

**VARIATION OF CONSENT UNDER
SECTION 36C OF THE ELECTRICITY ACT 1989**

**DIRECTION UNDER
SECTION 90(2ZA) OF THE TOWN AND COUNTRY PLANNING ACT 1990
TO VARY THE CONDITIONS OF THE DEEMED PLANNING PERMISSION**

**OPERATION OF A GENERATING STATION OF UP TO 950 MW
AT SPALDING, LINCOLNSHIRE**

The Secretary of State in exercise of the powers conferred on him by section 36C of the Electricity Act 1989 and section 90(2ZA) of the Town and Country Planning Act 1990 hereby varies the consent and deemed planning permission granted for a generating station of up to 950 MW at Spalding, Lincolnshire in accordance with the variations shown in underlined, italic text marked with a superscript of "1" in the Annex.

[INSERT DATE OF VARIATION CONSENT]

[NAME]
Head of Energy Infrastructure and Planning
Department for Business, Energy and Industrial Strategy

DEPARTMENT FOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY
ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING ACT 1990
CONSTRUCTION AND OPERATION OF A GENERATING STATION
AT SPALDING, LINCOLNSHIRE

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for **Business, Energy and Industrial Strategy** (the Secretary of State) hereby consents to the construction by International Generating Company (UK) Limited (the Company), on the area outlined black on Plan DWD 2544/2/G, annexed hereto and duly endorsed on behalf of the Secretary of State, of a combined cycle gas turbine generating station at Spalding in the County of Lincolnshire (the Development), and to the operation of that generating station.

2. Subject to paragraph 3(1), the Development shall be **up to 950 MW** capacity and comprise:

- (a) two gas turbines and heat recovery steam generators;
- (b) one steam turbine;
- (c) one bank of air cooled condensers;
- (d) ancillary plant and equipment; and
- (e) the necessary buildings (including administration buildings) and civil engineering works.

3. This consent is granted subject to the following conditions:

- (1) Except where otherwise required by virtue of the planning permission deemed to be granted by paragraph 4 or where the written permission of the Secretary of State has been given to any variation in design, construction or operation of the Development, the Development shall be constructed

and operated in accordance with the details contained in the Company's application of 20 August 1996, as amended by the Company's letter of 12 March 1997 and as varied by the application dated 29 January 2021, subject to any further immaterial changes which may be approved by the District Council pursuant to the requirements of the planning permission deemed to be granted.

(2) [Condition Removed]

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4. 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 -

"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;

"the Company" means International Generating Company (UK) Limited and its assigns and successors;

"the Development" means the combined cycle gas turbine generating station at Spalding in the County of Lincolnshire;

"the District Council" means the South Holland District Council and its successors;

"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;

"site access facilities" means the site access gates A, B and C from West Marsh Road to the Site;

and

"the Site" means the area of land outlined black on Plan DWD 2544/2/G, annexed hereto.

The Site

(2) The operation of the Development shall only take place within the boundary of the Site.

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

Time Limits

(3) [Condition Removed]

Site Access Facilities

(4) [Condition Removed]

(5) Except in an emergency or unless otherwise agreed in writing with the District Council, all traffic associated with the operation of the Development shall be routed via the site access facilities.

Reason: For the safety of traffic and pedestrians and so as to preserve the free flow of traffic.

Suppression of Dust and Dirt

(6) [Condition Removed]

(7) [Condition Removed]

(8) [Condition Removed]

(9) [Condition Removed]

(10) [Condition Removed]

(11) [Condition Removed]

Layout and Design

(12) [Condition Removed]

(13) [Condition Removed]

(14) [Condition Removed]

(15) [Condition Removed]

(16) [Condition Removed]

(17) All permanent roads and / or junctions constructed in accordance with the details approved by the District Council under reference H16/0966/01 (dated 10 December 2001) shall be maintained to the satisfaction of the District Council for the duration of the operation of the Development unless otherwise agreed in writing with the District Council.

