

VARIATION OF CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 CONSTRUCTION AND OPERATION OF A ~~COMBINED CYCLE~~ GAS FIRED ~~TURBINE~~ ELECTRICITY GENERATING STATION OF UP TO 1250 MW AT THE MANORWAY, STANFORD-LE-HOPE, ESSEX

COMPRISING EITHER:

- (i) UP TO TWO COMBINED CYCLE GAS TURBINE UNIT (S) OR
- (ii) ONE COMBINED CYCLE GAS TURBINE UNIT WITH OPEN CYCLE GAS TURBINE UNIT(S) OF LESS THAN 300MW

The Secretary of State in exercise of the powers conferred on him by section 36C of the Electricity Act 1989 hereby varies the consent granted for the ~~combined cycle gas turbine~~ gas fired electricity generating station at The Manorway, Stanford-le-Hope in the County of Essex in accordance with the variations shown in italic text in the Annex.

November 2014[Insert date of variation consent]

Giles Scott
Head of National Infrastructure Consents
Department of Energy and Climate Change

DEPARTMENT OF ENERGY AND CLIMATE CHANGE
CONSTRUCTION AND OPERATION OF A ~~COMBINED CYCLE~~ GAS
~~TURBINE FIRED~~ ELECTRICITY GENERATING STATION OF UP TO 1250 MW
AT THE MANORWAY,
STANFORD-LE-HOPE, ESSEX

COMPRISING EITHER:

- (i) UP TO TWO COMBINED CYCLE GAS TURBINE UNIT (S) OR
- (ii) ONE COMBINED CYCLE GAS TURBINE UNIT WITH OPEN CYCLE GAS TURBINE UNIT(S) OF LESS THAN 300 MW

CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for Energy and Climate Change (“the Secretary of State”) hereby consents to the construction, on the area of land outlined red on FIGURE 63114-PBP-0025, attached hereto, of a ~~combined cycle gas turbine~~ gas fired electricity generating station at The Manorway, Stanford-le-Hope in the County of Essex (“the Development”), and to the operation of that generating station. This consent is granted to Gateway Energy Centre Limited, its assigns and successors (“the Company”).

2. The Development shall be ~~about 900 MW~~ up to 1250 MW capacity and comprise:

(a) *Either:*

- (i) ~~One or more~~ Up to two Combined Cycle Gas Turbine (“CCGT”) units (including for each CCGT unit: a gas turbine; a heat recovery steam generator; steam turbine plant; and, associated equipment); or,
- (ii) ~~One up to two~~ (1) One CCGT unit (including: a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment), and (2) one or more Open Cycle Gas Turbine (“OCGT”) units with the OCGT units having a combined rated electrical output of less than 300 MW² (including for each OCGT unit: a gas turbine; and, associated equipment);

~~(a) — one or more gas turbines;~~

~~(b) — one or more steam turbines;~~

~~(c) — one or more heat recovery steam generators;~~

~~(b)~~ air cooled condensers and auxiliary cooling;

¹ A tolerance of up to 5% is permitted

² 300MW refers to the OCGT(s) not the CCGT and the OCGT(s)

- (ce) gas receiving facility;
 - (df) one or more electrical switchyards;
 - (eg) ancillary plant and equipment; and
 - (fg) the necessary buildings (including administration offices) and civil engineering works.
3. The Development shall be designed so as to have the capability for extracting steam from the electricity generating cycle.
4. This consent is granted subject to the following conditions:
- (1) The Development shall be constructed and operated in accordance with the details contained in paragraph 2 of this consent and the application dated 26 February 2010 *as varied by the application dated 12 August 2014 and 25 February 2016*, subject to any minor changes which may be approved by the LPA pursuant to the requirements of deemed planning permission.
 - (2) The commencement of the Development shall not be later than five years from the date ~~of this consent~~ ~~4 August 2011~~ ~~[insert the date of the variation consent]~~, ~~or such longer period as the Secretary of State may hereafter direct in writing.~~
 - (3) The following definitions apply for the purposes of Conditions (4) to (10):
 - (a) “capture equipment” means the plant and equipment required to capture the target carbon dioxide and identified as such in the current CCS proposal;
 - (b) “CCS proposal” means a proposal for the capture, transport and storage of the target carbon dioxide, which identifies the proposed technology, transport route and storage location;
 - (c) “current CCS proposal” means:
 - (i) the CCS proposal set out in the Feasibility Study and assessed in accordance with the guidance entitled “Carbon Capture Readiness (CCR) A guidance note for Section 36 Electricity Act 1989 consent applications³”;
or
 - (ii) if a revised CCS proposal has been identified under

Condition (9), the proposal which has most recently been so identified;

