

¹ Varied by the letter dated [INSERT DATE OF VARIATION CONSENT]

**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

¹ Varied by the letter dated [INSERT DATE OF VARIATION CONSENT]

DEPARTMENT ~~OF TRADE AND INDUSTRY~~ FOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY¹
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 ~~Trade and Industry~~ Business, Energy and Industrial Strategy¹ (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 ~~of~~ about 800 MW up to 950 MW¹ 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

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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 granted¹.

- (2) ~~The commencement of the Development shall not be later than five years from the date of this consent, or such longer period as the Secretary of State may hereafter direct in writing.¹~~

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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 -

~~"BS 4142" means British Standard 4142: 1997 - Method for rating industrial noise affecting mixed residential and industrial areas;¹~~

"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;

~~"best practicable means" is to be interpreted by reference to the provisions mentioned in section 79(9) of the Environmental Protection Act 1990;~~

~~"bulk materials" means dry loose aggregates, cement and soil;~~

~~"the commencement of the Development" means the date on which the Development shall be taken to be 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 the Development first supplies electricity on a commercial basis to the transmission system of the National Grid Company or directly to one of the Company's customers;¹~~

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

~~"contract year" means the date on which the Company agrees to take receipt of a supply of natural gas to the eve of the anniversary of such date;~~

~~"the County Council" means the Lincolnshire County Council and its successors;~~

~~"creative conservation" means the~~

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~~establishment of areas which are capable of sustaining indigenous species of flora and fauna;~~¹

"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;

~~"English Nature" means the Nature Conservancy Council for England and its successors;~~¹

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

~~"Environmental Statement" means the documents titled "Spalding Energy Project: Environmental Statement" dated August 1996, "Spalding Energy Project: Assessment of Cumulative Impacts" dated December 1996, "Spalding Energy Project: Environmental Statement - Supplementary Note" dated March 1997;~~

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

~~"the main Development" means the construction work commencing with the placing of the first concrete for the main plant foundations of the Development;~~¹

~~"new site¹ access facilities¹" means the provision of a new site¹ access road gates A, B and C¹ from West Marsh Road to the Site;~~

~~"operating weight" in relation to a goods vehicle has the meaning given by section 138 of the Road Traffic Regulation Act 1984;~~¹ and

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

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The Site

- (2) The ~~construction operation~~¹ of the Development shall only take place within the boundary of the Site.

Reason: To ensure that no ~~construction operation~~¹ 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 be not later than the expiry of five years from the date of this permission.~~

~~Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990.~~¹

~~New Site~~¹ Access Facility~~ies~~¹

- (4) ~~The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the District Council and County Council a scheme for the construction of the new access facility. The scheme shall indicate the layout, design and a programme of works for the construction of the new access facility. The new access facility shall be constructed in accordance with the approved scheme, and before the commencement of the main Development, unless otherwise agreed in writing by the District Council and the County Council.~~¹

- (5) Except in an emergency or unless otherwise ~~approved by~~ ~~agreed in writing with~~¹ the District Council, all traffic associated with the ~~construction and~~¹ operation of the Development shall be routed via ~~existing access into the Site or~~¹ the ~~new site~~¹ access facility~~ies provided pursuant to Condition (4)~~¹.

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

Suppression of Dust and Dirt

- (6) ~~The commencement of the Development shall~~

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~~not take place until there has been submitted to, approved in writing by, and deposited with, the District Council a scheme for the provision of wheel cleansing facilities for heavy commercial vehicles and any other vehicle 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 District Council and shall be maintained throughout the period of the construction of the Development unless any variation has been approved in writing by the District Council.~~¹