Reason: To enable the Council to exercise

reasonable and proper control over the design and appearance of the Development and access to it.

Construction

- (18) [Condition Removed]
- (19) [Condition Removed]
- (20) [Condition Removed]
- (21) [Condition Removed]
- (22) [Condition Removed]

Construction Noise and Vibration

- (23) [Condition Removed]
- (24) [Condition Removed]

Operational Noise

- (25) [Condition Removed]
- (26) [Condition Removed]
- (27) [Condition Removed]
- (28) Except in an emergency, the Company shall give at least 2 working days prior notice in writing to the Council of any proposed operation of emergency pressure valves or similar equipment.

So far as is reasonably practicable, any such operation

- (a) shall take place between the hours of 09.00 and 17.00; and
- (b) shall not take place on any Saturday, Sunday or Bank Holiday.

Reason: To ensure the proper control of noise during the operation of the Development and to give advance warning of the timing of exceptionally noisy events.

Noise Complaints Procedure

- (29) The Company shall, for the duration of the operation of the Development, nominate a

representative of the Company to be the point of contact for local residents and occupiers of neighbouring industrial premises and to have responsibility for dealing with any noise complaints made during the operation of the Development. The said representative shall submit written reports to the District Council of all such complaints and the manner by which the grounds of the complaint were investigated and, where appropriate, remedied.

Reason: To ensure that any noise complaints are properly dealt with so as to reduce the impact that noise emanating from the Development may have on local residents and occupiers of neighbouring industrial premises.

Landscaping

(30) [Condition Removed]

(31) [Condition Removed]

(32) [Condition Removed]

Prevention of Contamination of Watercourses

(33) [Condition Removed]

(33a) The drainage facilities on the Site constructed and operated in accordance with the details approved by the District Council under reference H16/1398/01 (dated 13 December 2001) shall be maintained for the duration of the operation of the Development unless otherwise agreed in writing with the District Council.

(34) [Condition Removed]

(35) Any surface water contaminated by hydrocarbons 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.

(36) All facilities required for the storage of hydrocarbons, process chemicals or similar liquids must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound 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.

(37) All containers in the bunded compound referred to in Condition (36) containing acids, alkalis or sulphides in addition to being contained in suitable facilities will have appropriate protective lining applied to the inner walls of the containers.

(38) [Condition Removed]

Reason: To ensure proper drainage of the Site; that proper containment facilities are built and to protect the water environment.

Air Pollution Monitoring

(39) [Condition Removed]

(40) [Condition Removed]

Fuel

(41) All natural gas for use in the operation of the Development shall be conveyed to the Site only by pipeline.

Reason: To ensure that gas is not delivered to the Development by road.

Contaminated Waste

(42) [Condition Removed]

(43) [Condition Removed]

Footpaths

(44) [Condition Removed]

Cessation of Works and Restoration of the Site

(45) Within 18 months of the Site ceasing to be used for the purpose of electricity generation, the Company shall restore the Site to a condition satisfactory to the District Council, unless by the expiry of that period a planning permission or application for an alternative use for the Site has been obtained or sought or otherwise approved in writing by the District Council. Such restoration work

shall be undertaken in accordance with a detailed scheme submitted to, approved in writing by, and deposited with, the District Council unless otherwise agreed in writing with the District Council.

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

Default of Agreement

- (46) Where any matter is required to be agreed in writing by the District under any of the foregoing Conditions that matter shall in default of agreement be determined by the Secretary of State for Business, Energy and Industrial Strategy.

Further Immaterial Changes to the Conditions by the District Council

- (47) Where the words "unless otherwise agreed in writing with the District Council" appear, such agreement may only be given in relation to further immaterial changes where it has been demonstrated to the satisfaction of the District Council that the agreement is unlikely to give rise to any materially new or materially different effects on the environment from those assessed in the Environmental Statement.

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