- (d) “designated site” means the land hatched yellow on FIGURE 3-B, annexed hereto, as the area where the Company proposes to locate the capture equipment;
 - (e) “Feasibility Study” means the documents entitled Gateway Energy Centre CCR Feasibility Study ~~and~~ dated February 2010, the Gateway Energy Centre Updated CCR Feasibility Study dated July 2014, and the Assessment of the CCR Compliance of the Proposed Gateway Energy Centre Report dated July 2014;
 - (f) “target carbon dioxide” means as much carbon dioxide emitted by the Development when it is operating at full capacity as it is reasonably practicable to capture for the purposes of permanent storage, having regard to the state of the art in carbon capture and storage technology; and
 - (g) “the report” means the report to be submitted in accordance with Condition (5).
- (4) Until such time as the Development is decommissioned, the Company shall not, without the written consent of the Secretary of State:
- (a) dispose of any interest in the designated site; or
 - (b) except for use as a laydown area during the construction of the Development and ending at the commissioning of the Development, do any other thing or allow any other thing to be done or to occur, which may reasonably be expected to diminish the Company’s ability, within two years of such occurrence, to prepare the designated site for the installation and operation of the capture equipment.
- (5) The Company shall make a report to the Secretary of State:
- (a) on or before the date on which three months have passed from the commissioning of the Development; and
 - (b) within one month of the second anniversary, and each subsequent even-numbered anniversary, of that date.
- (6) The report shall provide evidence that the Company has complied with Condition (4):
- (a) in the case of the first report, since this consent was granted; and

- (b) in the case of any subsequent report, since the making of the previous report and explain how the Company expects to continue to comply with Condition (4) over the next two years.
- (7) The report shall state whether the Company considers that some or all of the technology referred to in the current CCS proposals will not work, and explain the reasons for any such conclusion.
- (8) The report shall identify any other impediment of which the Company is aware, as a result of which it considers that any aspect of what is proposed in the current CCS proposals is likely or certain not to be technically feasible.
- (9) Reports which identify such an impediment shall state, with reasons, whether the Company considers it technically feasible to overcome the impediment (referred to in Condition 4(8) above) by adopting revised CCS proposals, and, if so, include such proposals.
- (10) The report shall state, with reasons, whether the Company has decided to seek any additional regulatory clearances, or to modify any existing

regulatory clearances, in respect of its current CCS proposals in the period referred to in Condition (6)(a) or (b), as appropriate.

- (11) Conditions (3) to (10) shall cease to have effect as soon as any of the following events occurs:
 - (a) the capture equipment is installed; or
 - (b) the Development is decommissioned; or
 - (c) ~~the Secretary of State's consent not to install capture equipment has been obtained in writing~~ ~~the Secretary of State's consent not to install capture equipment has been obtained in writing.~~

DIRECTION UNDER SECTION 90(2ZA) OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO VARY THE CONDITIONS OF THE DEEMED PLANNING PERMISSION CONSTRUCTION AND OPERATION OF A ~~COMBINED CYCLE~~ GAS ~~FIRE~~~~TURBINE~~ ELECTRICITY GENERATING STATION ~~OF UP TO 1250MW~~ AT THE MANORWAY, STANFORD-LE-HOPE, ESSEX

COMPRISING EITHER:

- (i) UP TO TWO COMBINED CYCLE GAS TURBINE UNIT (S) OR
- (ii) ONE COMBINED CYCLE GAS TURBINE UNIT WITH OPEN CYCLE GAS TURBINE UNIT(S) OF LESS THAN 300MW

The Secretary of State in exercise of the powers conferred on him by section 90(2ZA) (a) and (b) of the Town and Country Planning Act 1990 hereby directs that the conditions subject to which the planning permission for the ~~combined cycle gas turbine gas fired~~ electricity generating station at The Manorway, Stanford-le-Hope, Essex was deemed to be granted be subject to the variations shown in in italic text in the Annex.

~~November 2014~~ [Insert the date of the variation consent]

Giles Scott
Head of National Infrastructure Consents
Department of Energy and Climate Change

DIRECTION TO DEEM PLANNING PERMISSION TO BE GRANTED UNDER
SECTION 90 OF THE TOWN AND COUNTRY PLANNING ACT 1990

CONSTRUCTION AND OPERATION OF A ~~900MW COMBINED CYCLE GAS
TURBINE FIRED~~ ELECTRICITY GENERATING STATION OF UP TO 1250 MW
AT THE MANORWAY,
STANFORD-LE-HOPE, ESSEX

COMPRISING EITHER:

