

VARIATION OF CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989
CONSTRUCTION AND OPERATION OF A GAS-FIRED ELECTRICITY
GENERATING STATION AT THE WILLOWS INDUSTRIAL ESTATE, KING'S LYNN, NORFOLK

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 granted for the gas-fired electricity generating station at the Willows Industrial Estate, King's Lynn in the County of Norfolk in accordance with the variations shown in underlined, italic text.

06 December 2018

Gareth Leigh
Head of Energy Infrastructure Planning
Department for Business, Energy and Industrial Strategy

DEPARTMENT OF ENERGY AND CLIMATE CHANGE

CONSTRUCTION AND OPERATION OF A COMBINED-CYCLE GAS TURBINE GAS-FIRED ELECTRICITY
GENERATING STATION AT THE WILLOWS INDUSTRIAL ESTATE, KING'S LYNN, NORFOLK

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 ~~by Centrica Leasing (KL) Ltd~~ and operation by EP UK Power Development Limited, on the area of land ~~hatched-outlined~~ red on Figure ~~3.1~~ Plan Ref. 70037039-G-017, attached hereto, of a ~~combined-cycle gas turbine gas-fired electricity~~ generating station at the Willows Industrial Estate, King's Lynn in the County of Norfolk ("the Development") ~~("the Development")~~, and to the operation of that generating station.
2. The Development shall be ~~about~~[†] 1,020 MW for up to 1,700 megawatts ("MW") capacity and comprise:
 - ~~(a)~~ one or more gas turbines; of the following:
 - ~~(b)~~ one or more steam turbines;
 - ~~(i)~~ (e) one or more up to two Combined Cycle Gas Turbine ("CCGT") units, comprising up to two gas turbines, up to two steam turbines, up to two heat recovery steam generators; ("HRSG") and air-cooled condensers; or
 - ~~(ii)~~ one CCGT unit, comprising one gas turbine, one steam turbine, one HRSG and air-cooled condensers; and an Open Cycle Gas Turbine ("OCGT") plant of up to 299 MW capacity ("the OCGT plant");
 - ~~(b)~~ a black start facility comprising an OCGT unit(s) of up to 50MW capacity; and up to two diesel generators of up to 5MW capacity;
 - ~~(d)~~ air-cooled condensers;
 - ~~(c)~~ (e) ancillary plant and equipment;
 - ~~(d)~~ (f) the necessary buildings (including administration offices) security gatehouse, control room, administrative block, warehouses and workshops), enclosures, structures and civil engineering works; and
 - ~~(e)~~ demineralised and waste water treatment plants and storage tanks;
 - ~~(f)~~ foul and surface water drainage systems and utilities connections;
 - ~~(g)~~ internal access roads;
 - ~~(h)~~ a gas reception and compression facility; and
 - ~~(i)~~ substation and electrical equipment, including electrical switchgear, transformers and

[†] A tolerance of up to 5% is permitted

underground cables.

~~(g) a design which has the capacity for extracting high pressure steam from the electricity generating cycle.~~

~~3. 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 in the Company's application of April 2008.~~

~~(2) The Company shall retain the area of land identified in paragraph 3.5.3 of the Environmental Statement dated April 2008 to allow for the future installation of carbon capture plant.~~

~~(3) 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.~~

3. The black start facility is subject to the following conditions:

(1) The black start facility, including diesel generators, shall be designed, constructed and operated so that it is not able to export electricity to the national electricity network or to increase the capacity of the Development described in paragraph 2 of this consent (including the total capacity of OCGT plant).

(2) The diesel generators shall only be operated to support the black start facility and their operation shall be restricted to occasions where there has been a loss of external power supply from the national electricity network to the Development, and then only to enable the initial start-up of the gas turbines comprising the black start facility.

(3) The operation of the gas turbines which comprise the black start facility shall also be restricted to occasions where there has been a loss of external power supply from the national electricity network and then only to enable the initial start-up of the gas turbines that make up the Development described in paragraph 2(a)(i) or 2(a)(ii) of this consent and shall not continue to be operated once those turbines have been re-started.