- (7) ~~The Company shall provide a concrete or bituminous macadam road on the Site between the wheel cleansing facilities provided pursuant to Condition (6) and the public highway.~~¹
- (8) ~~All heavy commercial vehicles and any other vehicle which has an operating weight exceeding three tonnes associated with the construction of the Development leaving the Site, other than those vehicles exclusively using tarmac roads, shall on each occasion prior to leaving, pass through the wheel cleansing facilities provided pursuant to Condition (6).~~¹
- (9) ~~The commencement of the Development shall not take place until there has been submitted to; approved in writing by, and deposited with, the District Council a scheme employing the best practicable means 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 unless any variation has been approved in writing by the District Council.~~¹
- (10) ~~All heavy commercial vehicles carrying bulk materials into and out of the Site shall be sheeted.~~¹
- (11) ~~The Company shall as soon as reasonably practicable sweep or otherwise clear away any mud or similar matter which may be carried onto the public highway by vehicles leaving the Site.~~¹

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~~Reason: To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment.¹~~

Layout and Design

- (12) ~~The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the District Council:~~
- ~~(i) drawings showing the boundaries of contractors working areas;~~
 - ~~(ii) drawings showing cross sections through the Site indicating existing and proposed Site levels;~~
 - ~~(iii) the siting, design and external appearance of temporary buildings and structures to be erected and used during the period of the construction of the Development;~~
 - ~~(iv) details of colour, materials and surface finishes in respect of those buildings and structures referred to in (iii) above;~~
 - ~~(v) details of vehicular circulation roads, hardstandings, loading and unloading facilities and turning facilities required during the construction of the Development;~~
 - ~~(vi) details of land raising indicating existing and proposed levels and the nature and extent of fill materials to be used and the nature and origin of such materials;~~
 - ~~(vii) details of any facilities required on the Site for the storage of materials required for the construction of the Development;~~
 - ~~(viii) details of any perimeter fencing and gates required during the period of the construction of the Development;~~
 - ~~(ix) details of artificial lighting required during the period of the construction of the Development; and~~

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- ~~(x) phasing of works included in the scheme.¹~~
- (13) ~~The commencement of the main Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the District Council, a scheme which shall include provisions for the:~~
- ~~(i) siting, design, external appearance and dimensions of all 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 any additional facilities required on the Site for the storage of materials required for the operation of the Development;~~
- ~~(v) details of artificial lighting required during the operation of the Development; and~~
- ~~(vi) phasing of works included in the scheme.¹~~
- (14) ~~The Development shall proceed only in accordance with the schemes referred to in Conditions (12) and (13) subject to any such variation as may be approved in writing by the District Council.¹~~
- (15) ~~The commissioning of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the District Council a scheme for the removal of all temporary buildings, structures and ancillary works connected with the construction of the Development. Such scheme shall include details of the land to be reinstated and the timing and phasing of removal. The measures~~

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~~approved in the scheme shall be employed throughout the period of removal unless any variation has been approved in writing by the District Council.¹~~

- (16) ~~Notwithstanding the terms of Condition (15) the Company shall, subject to the prior written approval of the District Council, be permitted to retain those buildings which may be required for future use by the Company.¹~~
- (17) ~~All permanent roads and / or junctions provided pursuant to Condition (14) (iii) shall be surfaced to a specification to be approved in writing by the District Council and shall be constructed prior to the commissioning of the Development. Such approved roads and / or junctions constructed in accordance with the details approved by the District Council under reference H16/0966/01 (dated 10 December 2001)¹ 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 Council¹.~~

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) ~~All activities associated with the construction of the Development shall be carried out in accordance with the recommendations of British Standard 5228: Parts 1 and 2: 1997 and Part 4: 1992; Noise Control on Construction and Open Sites.¹~~
- (19) ~~No heavy commercial vehicles, plant machinery or earthmoving equipment associated with the construction of the Development shall enter or leave the Site at any time on any Sunday or Bank Holiday nor on any other day except between the following times:~~
- | | | |
|-----------------------------|-----------------|-----------------|
| Monday to Friday | 0700 | 1900 |
| Saturday | 0700 | 1700 |
- ~~unless such movement~~
- ~~(a) is an abnormal load;~~