- (i) UP TO TWO COMBINED CYCLE GAS TURBINE UNIT (S) OR
- (ii) ONE COMBINED CYCLE GAS TURBINE UNIT WITH OPEN CYCLE
GAS TURBINE UNIT(S) OF LESS THAN 300MW

5. The Secretary of State in exercise of the powers conferred on him by section 90(2) of the Town and Country Planning Act 1990 hereby directs that planning permission for the Development be deemed to be granted subject to the following conditions:

Definitions

- (1) In these Conditions unless the context otherwise requires –

"BS 4142 1997" means British Standard 4142: 1997 - Method for rating industrial noise affecting mixed residential and industrial areas;

"Bank Holiday" means a day that is, or is to be observed as, a Bank Holiday or a holiday under the Banking and Financial Dealings Act 1971;

"CEEQUAL" means the assessment and awards scheme for improving sustainability in civil engineering and the public realm (<http://www.ceequal.co.uk/index.html>);

"CHPQA Standard issue 3" means the CHPQA Standard document issued in January 2009 which sets out the definitions, criteria and methodologies for the operation of the UK's CHP Quality Assurance (CHPQA) programme;

"the commencement of the Development" means the date on which work on the Development agreed with the LPA shall be taken to be ~~begun initiated~~ in accordance with section 56 of the Town and Country Planning Act 1990, as amended;

"the commissioning of the Development" means the date on which, following completion of the testing of the Development, the Development first supplies electricity on a commercial basis;

"the Company" means Gateway Energy Centre Limited and its assigns and successors;

"the Development" means a gas fired electricity generating station ~~of the 900 MW up to 1250 MW combined and open cycle gas turbine generating station at London Gateway~~ The Manorway, Stanford-le-Hope, Essex, comprising either;

- (i) Up to two combined cycle gas turbine ("CCGT") unit(s) or; *(including for each CCGT unit: a gas turbine; a heat recovery steam generator; steam turbine plant; and, associated equipment); or:*
- (ii) *(1) One CCGT unit (including: a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment), and*
(2) one or more Open Cycle Gas Turbine ("OCGT") units with the OCGT units having a combined total rated output of less than 300 MW (including: a gas turbine; and, associated equipment);

"emergency" means circumstances in which there is reasonable cause for apprehending imminent injury to persons, serious damage to property or danger of serious pollution to the environment;

"Environment Agency" means the Environment Agency and its successors;

"heavy commercial vehicle" has the meaning given by section 138 of the Road Traffic Regulation Act 1984;

"Highways ~~England~~ Agency" means the Executive Agency of the Department for Transport responsible for operating, maintaining and improving the strategic road network in England and its successors;

"the LPA" means Thurrock Council and/or Thurrock Thames Gateway Development Corporation, as applicable, and their successors;

"the main Development" means the construction work commencing with the placing of the first concrete for the main plant foundations of the Development;

"Natural England" means Natural England and its successors;

"operating weight" in relation to a goods vehicle has the meaning given by section 138 of the Road Traffic Act 1984;

“outage” means major maintenance, modification and rehabilitation programmes which involve the delivery and/or removal of material to and from the Site;

“Permitted Preliminary Works” means:

- (i) erection of signage;
- (ii) installation and diversion of utility services within the Site;
- (iii) surveys and geotechnical surveys;
- (iv) decontamination measures approved pursuant to Condition (45);
- (v) temporary fencing of the Site;
- (vi) provision of wheel cleansing facilities required pursuant to Condition (4);
- (vii) construction of a new access road;
- (viii) preparation of contractors’ laydown area(s) within the Site;
- (ix) installation of contractors’ accommodation within the Site; and
- (x) provision for temporary contractors’ facilities necessary for (i) to (ix) above within the Site;

"the Site" means the area of land outlined red on FIGURE 63114-PBP-0025, annexed hereto; and.

“SuDS” means a sustainable drainage system comprising all treatment and drainage systems including any pipework, swales, reed beds, ponds, filter trenches, attenuation tanks and detention basins.

The Site

- (2) The construction of the Development shall only take place within the Site.

Reason: To ensure that no construction takes place beyond the boundary of the area which is the subject of this planning permission.

Time Limits

- (3) The commencement of the Development shall take place before the expiry of five years from the ~~4 August 2011~~ [insert date of Variation]

Reason: To ensure that there is sufficient time to allow the person with the benefit of the consent to undertake all necessary ~~strike a balance between the time it may take to put in place the necessary~~ pre-commencement ~~construction~~ measures required, including ~~for example – participating in capacity auction~~, tendering, obtaining the necessary financing, design of the proposal (including its layout and main plant foundations); and minimising the impact of any period of uncertainty for those who may be affected pending the decision to begin construction works.