4. —

4. The CCGT units shall be designed so as to have the capability for extracting high pressure steam from the electricity generating cycle as described within section 4 of the CHP Assessment Report dated April 2018.

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

(1) The following definitions apply for the purpose of Conditions (1) to (11) below:

(a) "the Company" means EP UK Power Development Limited and its assigns and successors;

(b) "the Development" means either the Development as described in paragraph 2(a)(i) or 2(a)(ii);

(c) "capture equipment" means the plant and equipment required to capture the target carbon dioxide and identified as such in the current CCS proposal;

- (d) "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;
- (e) "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 Applications", or
- (ii) a revised CCS proposal that has been identified under Condition (9), and then the proposal which has most recently so been identified;
- (f) "designated site" means the land shaded yellow on Plan Ref. 70037039-G-020, annexed hereto as the area where the Company proposes to locate the carbon capture equipment;
- (g) "Feasibility Study" means the document entitled Carbon Capture Readiness (CCR) Assessment dated April 2018 at Appendix 4A of the Environmental Impact Assessment Report;
- (h) "target carbon dioxide" means as much carbon dioxide emitted by the CCGT unit 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 technology;
- (i) "the report" means the report to be submitted in accordance with Condition (5);
- (j) "relevant planning authority" means King's Lynn and West Norfolk Borough Council; and
- (k) "the Site" means the land outlined in red on Plan Ref. 70037039-G-017, annexed hereto as the area where the Company proposes to construct and operate the Development.
- (2) The construction of the Development shall not take place until the Company has confirmed in writing to the relevant planning authority which of paragraph 2. (a) (i) or (ii) is to be constructed and operated at the Site.
- (3) ~~(1)~~The Development shall be constructed and operated in accordance with the details contained in ~~paragraph 2 of this consent and in the Company's application of 23 April 2008.~~ paragraphs 2 and 3 of this consent and the technical and other particulars contained in the application dated 23 April 2008 as varied by the application dated 6 April 2018 subject to any minor changes which may be approved by the relevant planning authority.
- (4) ~~Until such time as the Development is decommissioned, the Company shall not, without the written consent of the Secretary of State:~~
- (2) ~~The Company shall retain the area of land identified in paragraph 3.5.3 of the Environmental Statement dated April 2008 to allow for the future installation of carbon-capture plant.~~
- (a) ~~dispose of any interest in the designated site; or~~

(b) except for use a laydown area during construction of the Development and ending at the commissioning of the Development, do anything, or allow anything to be done or to occur;

which may reasonably be expected to diminish the Company's ability, within two years of such action or occurrence, to prepare the designated site for the installation and operation of the capture equipment, should it be deemed necessary to do so.

(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) above:

(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 comply with Condition (4) above 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 would work and explain the reasons for any such conclusions.

(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 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 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) above as appropriate.

(11) Conditions (4) to (10) above shall cease to have effect at the soonest of the following:

(a) the capture equipment is installed; or

(b) the Development is decommissioned; or

(c) (3)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 the Secretary of State's agreement not to install the capture equipment has been obtained in writing.

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

4.6. The Secretary of State in exercise of the powers conferred on him by section ~~90(290(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 Development be deemed to be granted subject to the following conditions: conditions as varied.*

Definitions

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

"BS 4142-1997;2014" means British Standard ~~4142: 1997~~ 4142:2014 - Method for rating and assessing industrial noise affecting mixed residential and industrial ~~areas~~ and commercial sound;

"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;

"CHPQA Standard (issue 6)" means the CHPQA Standard document issued in November 2013 which sets out definitions, criteria and methodologies for the operation of the UK's CHP Quality Assurance (CHPQA) programme, or any replacement document that contains a definition of Good Quality CHP scheme;

