section 36 of the Electricity Act 1989</b>		
-	Amendment of "Department of Trade and Industry" to "Department for Business Energy and Industrial Strategy".	To reflect the current name of the Department.
<b>1</b>	Amendment of "Department of Trade and Industry" to "Department for Business Energy and Industrial Strategy".	To reflect the current name of the Department.
<b>2</b>	Amendment to specify an increase in the maximum generating capacity of the Development from "of about 800 MW" to "up to 950 MW".	To reflect the increased capacity of the generating station following the technology upgrade.
<b>3(1)</b>	Addition of a reference to the date of the Variation Application, and addition of a reference to "further immaterial changes which may be approved by the District Council pursuant to the requirements of the planning permission deemed to be granted".	To reflect the Variation Application, and the wording of recent consents allowing immaterial changes to be approved by the District Council.
<b>3(2)</b>	Condition removed.	The condition is no longer relevant as it has already been satisfied.

Paragraph / Condition	Proposed 2021 Variation	Justification / Explanation
<b>4</b>	<b>Direction to Deem Planning Permission to be granted under Section 90 of the Town and Country Planning Act 1990</b>	
Definitions	(1) References (relating to: "BS 4142"; "best practicable means"; "bulk materials"; "the commencement of the Development"; "the commissioning of the Development"; "contract year"; "the County Council"; "creative conservation"; "English Nature"; "heavy commercial vehicle"; "the main Development"; and, "operating weight") removed.	They are no longer relevant.
	Addition of reference to "Environmental Statement".	To define the Environmental Statement for the Development.
	Amendment of the definition from "new access facility" to "site access facilities", and amendment of the associated description.	To reflect that the site access facilities, comprising Gate A (operational non-HGV traffic), Gate B (operational HGV traffic) and Gate C (outage all traffic), have been constructed.
The Site	(2) Amendment of the reference from "construction" to "operation".	To require that operation of the Development remains within the Site.
Time Limits	(3) Condition removed.	The condition is no longer relevant as it has already been satisfied.
Site Access Facilities	(4) Condition removed.	The condition is no longer relevant as it relates to the construction of the Development which is complete.
	(5) Amendment of the reference from "new access facility" to "site access facilities"; and, addition of a reference to further immaterial changes which may be approved by the District Council.	The part of the condition that relates to the construction phase of the Development is no longer relevant as construction is complete. The part of the condition that relates to operation is amended to require that all traffic associated with the operation of the Development uses the existing site access facilities; and, allow immaterial changes to be approved by the District Council.
Suppression of Dust and Dirt	(6) to (11) Conditions removed.	The conditions are no longer relevant as they relate to the construction phase of the Development which is complete.
Layout and Design	(12) to (16) Conditions removed.	The conditions are no longer relevant as they relate to the construction of the Development which is complete.

Paragraph / Condition		Proposed 2021 Variation	Justification / Explanation
	(17)	Amendment to the Condition to refer to the details approved by the District Council; and, addition of a reference to further immaterial changes which may be approved by the District Council.	<p>The part of the condition that relates to construction of the Development is no longer relevant as this is complete.</p> <p>The part of the condition that relates to maintenance of the roads and/or junctions is amended to refer to the details approved by the District Council (<a href="#">reference H16/0966/01 (dated 10 December 2001)</a>); and, to allow immaterial changes to be approved by the District Council.</p>
Construction	(18) to (22)	Conditions removed.	These conditions are no longer relevant as they relate to construction of the Development which is complete.
Construction Noise and Vibration	(23) to (24)	Conditions removed.	They are no longer relevant.
Operational Noise	(25)	Condition removed.	<p>The condition is no longer required.</p> <p>A 'Programme for the Monitoring of Noise generated by Operation of the Development' was submitted and approved by the District Council (<a href="#">reference H16/1213/01 (dated 5 November 2001)</a>) in accordance with the condition. Under this programme, it was noted that in the first year post-commissioning noise measurements would be taken and provided to the District Council every month, and in subsequent years, noise measurements would be taken and provided to the District Council quarterly. Based on ongoing compliance, noise measurements were deemed to no longer be required.</p>
	(26) to (27)	Conditions removed	<p>These conditions are no longer appropriate or required.</p> <p>The use of off-site noise level limits is no longer appropriate due to the distances between the Site and the noise measurement locations, and the inherent uncertainty associated with the sources of noise measured at those locations given the ongoing changes to the surrounding off-site development since the consent was granted.</p> <p>Conditions (28) and (29) and the Environmental Permit (DOCUMENT 11D, Section 3.4) provide adequate and appropriate control mechanisms relating to operational noise, such that these conditions are no longer required.</p>

Paragraph / Condition		Proposed 2021 Variation	Justification / Explanation
Noise Complaints Procedure	(29)	Amendment to the Condition to clarify that the requirement for the Company to provide a nominated representative to beg the point of contact for local residents and occupiers of neighboring industrial premises and responsible for dealing with noise complaints applies throughout the duration of the operation of the Development; and, deletion of the reference to "construction" of the Development.	To reflect the operational protocols regarding the Noise Complaints Procedure.
Landscaping	(30) to (32)	Conditions removed.	These conditions are no longer relevant as they have already been satisfied.
Prevention of Contamination of Watercourses	(33)	Condition removed.	This condition is no longer relevant as it has already been satisfied.
	(33a)	Addition of Condition to require that ongoing maintenance of the drainage facilities on the Site is undertaken in accordance with the details approved by the District Council.	To reflect ongoing measures for the prevention of contamination of watercourses and to allow for immaterial changes.
	(34)	Condition removed.	This condition is no longer relevant as it has already been satisfied.
	(35)	Deletion of the reference to "construction" of the Development.	The reference to construction is no longer relevant, and overall for the condition to reflect ongoing measures for the prevention of contamination of watercourses.
	(36)	Deletion of the reference to "construction" of the Development.	The reference to construction is no longer relevant, and overall for the condition to reflect ongoing measures for the prevention of contamination of watercourses.
	(38)	Condition removed.	The condition is no longer relevant as it has already been satisfied.
Air Pollution Monitoring	(39) to (40)	Conditions removed.	These conditions are no longer relevant as the time-limited air quality monitoring has been completed as required. Furthermore, the Environmental Permit (DOCUMENT 11D) provides adequate and appropriate control mechanisms relating to emissions to air during operation, such that conditions relating to this matter are no longer required.

<b>Paragraph / Condition</b>		<b>Proposed 2021 Variation</b>	<b>Justification / Explanation</b>
Contaminated Waste	(42) to (43)	Conditions removed.	These conditions are no longer relevant as they relate to construction of the Development which is complete.
Footpaths	(44)	Condition removed	This condition is no longer relevant as the construction of the Development is complete and other existing legislation adequately provides control over potential obstructions of public rights of way(s).
Cessation of Works and Restoration of the Site	(45)	Addition of a reference to further immaterial changes which may be approved by the District Council.	To allow immaterial changes to be approved by the District Council.
Default of Agreement	(46)	Deletion of reference to County Council and amendment of "Department of Trade and Industry" to "Department for Business Energy and Industrial Strategy".	There remain no matters required to be agreed in writing with the County Council under any of the forgoing Conditions and to reflect the current name of the Department.
Further Immaterial Changes to the Conditions by the District Council	(47)	Addition of Condition to require that, for any further immaterial changes which may be approved by the District Council, agreement on these changes is only where the effects of the Development on the environment are not materially new or materially different from those assessed in the Environmental Statement.	To reflect the wording of recent consents and to ensure that any variations to conditions that may be agreed with the District Council (where applicable) will be limited to immaterial changes only.