Suppression of Dust and Dirt

- (4) Except for the Permitted Preliminary Works, the commencement of any phase of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a scheme for the provision of wheel cleansing facilities for heavy commercial vehicles and any mobile plant which has an operating weight exceeding three tonnes. Such approved facilities shall be installed in accordance with a timescale to be approved in writing by the LPA and shall be maintained throughout the period of the construction of the Development *except in so far as any variation of the scheme* has been approved in writing by the LPA.
- (5) All heavy commercial vehicles and any mobile plant which has an operating weight exceeding three tonnes associated with the construction of the Development leaving the Site, other than those vehicles exclusively using tarmacadam or concrete roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities provided pursuant to Condition (4).
- (6) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a scheme employing all reasonable measures for the suppression of dust during the period of the construction of the Development. The measures approved in the scheme shall be employed throughout the period of construction except in so far as any variation to it has been approved in writing by the LPA.
- (7) All open bodied heavy commercial vehicles carrying dry loose aggregate, cement or soil into and/or out of the Site shall be sheeted.

Reason: To ensure that mud and deleterious material is not deposited on the public highway.

Layout and Design

- (8) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a scheme which shall include provisions for:
- (i) details of the siting, design, external appearance and dimensions of all new or modified buildings and structures which are to be retained following the commissioning of the Development;
 - (ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;
 - (iii) details of vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site;
 - (iv) details of ground levels and heights of all permanent buildings and structures together with cross-sections through the Site showing existing and proposed ground levels;
 - (v) details of all new or modified permanent fencing and gates required on the Site;
 - (vi) details of artificial lighting required during the operation of the Development; and
 - (vii) phasing of works included in the scheme.
- (9) The scheme approved pursuant to Condition (8) shall follow the principles set out within section 3 of the document entitled “Gateway Energy Centre Environmental Statement Revised Design and Access Statement December 2010”.
- (10) Notwithstanding any details approved by the LPA pursuant to Condition (8), and subject to due consideration of cost, constructability and safe maintenance and operation at the detailed design stage, the Development shall be constructed to achieve a CEEQUAL rating of “very good”, or such standards that may replace CEEQUAL in whole or in part prior to the commencement of the Development providing that such changes are no more onerous on the costs of constructing the Development.

- (11) The use of columns for artificial lighting shall not exceed the obtrusive light limitations of sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document “Guidance Notes for the Reduction of Obtrusive Light: GNO1 2005”, nor shall such lighting be arranged so that danger or inconvenience is caused to users of the nearby public highways.
- (12) The Development shall proceed only in accordance with the scheme approved pursuant to Condition (8) except in so far as any variation to it has been approved in writing by the LPA.

Reasons: Condition (8) is to enable the Council to exercise reasonable and proper control over the design and appearance of the Development. Condition (9) is for the Development to be designed to a high standard and blend in with neighbouring developments. Condition (10) is ensure that the environmental sustainability of the development is maximised. Condition (11) is to reduce light pollution and disturbance to ecological interests and highway safety.

Travel Plan

- (13) The commencement of the Development shall not take place until a Travel Plan has been submitted to and approved in writing by the LPA. Such Plan shall include the following provisions:
- (i) provisions for pedestrian and cycle access to the Site;
 - (ii) the planning of working practice to minimise peak travel flows;
 - (iii) the appointment of a co-ordinator responsible for the implementation and review of the Travel Plan;
 - (iv) discussions with a public transport provider for the provision of public transport to and from the Site during the construction of the Development and during outages;
 - (v) travel arrangements for persons employed during the construction of the Development and during outages;
 - (vi) the Travel Plan to be reviewed on a monthly basis during construction and on an annual basis during operation, unless otherwise agreed in writing with the LPA;
 - (vii) any amendments to the Travel Plan (whether or not following a periodic review pursuant to (vi) above) shall not be implemented without the written agreement of the LPA;

- (viii) details of incentives to personnel to encourage them to reduce the use of single occupancy cars as the means of getting to and from the Site during the construction of the Development and during outages; and
- (ix) details of how on-Site parking will be managed and monitored during the construction of the Development and during outages.

The approved Travel Plan shall be implemented when personnel are first on Site and shall remain in force throughout the period of the operation of the development or any earlier period as may be approved in writing by the LPA.

Reason: To encourage the use of sustainable transport methods.
Monitoring of Traffic Movements

- (14) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until a scheme for monitoring and reporting vehicular traffic movements associated with the construction and operation of the Development and any outages, has been submitted to and approved in writing by the LPA, in consultation with the Highways [England Agency](#) and Local Highways Authority. The approved scheme shall include the details and measures identified in the document entitled “Gateway Energy Centre Transport Report December 2010” and “[Gateway Energy Centre Transport Report Addendum January 2016](#)”, and be adhered to throughout the period of the construction and operation of the Development and any outages, any variation has been approved in writing by the LPA, in consultation with the Highways [England Agency](#) and the Local Highways Authority.