~~"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, following completion of the testing of the Development, the Development first supplies electricity on a commercial basis;

~~"the Company" means Centrica Leasing (KL) EP UK Power Development Limited and its assigns and successors; "the Council" means King's Lynn and West Norfolk Borough Council and its successors;~~

"the Conditions" mean the conditions set out below;

"the Construction Environmental Management Plan" means a construction environmental management plan based on the Outline Construction Environmental Management Plan at Appendix 4D of the Environmental Impact Assessment Report;

"the construction of the Development" means continuation of works at the Site after the date of this direction, such works being a continuation of those previously carried out to implement the Development in the form approved in the Section 36 consent and deemed planning permission dated 5 February 2009 as varied by planning permission Ref. 12/01986/F dated 13 May 2013, such implementation having been confirmed through the issue of a certificate of lawfulness of existing use or development Ref. 17/00352/LDE by the relevant planning authority on 2 May 2017;

"the Construction Traffic Management Plan and Access Route Plan" means a construction traffic management plan and construction traffic access route based on the Environmental Impact Assessment Report;

~~"creative conservation~~biodiversity enhancement" means the establishment of areas which are capable of sustaining indigenous species of flora and fauna as well as habitat such as those outlined in the local biodiversity action plan or its equivalent from the UK Biodiversity Action Plan;

~~"the Development" means the combined cycle gas turbine generating station at King's Lynn in the County of Norfolk;~~either the Development as described in paragraph 2(a)(i) or 2(a)(ii)

"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;

"Environment Impact Assessment Report" means the document entitled "King's Lynn 'B' CCGT Power Station Project Environmental Impact Assessment Report" dated April 2018 Volumes I and II;

"Flood Risk Assessment" means the report entitled "King's Lynn 'B' Proposed Combined Cycle Gas Turbine Power Station, Appendix 4E: Flood Risk Assessment" dated April 2018 at appendix 4E of the Environmental Impact Assessment Report;

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

"Highways Authority" means Norfolk County Council and its successors;

"the ~~main~~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;

"the Original Consent" means the section 36 consent and deemed planning permission dated 5 February 2009 as varied by planning permission Ref. 12/01986/F dated 13 May 2013."

"Permitted Preliminary Works" means:

- (i) landscaping and ~~creative conservation~~biodiversity mitigation and enhancement, providing these do not require the delivery or removal of bulk filling materials to or from the Site and have been first approved pursuant to Conditions (40) and (41);
- (ii) installation and diversion of utility services within the Site;
- (iii) surveys and geotechnical surveys;
- (iv) demolition of existing structures and relocation of existing auxiliary plant and facilities on the Site;

- (v) provision of wheel cleansing facilities required pursuant to Condition (43); and
- (vi) provision for temporary contractors' facilities necessary for (i) to (v) above within the Site;

"relevant planning authority" means King's Lynn and West Norfolk Borough Council;

"the Site" means the area of land hatched red on FIGURE 3.1 and outlined in red on Plan Ref. 70037039-G-017, annexed hereto as the area where the Company proposes to construct and operate the Development.

"Water Vole Mitigation Ditch Concept Design Technical Note" means the report entitled "Water Vole Mitigation Ditch Concept Design Technical Note" dated August 2018.

Reason: For the avoidance of doubt.

The Site

- (2) The construction of the Development shall only take place within the boundary of 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 not be 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 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.~~

Suppression of Dust and Dirt

- ~~(4)~~(3) Except for the Permitted Preliminary Works, the commencement ~~construction~~ of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the ~~Council~~ relevant planning authority in consultation with the ~~Highways Authority~~ highways authority, 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 ~~Council~~ relevant planning authority and shall be maintained throughout the period of the construction of the Development unless ~~any variation has been approved~~ otherwise agreed in writing by the ~~Council~~ relevant planning authority.

- ~~(5)~~(4) 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 or concrete roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities provided pursuant to Condition (43).