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- ~~(b) is associated with an emergency; or~~
- ~~(c) is carried out with the prior written approval of the District Council.¹~~
- (20) ~~The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the District Council a scheme detailing the method to be used for pile driving. The approved scheme shall be adhered to throughout the period of the construction of the Development, unless any variation has been approved in writing by the District Council.¹~~
- (21) ~~No pile driving approved pursuant to Condition (20) shall take place on the Site on any Sunday or Bank Holiday nor on any other day except between the following times:~~
- | | | | |
|-----------------------------|-----------------|--------------|-----------------|
| Monday to Friday | 0800 | → | 1800 |
| Saturday | 0800 | → | 1300 |
- ~~unless such pile driving~~
- ~~(a) is associated with an emergency; or~~
- ~~(b) is carried out with the prior written approval of the District Council.¹~~
- (22) ~~In any instance where a time limitation referred to in Conditions (19) and (21) is infringed because of an emergency the Company shall within 2 working days provide the District Council with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.~~
- ~~Reason: To enable reasonable and proper control to be exercised over the methods of construction of the Development.¹~~

Construction Noise and Vibration

- (23) ~~The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the District Council a programme for the monitoring of noise and vibration generated during the construction of the Development. The programme shall~~

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~~specify the measurement locations from which noise and vibration will be monitored, the method of noise and vibration measurement and the maximum permissible levels at each such monitoring position. The programme shall make provision for such noise and vibration measurements to be taken by the Company as soon as possible following requests by the District Council and such measurements shall be given to the District Council as soon as they are available. At such monitoring locations, noise and vibration levels during construction operations shall not exceed the levels specified in the approved programme unless otherwise approved in writing by the District Council or in an emergency.¹~~

- (24) ~~In any instance where the noise and vibration levels referred to in Condition (23) is exceeded because of an emergency the Company shall within 2 working days provide the District Council with a written statement detailing the nature of the emergency and the reason why the noise or vibration level could not be observed. If the emergency is expected to be for more than twenty four hours or is between the hours 1901 and 0659 then the Company shall inform those residents and occupiers of industrial premises affected by the effects of the emergency of the reasons for the emergency and the expected duration.~~

~~Reason: To ensure proper control of noise and vibration during the construction of the Development.¹~~

Operational Noise

- (25) ~~The commissioning of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the District Council a programme for the monitoring of noise generated by the operation of the Development. The programme shall specify the measurement locations from which noise will be monitored, the method of noise measurement (which shall be in accordance with BS 4142) and the maximum permissible levels of noise at each such monitoring location. The programme shall make provision for such noise measurements to be~~

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~~taken by the Company as soon as possible following requests by the District Council and such measurements shall be given to the District Council as soon as they are available.¹~~

- (26) ~~Notwithstanding any noise measurement and noise measurement location approved by the District Council pursuant to Condition (25) the noise generated by the operation of the Development shall not exceed the following noise levels when assessed in accordance with BS 4142 at the following locations, indicated on Figure 2.1a, hereby attached:~~

location 1	45 L_{AeqT} dB
location 2	50 L_{AeqT} dB
location 3	42 L_{AeqT} dB
location 4	36 L_{AeqT} dB
location 5	29 L_{AeqT} dB
location 6	33 L_{AeqT} dB
location 7	39 L_{AeqT} dB
location 8	39 L_{AeqT} dB
location 9	42 L_{AeqT} dB
location 9a	42 L_{AeqT} dB

~~The noise shall exhibit no tonal or other characteristics as specified in BS 4142 as requiring a correction for character. The limitation on noise levels specified in this Condition shall be adhered to at all times unless any change has been approved in writing by the District Council or in an emergency.¹~~

- (27) ~~In any instance where a noise limitation referred to in Condition (26) is exceeded because of an emergency the Company shall within 2 working days provide the District Council with a written statement detailing the nature of the emergency and the reason why the noise limitation could not be observed. If the emergency period is expected to be for more than twenty four hours or is between the hours of 1901 and 0659 then the Company shall inform those residents and occupiers of industrial premises affected by the effects of the emergency of the reasons for the emergency and the expected duration.¹~~

- (28) Except in an emergency, the Company shall give at least 2 working days prior notice in writing to the Council of any proposed