Reason: To encourage the use of sustainable transport methods.

Use of Water for the Delivery of Materials and Plant

- (15) Except for the Permitted Preliminary Works, the construction of the Development shall not take place until the Company has carried out an investigation as to whether direct or near direct access to the River Thames can be utilised for the transportation of materials and plant (such as bulk loose cement and aggregates, and abnormal and indivisible loads) associated with the construction *and decommissioning* of the Development. The results of the investigation shall be submitted to, approved in writing by, and deposited with the LPA.
- (16) In the event that the results of the investigation approved pursuant to Condition (15) conclude that it is viable and economic, then the material and plant identified shall be not be transported to the Site

via public roads, unless otherwise agreed in writing by the LPA, in consultation with the Highways ~~England~~Agency

Reason: To alleviate the impact of heavy commercial traffic on the arterial and local road networks if transportation by water is a viable option.

Use of Rail for the Delivery of Materials and Plant

- (17) Except for the Permitted Preliminary Works, the construction of the Development shall not take place until the Company has carried out an investigation as to whether the rail network can be utilised or the transportation of materials and plant (such as bulk loose cement, aggregates and steel) associated with the construction ~~and~~ **decommissioning** of the Development. The results of the investigation shall be submitted to, approved in writing by, and deposited with the LPA.
- (18) In the event that the results of the investigation approved pursuant to Condition (17) concludes that it is viable and economic, then the material and plant identified shall be not be transported to the Site via public roads, unless otherwise agreed in writing by the LPA, in consultation with the Highways ~~England~~Agency.

Reason: To alleviate the impact of heavy commercial traffic on the arterial and local road networks if transportation via the rail network is a viable option.

Construction and Outage Heavy Commercial Vehicle Traffic

- (19)
- (20) No heavy commercial vehicle traffic shall enter or leave the Site on any Saturday during December and the first week in January.
- (21) Without prejudice to the restrictions specified in Conditions ~~(19)~~ ~~and~~ (20) no heavy commercial vehicles associated with the construction of the Development or an outage shall enter or leave the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Saturday 1000 – 1600

unless such movement:

- (a) is associated with an emergency; or
- (b) entering the Site originates in the administrative area of the LPA; or

- (c) leaving the Site has its final destination in the administrative area of the LPA; or
 - (d) is with the prior written approval of the LPA; or
 - (d) is an abnormal or indivisible load authorised by the Highways ~~England Agency~~ pursuant to the Road Vehicles (Authorisation of Special Types) (General) Order 2003.
- (22) Without prejudice to the restrictions specified in Conditions (19), (20) and (21) no traffic associated with the construction of the Development or an outage shall enter or leave the Site on any Sunday or Bank Holiday or on any other day during the following hours:
- | | |
|------------------|-----------------------------|
| Monday to Friday | 0700 – 0900 and 1700 - 1800 |
| Saturday | 0700 – 0800 and 1700 - 1800 |
- unless such movement:
- (a) is associated with an emergency; or
 - (b) entering the Site originates in the administrative area of the LPA; or
 - (c) leaving the Site has its final destination in the administrative area of the LPA; or
 - (d) is with the prior written approval of the LPA.
- (23) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until a Transport Management Plan has been submitted to, approved in writing by, and deposited with the LPA, in consultation with the Highways ~~England Agency~~ and the Local Highways Authority. The approved plan shall include the measures detailed in section 14 of the document entitled “Gateway Energy Centre Transport Report December 2010” and “~~Gateway Energy Centre Transport Report Addendum January 2016~~” be adhered to throughout the period of the construction of the Development and any outage until such time as the Development is decommissioned, *except in so far as* any variation *to the plan* has been approved in writing by the LPA, in consultation with the Highways ~~England Agency~~ and the Local Highways Authority.
- (24) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until a scheme detailing the route(s) which traffic would take to and from the Site has been submitted to, approved in writing by, and deposited with the LPA, in consultation with the Highways ~~England Agency~~ and the Local

Highways Authority. The approved scheme shall include provision for notices of any route(s) approved to be displayed at the Site entrance and exit and notified to drivers. The approved scheme shall be adhered to throughout the period of the construction of the Development and any outage until such time as the Development is decommissioned, *except in so far as any variation to the **scheme*** has been approved in writing by the LPA, in consultation with the Highways **England Agency** and the Local Highways Authority or the traffic movement originates in the administrative area of the LPA.