~~(6)~~(5) Except for the Permitted Preliminary Works, the ~~commencement~~construction of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the ~~Council~~relevant planning authority a scheme employing all possible 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 unless ~~any variation has been approved~~otherwise agreed in writing by the ~~Council~~relevant planning authority.

~~(7)~~(6) All open bodied heavy commercial vehicles carrying dry loose aggregate, cement or soil into and out of the Site shall be sheeted.

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

Layout and Design

~~(8)~~(7) Except for the Permitted Preliminary Works, the ~~commencement~~construction of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the ~~Council~~relevant planning authority a scheme which shall include provisions for the:

- (i) details of the siting, design, external appearance~~-, finished floor level~~ 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 artificial lighting required during the operation of the Development;
- (v) details of all new or modified permanent fencing and gates required on the Site; and
- (vi) phasing of works included in the scheme.

~~(9)~~(8) The Development shall proceed only in accordance with the scheme referred to in Condition ~~(8)~~(7) ~~subject to any variation as may be approved unless otherwise agreed~~ in writing by the ~~Council~~relevant planning authority.

Reason: To enable the ~~Council~~relevant planning authority to exercise reasonable and proper control over the design and appearance of the Development.

Construction, Construction Noise and Construction Traffic

~~(10)~~(9) The ~~commencement~~construction of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the ~~Council~~relevant planning authority a Construction Environmental Management Plan. The Plan shall include details of how; noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work including from piling and associated traffic movements, from both inside and outside the Site boundary, will

be controlled and mitigated. The Plan shall use the principles described in the document entitled "The Control of Dust Emissions from Construction and Best Practice Guidance (London Council's; Mayor of London, 2006) and utilise the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk). The construction of the Development shall be completed in accordance with the approved Plan unless ~~any variation has been approved~~ otherwise agreed in writing by the ~~Council~~ relevant planning authority.

~~(11)~~(10) All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228, ~~Parts 1 and 2: 1997 and Part 4: 1992; Noise and Vibration Control on Construction and Open Sites: 1:2009+A1:2014, Parts 1 and 2; Code of practice for noise and vibration control on construction and open sites.~~

~~(12)~~(11) No construction work associated with the Development shall take place on the Site at any time on any Sunday or Bank Holiday or on any other day except between the following times:

Monday to Friday 0700 - ~~1800~~1900

Saturday ~~0800~~ - 0700 - 1300

Unless such work -

- (a) is associated with an emergency; or
- (b) is carried out with the prior written ~~approval~~ agreement of the ~~Council~~ relevant planning authority; or
- (c) such work does not cause existing ambient background noise levels to be exceeded.

~~(13)~~(12) No impact piling approved under the Plan approved pursuant to Condition ~~(109)~~ shall take place on the Site on any Sunday or Bank Holiday 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;
- (b) is carried out with the prior written ~~approval~~ agreement of the ~~Council~~ relevant planning authority.

~~(14)~~(13) No heavy commercial traffic 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 ~~0900~~ - 0700 - ~~1800~~ 1900

Saturday ~~0800~~ - 0700 - 1300

Unless such movement:

- (c) is associated with an emergency; or
- (d) is carried out with the prior written ~~approval~~ agreement of the ~~Council~~ relevant planning authority.

~~(15)~~(14) In any instance where a time limitation referred to in Conditions ~~(11), (12), and (13) and (14)~~ is exceeded because of an emergency the Company shall as soon as possible notify the ~~Council~~ relevant planning authority 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.

~~(16)~~(15) The ~~commencement~~ construction of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the ~~Council~~ relevant planning authority, in consultation with the Highways Authority, a scheme, which shall accord with Norfolk County Council document entitled "Guidance Notes for the Submission of Travel Plans", for the transport of construction staff to and from the Site. The approved scheme shall remain in operation throughout the period of the construction of the Development unless otherwise agreed in writing by the relevant planning authority.