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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) ~~Prior to the commencement of the Development~~ ¹The Company shall, ~~for the duration of the operation of the Development,~~ ¹ nominate a representative of the Company ~~as an officer~~ ¹ 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 ~~construction and~~ ¹ 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) ~~The commencement of the main Development shall not take place until a scheme for landscaping and creative conservation has been submitted to, approved in writing by, and deposited with, the District Council, in consultation with English Nature.~~ ¹
- (31) ~~The scheme referred to in Condition (30) shall deal with the treatment of any environmentally sensitive areas as well as the general provision of screening, shrub and tree planting and grassed areas and~~

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~~shall include details of the following matters:~~

~~(i) planting;~~

~~(ii) management of existing and new planted areas;~~

~~(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;~~

~~(vi) details of the measures to be taken to create new flora and fauna habitats and of the management of such new habitats; and~~

~~(vii) phasing of works included in the scheme.¹~~

- (32) ~~The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works specified in Condition (31) (vii) 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 (30). 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 District Council.~~

~~Reason: To ensure proper landscaping for the Development.¹~~

Prevention of Contamination of Watercourses

- (33) ~~The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the District Council, in consultation with the Environment Agency, a scheme showing the method and working of~~

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~~drainage facilities on the Site. Such facilities shall be put in place in accordance with the approved scheme.¹~~

(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.¹~~

(34) ~~The scheme referred to in Condition (33) shall include:~~

~~(xi) provision so as to ensure that all existing drainage systems continue to operate and that riparian owners upstream and downstream of the Site are not adversely affected;~~

~~(xii) measures to ensure that no leachate or any contaminated surface water from the Site shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;~~

~~(xiii) provision for trapped gullies in car parks, hardstandings and roadways;~~

~~(xiv) measures to ensure that all foul sewage must drain to an approved foul sewerage and / or sewage disposal system;~~

~~(xv) provisions to distinguish between temporary and permanent parts of the works; and~~

~~(xvi) phasing of works.¹~~

(35) Any surface water contaminated by hydrocarbons: ~~which are used during the construction of the Development¹~~ 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 ~~which are used during the construction of the Development¹~~ must be

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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) ~~The facilities mentioned in Condition (36) shall be built prior to the commencement of the main Development.~~¹

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

Air Pollution Monitoring

- (39) ~~The commissioning of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the District Council a scheme for the monitoring of air pollution in the vicinity of the Development. The scheme shall include the measurement location or measurement locations within the District Council's area 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 12 months prior to the commissioning of the Development and for the final measurement to be taken not more than 24 months after the commissioning of the Development. The Company shall supply full details of the measurements obtained in accordance with the scheme to the District Council as soon as possible after they become available.~~¹
- (40) ~~Should the District Council require continued monitoring of air pollution the Company shall extend the scheme approved pursuant to Condition (39) for a period of up to 36 months from the date of the last~~

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~~measurement taken pursuant to Condition (39). The Company shall supply full details of the measurements obtained during the extended period to the District Council as soon as possible after they become available.~~

~~Reason: To ensure that the Council is kept informed on a regular and programmed basis about the changes in the level of air pollution at locations within its area.¹~~

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) ~~The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the District Council, in consultation with the Environment Agency, a scheme for the treatment of any contaminated material found on the Site and details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring.¹~~

- (43) ~~Contaminated material arising from the construction of the Development shall be treated on the Site in accordance with the scheme approved pursuant to Condition (42) or shall be disposed of to licensed disposal facilities.~~

~~Reason: To ensure that contaminated waste found on the Site is disposed of properly.¹~~

Footpaths

- (44) ~~Passage along public footpaths on the Site shall not be impeded and the public footpaths shall not be damaged during the carrying out of works under this permission. The public footpaths shall be maintained so as to make it convenient for the exercise of the public right of way.~~

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~~Reason: To ensure that the Development causes minimal interference to public rights of way.¹~~

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 Council¹.

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 Council ~~and / or County Council¹~~ under any of the foregoing Conditions that matter shall in default of agreement be determined by the Secretary of State for ~~Trade and Industry Business, Energy and Industrial Strategy¹.~~

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

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changes.¹

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