- (24A) *Where the words ‘is with the prior written approval of the LPA’ appear in Conditions (21) and (22), such approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the LPA that the approval is unlikely to give rise to any materially new or materially different effects from traffic entering or leaving the site on the days and hours specified in those Conditions.*

Reason: To ensure the safe and efficient use of the strategic road network and local roads.

Construction and Construction Noise

- (25) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a Construction Environmental Management Plan. The Construction Environmental Management Plan shall include details of how noise, airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The Construction Environmental Management Plan will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The construction of the Development shall be completed in accordance with the approved Plan *except in so far as any variation to the plan* has been approved in writing by the LPA.

- (26) No construction work associated with the Development shall take place on the Site on any Sunday or Bank Holiday, or on any other day except between the following hours:

Monday to Saturday 0700 – 1900

unless such work –

- (a) is associated with an emergency;
- (b) is carried out with the prior written approval of the LPA; or

- (c) such work does not cause existing ambient background noise levels to be exceeded.
- (27) Without prejudice to the restriction specified in Condition (26) no impact piling shall take place on the Site on any Sunday or Bank Holiday or on any other day except between the following hours:
- | | |
|------------------|---------------|
| Monday to Friday | 09.00 – 18.00 |
| Saturday | 09.00 – 13.00 |
- unless such work –
- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the LPA.
- (28) In any instance where a time limitation referred to in Conditions (26) and (27) is not adhered to, the Company shall as soon as possible notify the LPA and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.
- (29) All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228, 2009 + A1 2014: Code of practice for noise and vibration control on construction and open sites – Part 1 – Noise, Part 2 - Vibration.

(29A) Where the words 'is carried out with the prior written approval of the LPA' appear in Conditions (26) and (27), such approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the LPA that the approval is unlikely to give rise to any materially new or materially different effects from work undertaken on the days and hours specified in those Conditions.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development.

Operational Noise

- (30) The commissioning of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a programme for the monitoring and control of noise generated by the normal commercial operation of the Development. The programme shall specify the locations from which noise will be monitored, the method of noise measurement (which shall be in accordance with BS 4142 1997) and the maximum permissible levels of noise at each such monitoring location. The programme shall make provision for such noise measurements to be taken by the Company as soon as possible

following requests by the LPA and such measurements shall be given to the LPA as soon as they are available. At the approved measurement locations noise levels during the operation of the Development shall not exceed the levels specified in the approved programme, except in so far as any variation has been approved in writing by the LPA or in an emergency. Such noise shall exhibit no tonal or impulse content at these locations in any weather conditions.

- (31) In any instance where a noise level approved pursuant to Condition (30) is exceeded because of an emergency the Company shall as soon as possible, and in any case within two working days, provide the LPA with a written statement detailing the nature of the emergency and the reason why the noise level could not be observed. If the emergency period is expected to be for more than twenty-four hours then the Company shall inform those residents and businesses affected by the emergency of the reasons for the emergency and the expected duration.
- (32) Except in an emergency, the Company shall give at least 24 hours prior notice in writing to the LPA of any proposed operation of emergency pressure relief valves or similar equipment. So far as is reasonably practicable any such operation should take place between the hours of 09.00 and 17.00 hours and on a day other than a Saturday, Sunday, Bank Holiday or public holiday.

Reason: To ensure the proper control of noise during the operation of the Development.

Noise Complaints Procedure

- (33) If a local resident or local business complains direct to the Company or the Company has been notified in writing by the LPA of any complaint about noise generated by the construction and/or operation of the Development the Company shall carry out investigations to establish the justification, or otherwise, of the complaint, the likely cause and possible remedial measures. A written report to the complainant, copied to the LPA, shall be made as soon as reasonably practicable following the investigation and/or remedial work. The Company shall keep all such reports in an appropriate file and such file shall be made available to the LPA on request.

Reason: To ensure that any complaints on the grounds of noise are properly dealt with so as to reduce the impact of the Development on local residents.

SuDS

- (34) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA, in consultation with the Environment Agency, a scheme for SuDS. Such SuDS shall include the details and measures contained in the document entitled “Gateway Energy Centre Supplementary Flood Risk Assessment December 2010” and identified on FRA FIGURE 1 of that document and be put in place in accordance with the approved scheme.

Reason: To ensure that a sustainable drainage system is put in place.

Prevention of Contamination of Watercourses

- (35) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA, in consultation with the Environment Agency, a scheme showing the method and working of drainage facilities on the Site. Such facilities shall be put in place in accordance with the approved scheme.
- (36) The scheme referred to in Condition (35) shall include:
- (i) measures to ensure that no leachate or any contaminated surface water from the part of the Site relevant to the particular phase shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;
 - (ii) provision for trapped gullies in car parks, hardstandings and roadways;
 - (iii) measures to ensure that all foul sewage drains to an approved foul sewerage and/or sewage disposal system, or be removed to an off-Site licensed facility for treatment;
 - (iv) provisions to distinguish between temporary and permanent parts of the works; and
 - (v) phasing of works.