~~(17)~~(16) The ~~commencement~~ construction of the Development shall not take place until a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to, approved in writing by and deposited with, the ~~Council~~ relevant planning authority in consultation with the Highways Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic, unless otherwise agreed in writing by the relevant planning authority.

~~(18)~~(17) For the duration of the construction period of the Development all traffic associated with the construction of the ~~development~~ Development will comply with the Construction Traffic Management Plan and use only the Construction Traffic Access Route and no other local roads unless ~~approved~~ otherwise agreed in writing with the ~~Council~~ relevant planning authority in consultation with the Highway Authority.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development and to reduce the number of traffic movements for the safety of other road users and pedestrians.

Baseline Noise Monitoring

(18) The construction of the Development shall not take place until there has been submitted to, and approved in writing by the relevant planning authority, a report confirming the noise baseline at the noise sensitive receptors identified in the Environmental Impact Assessment Report (which shall be in accordance with BS 4142:2014). The report will summarise the noise monitoring undertaken, including duration, locations and methods used, as well as the representative baseline day time and night time noise conditions at each noise sensitive receptor.

Operational Noise

(19) The commissioning of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the ~~Council~~ relevant

planning authority 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 rating levels of noise at each such monitoring location. The procedures for sound measurements, the calculation of rating levels and the assessment of uncertainty shall be in accordance with BS 4142:2014 and take into consideration the impact of variations in weather conditions on the different receptor locations. The presence of distinguishing features in the sound produced by the Development, such as tonality or impulsiveness, shall be accounted for in the rating level calculation in accordance with BS 4142:2014. The programme shall make provision for such noise measurements to be taken by the Company as soon as possible following requests by the ~~Council~~ relevant planning authority and such measurements shall be given to the ~~Council~~ relevant planning authority as soon as they are available. At such measurement locations noise levels permitted shall not exceed the levels specified in the approved programme, except in an emergency or with the prior written ~~approval~~ agreement of the ~~Council~~ relevant planning authority. ~~Such noise shall exhibit no tonal or impulse content at these properties in all weather conditions.~~

- (20) In any instance where a noise level approved pursuant to Condition (19) is exceeded because of an emergency the Company shall as soon as possible, and in any case within two working days, provide the ~~Council~~ relevant planning authority 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 affected by the emergency of the reasons for the emergency and the expected duration.

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

Noise Complaints Procedure

- (21) In any instance where a local resident has cause to make a 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 ~~Council~~ relevant planning authority, 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 ~~Council~~ relevant planning authority 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.

Prevention of Contamination of Watercourses

- (22) Except for the Permitted Preliminary Works, the ~~commencement~~ construction of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the ~~Council~~ relevant planning authority, in consultation with the Environment Agency, and in the case that discharge to a public sewer is proposed, Anglian Water, a scheme showing the method and working of foul water drainage and surface water drainage facilities on the Site.

Such facilities shall be put in place in accordance with the approved scheme ;-prior to the occupation of the Development (in the case of foul water) and prior to the development of any hardstanding (in the case of surface water).

- (23) The scheme referred to in Condition (22) shall include:
- (i) 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;
 - (ii) 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;
 - (iii) provision for trapped gullies in car parks, hardstandings and roadways;
 - (iv) measures to ensure that all foul sewage must drain to an approved foul sewerage and/or sewage disposal system;
 - (v) provisions to distinguish between temporary and permanent parts of the works; ~~and~~
 - (vi) phasing of works; and
 - (vii) in respect of surface water drainage:
 - (a) if discharge into a public sewer is proposed: surface water runoff rates will be attenuated to 10.63l/s; confirmation will be sought from Anglian Water that the proposed rates and volumes of surface water runoff from the development are acceptable; inclusion of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event; and details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge;
 - (b) if discharge into existing ditches is proposed, confirmation that any amendments, works or culverting proposed to existing ditches on or bounding the Site have consent from the relevant internal drainage board and that any impact from their change has been incorporated into the drainage strategy;
 - (c) detailed designs, modelling calculations and plans of the drainage conveyance network demonstrating no above ground flooding on any part of the Site in a 1 in 30 year critical rainfall event, and the depth, volume and storage location of any above ground flooding in the 1 in 100 year critical rainfall plus climate change event;
 - (d) the design of any drainage structures will include appropriate freeboard allowances. Plans must be included showing the routes for the management of exceedance surface water flow routes that minimise the

risk to people and property during rainfall events in excess of 1 in 100 year return period;

