

Date: 29 January 2021
Your Ref: AAH/1/53
Our Ref: 14278



Department for Business, Energy & Industrial Strategy
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For the attention of: Keith Welford

Sent by email to: Keith.Welford@beis.gov.uk

Dear Mr Welford,

**THE ELECTRICITY ACT 1989 – SECTION 36C ‘VARIATION OF CONSENTS UNDER SECTION 36’
SPALDING ENERGY COMPANY LIMITED: SPALDING ENERGY PROJECT, WEST MARSH ROAD,
SPALDING, LINCOLNSHIRE PE11 2BB**

We write on behalf of Spalding Energy Company Limited (‘SECL’) (‘the Company’) in connection with the consent (Ref: AAH/1/53) granted on 15 November 2000 under Section 36 of the Electricity Act 1989 (‘Section 36 Consent’) and the direction under section 90(2) of the Town and Country Planning Act 1990 (‘Deemed Planning Permission’) for the construction and operation of the combined cycle gas turbine generating station at West Marsh Road, Spalding, Lincolnshire PE11 2BB, known as the Spalding Energy Project or Spalding Power Station.

By this letter and accompanying documents, SECL, being the person entitled to the benefit of the Section 36 Consent, applies to the Secretary of State for Business, Energy and Industrial Strategy (‘the Secretary of State’) pursuant to Section 36C of the 1989 Act for that consent to be varied. In addition, SECL also requests that the Secretary of State pursuant to his powers under Section 90 (2ZA) of the Town and Country Planning Act 1990 directs that the Deemed Planning Permission also be varied.

This variation application requests that the Secretary of State in the exercise of his powers under Section 36C of the Electricity Act 1989 and Section 90(2ZA) of the Town and Country Planning Act 1990 Act varies the Section 36 Consent and Deemed Planning Permission in order to allow an increase in the permitted electrical output of the generating station from “about 800MW capacity” to “up to 950MW capacity” as facilitated by an upgrade to the existing gas turbines and associated systems.

The variation application also seeks to amend the conditions pursuant to which the Section 36 Consent and Deemed Planning Permission was granted: to reflect the fact that construction of the generating station is complete; 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.

Content of the variation application

This covering letter and the following accompanying documents provide the information required under regulation 3 of the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 ('the 2013 Variation Regulations').

1. Variation Application Covering Letter (this Document)
2. Compliance Schedule
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:
 - Appendix A: Consenting History of the Spalding Energy Project
 - Appendix B: April 2020 EIA Screening Report
 - Appendix C: June 2020 EIA Screening Opinion
 - Appendix D: Supporting Carbon Capture Readiness (CCR) Assessment / Information
 - Appendix E: Supporting Combined Heat and Power (CHP) Assessment / Information
11. Associated Authorisations:
 - 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
 - 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
 - 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
 - Environmental Permit (Reference: EPR/BK0701IW). The latest version (V005) was issued in May 2020 (under the Environmental Permitting (England and Wales) Regulations 2016)
 - Discharge of Deemed Planning Conditions: Approval of details under conditions (4), (13), (17) and (33) on various dates in 2001

In accordance with the July 2013 Guidance Note on varying consents granted under section 36 for generating stations in England and Wales, no fee is payable for an application to vary a section 36 consent.

Should the Secretary of State consider the variation application to be suitable for publication and give notice of his decision pursuant to Regulation 4(6) of the 2013 Variation Regulations, the Company will comply with the publicity and advertising requirements set out at Regulation 5 of the 2013 Variation Regulations. In accordance with the 2013 Variation Regulations the application documents will first be published on the project website. Following this the Company will notify the consultees listed in Document 3 that the variation application has been accepted as suitable for publication and place a notice in the London Gazette, and notices for two consecutive weeks in the Spalding Voice.

Please will you kindly confirm receipt of this application. Should you have any queries regarding the enclosed please contact Jon Bowen (jon.bowen@dwdllp.com) by email or telephone on 020 7489 0213.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jon Bowen'.

DWD LLP