- (37) Any surface water contaminated by hydrocarbons which are used during the construction of the Development shall be passed through oil/grit interceptor(s) prior to being discharged to any public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.
- (38) All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the Development must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.
- (39) All bunded compound(s) referred to in Condition (38) containing acids, alkalis or sulphides in addition to being contained in suitable facilities shall have appropriate protective lining applied to the inner walls of the bunds.
- (40) Any storage facility to which Conditions (38) or (39) refer shall be completed in accordance with the requirements of those Conditions before being brought into use.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built.

Flood Risk

- (41) The Development shall be carried out in accordance with the details and measures contained in the document entitled "Gateway Energy Centre Supplementary Flood Risk Assessment December 2010" and shall include for the provision of safe route(s) into and out of the Site and for any place of refuge for Site staff or visitors to be provided at a minimum of 3.7 metres AOD, the details of which shall be submitted to and approved in writing by the LPA.

Reason: To ensure there is no increase in the risk of flooding, both at the Site and to third parties, as result of the Development, and to accord with Planning Policy Statement 25 "Development and Flood Risk".

Archaeology

- (42) The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA, a scheme of archaeological investigation and an associated implementation programme.
- (43) The scheme approved pursuant to Condition (42) shall provide for:

- (i) archaeological field evaluation works in accordance with a specification and written timetable approved by the LPA;
 - (ii) archaeological field evaluation works to be completed and reported on prior to finds of national importance being evaluated and, where practicable, preserved in situ; and
 - (iii) phasing of works.
- (44) Any further investigations and recording of such finds as are considered necessary by the LPA shall be undertaken prior to the construction of any part of the Development on that part of the Site where such finds are identified, and in the case of finds of national importance in accordance with the phasing of works approved pursuant to Condition (43)(iii), ~~unless otherwise~~ *except in so far as* approved in writing by the LPA.

Reason: To allow the surveying of the site for archaeological artefacts and the recovery of any important archaeological discovery before construction of the main Development begins.

Contamination

- (45) The commencement of the development shall not take place until a scheme to deal with the risks associated with contamination of the Site has been submitted to, approved in writing by, and deposited with the LPA. The scheme shall include details of the following matters:
- (a) a preliminary risk assessment identifying · all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site;
 - (b) a site investigation scheme based on (a) to provide information for an assessment of the risk to all receptors that may be affected, including those off-Site; and
 - (c) the results of the Site Investigation and risk assessment pursuant to (b) and a method statement based on those results giving full details of the remediation measures required, how they are to be undertaken and the timing of the remediation measures; and

- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- (46) The measures approved pursuant to Condition (45) shall be adhered to *except in so far as* any variation *to them* has been approved in writing by the LPA.
- (47) Prior to commencement of the main Development, a verification report demonstrating completion of the works set out in the approved remediation strategy pursuant to Condition (45)(c) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the Site remediation criteria have been met. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the LPA.
- (48) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the LPA in accordance with that plan. On completion of the monitoring programme a final report demonstrating that all long-term Site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the LPA. In the event that the verification report to be submitted pursuant to Condition (47) indicates that the remediation was not effective the Company shall submit a programme of contingency action for approval in writing by the LPA.
- (49) In the event that contamination is found at any time when carrying out the approved development that was not previously identified under Condition (45), work on that part of the Site shall cease immediately and shall be reported in writing to the LPA. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy in respect of such contamination must be undertaken and submitted to and approved in writing with the LPA prior to the resumption of work on that part of the Site.

Reason: To ensure that contamination is controlled and not allowed to cause harm to the health of human beings nor impact on the integrity of environmentally sensitive areas nor pose a risk to controlled waters.

Landscaping

- (50) Except for Permitted Preliminary Works the commencement of Development shall not take place until a scheme of landscaping, which shall take into account sections 11 and 12 of the document entitled “ Gateway Energy Centre Environmental Statement Volume 1 February 2010” has been submitted to and approved in writing by the LPA.
- (51) The scheme referred to in Condition (50) shall deal with the general provision of screening, shrub and tree planting and grassed areas and means of integrating the Development with the surrounding landscape and shall include details of the following matters:
- (i) planting (which should be mainly of locally native species, ideally with a local provenance);
 - (ii) management of existing and new planted areas including protection of existing planting during construction;
 - (iii) restoration of areas affected by construction works;
 - (iv) details of grass seed mix for areas of the Site to be restored to grassland;
 - (v) details of the height, type, size and species of the shrubs and trees to be planted; and
 - (vi) phasing of works included in the scheme.
- (52) The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works referred to in Condition (51)(vi) and no later than the appropriate planting or sowing season following the completion of the construction of the Development and shall be carried out in accordance with the scheme approved under Condition (50), unless any variation has been approved in writing by the LPA. Any trees or shrubs, including hedges, which die, become seriously damaged or diseased or are removed within five years from the date of planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise approved in writing by the LPA.
- (53) Upon completion of the scheme of landscaping approved pursuant to Condition (50) a schedule of landscape maintenance and/or a landscape management plan shall be submitted for approval in writing by the LPA. The measures contained in the approved schedule and/or plan shall be adhered to throughout the operation

of the Development subject to any variation that has been approved in writing by the LPA.

Reason: To ensure proper landscaping for the Development.

Biodiversity Enhancement Measures

- (54) The commencement of the Development shall not take place until a scheme of Environmental Enhancement Measures (incorporating a management plan), which shall take into account section 12 of the document entitled “Gateway Energy Centre Environmental Statement Further Information Document December 2010, has been submitted to and approved in writing by the LPA, in consultation with Natural England and the Environment Agency. The approved measures shall be adhered to in accordance with the approved scheme *except in so far as* any variation to them has been approved in writing by the LPA, in consultation with Natural England and the Environment Agency.

Reason: To ensure that any adverse impact on wildlife is properly compensated for.

Air Pollution Monitoring

- (55) The commissioning of the Development shall not take place until there has been submitted to, approved in writing by and deposited with the LPA a scheme for the monitoring of nitrogen oxide (NO_x) in the area. The scheme shall include the measurement location or locations from which air pollution will be monitored, the equipment and methods to be used and the frequency of measurement. The scheme shall provide for the first measurement to be taken not less than 24 months prior to the commissioning of the Development and for the final measurement to be taken not more than 24 months after the Development is commissioned. The Company shall work with the LPA, supplying full details of the measurements obtained in accordance with the scheme, as soon as possible after they become available, and ensure that such monitoring is integrated within the LPA's air quality strategy. In addition, the Company shall support the annual modelling for the air quality review and assessment process whilst the Development is in operation.

Reason. In the interest of air quality.

Decommissioning Management Plan for the Site

- (56) Within 6 months of the Development ceasing to be used for the purposes of electricity generation the Company shall submit to the LPA, for approval in writing, a scheme for the demolition of the Development.

- (57) The scheme referred to in Condition (56) shall include:
- (i) details of all structures and buildings which are to be demolished;
 - (ii) details of the means of removal of materials resulting from the demolition;
 - (iii) the phasing of the demolition and removal;
 - (iv) details of any proposed restoration works; and
 - (v) the phasing of the restoration works.

Reason: To ensure the Site is not allowed to become derelict after the cessation of electricity generation.

Use of Waste Heat

- (58) *The commissioning of the Development shall not take place until sufficient plant and pipework has been installed to facilitate the future supply of heat to the boundary of the Site under Condition (59) at a later date if opportunities to do so are identified pursuant to Condition (59).*

Reason: To ensure that waste heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.

- (59) *Prior to the commissioning of the Development, an updated CHP Feasibility Review assessing potential opportunities for the use of heat from the Development shall be submitted to, approved in writing by, and deposited with, the LPA. This shall provide for the ongoing monitoring and full exploration of potential opportunities to use heat from the Development as part of a Good Quality CHP scheme (as defined in the CHPQA Standard issue 3), and for the provision of subsequent reviews of such opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to, approved in writing by, and deposited with, the LPA. Any plant and pipework installed to the boundary of the Site to enable the use of heat shall be installed in accordance with the approved details.*

Reason: To ensure that waste heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.

Immaterial Changes to Conditions by the Council

- (60) *Where the words, “unless otherwise agreed in writing by the Council” or “with the prior written approval of the Council” appear, such agreement or approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the Council that the agreement or approval is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.*

Reason: To make clear that where provision is made for the Council to agree to variations to the application of planning conditions, the scope of any such variations will be limited to immaterial changes.

Environmental Statement

- (61) *The environmental effects of the Development must not exceed those assessed in the Environmental Statement.*

Reason: To ensure that the development consented has no greater environmental impact than that considered in the original application dated 26 February 2010, ~~December 2010~~, as varied by the application dated 12 August 2014 ~~4 August 2011~~ and the ~~variation application of 25 February 2016~~ ~~7 May 2015~~.

Date: [Insert date of Variation]

Giles Scott
Head Development
Consents and Planning
Reform Department of
Energy and Climate
Change