- (e) finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding including fluvial flooding associated with the ordinary watercourse, tidal flooding and any above ground storage or flooding from the proposed drainage scheme. Finished floor levels must also be 150mm above surrounding ground levels; and
- (f) a maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the Development. This must also include the ordinary watercourse and any structures such as culverts within the Site.

- (24) 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.
- (25) 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.
- (26) All bunded compound(s) referred to in Condition (25) 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.
- (27) Any storage facility to which Conditions (25) or (26) 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.

Archaeology

- ~~(28) The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Council, a scheme of archaeological investigation and an associated implementation programme.~~
- ~~(29) The scheme approved pursuant to Condition (28) shall provide for:~~
 - ~~(i) any person nominated by the Council to be permitted safe access to the part of the Site where the find is made;~~
 - ~~(ii) finds of national importance to be evaluated and, where practicable, preserved in situ; and~~
 - ~~(iii) phasing of works.~~
- ~~(30) Any further investigations and recording of such finds as are considered necessary by the Council 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 (29)(iii), unless otherwise approved in writing by the Council.

(28) The construction of the Development shall not take place until an archaeological written scheme of investigation, to update that previously approved by the relevant planning authority (Application Ref. 08/01544/DISC_H), has been submitted to and approved by the relevant planning authority. The scheme shall include an assessment of significance and research questions; and the

(i) programme and methodology of site investigation and recording;

(ii) programme for post investigation assessment;

(iii) provision to be made for analysis of the site investigation and recording;

(iv) provision to be made for publication and dissemination of the analysis and records of the site investigation;

(v) provision to be made for archive deposition of the analysis and records of the site investigation; and

(vi) nomination of a competent person or persons or organisation to undertake the works set out within the written scheme of investigation.

(29) The commissioning of the Development shall not take place until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological written scheme of investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

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.

Contaminated WasteLand

~~(31)~~(30) The commencement construction of the Development shall not take place until the Company has carried out an investigation and risk assessment to assess the degree of ground contamination ~~of~~ at the Site and potential impact and submitted a written report of the findings to the ~~Council~~ relevant planning authority and the Environment Agency. The investigation shall include testing for hydrocarbons and other contaminants, together with leachability testing. The survey shall include the leachability test results along with the locations at which they were sampled. Any groundwater encountered during the survey shall also be tested for contaminants, in order to assess the mobility of any contaminants encountered.

~~(32)~~(31) No work associated with the construction of the Development shall take place until the ~~Council~~ relevant planning authority, in consultation with the Environment Agency, has approved in writing the report produced pursuant to Condition ~~(31)~~(30).

~~(33)~~(32) The commencement construction of the Development shall not take place until a scheme of any necessary remedial measures and monitoring has been submitted to, approved in writing by, and deposited with, the ~~Council~~ relevant planning authority, in consultation with the Environment Agency.

~~(34)~~(33) The scheme approved pursuant to Condition ~~(33)~~(32) shall be adhered to during the construction of the Development, unless ~~any variation has been approved~~ otherwise agreed in writing by the ~~Council~~relevant planning authority, in consultation with the Environment Agency.

~~(35)~~(34) Should contaminated materials be found on any area of the Site which had been identified as being free of contaminants pursuant to Condition ~~(31)~~(30) then such area shall be subject to the remedial and monitoring scheme approved pursuant to Condition ~~(33)~~(32).

~~(36)~~(35) Contaminated material arising from the construction of the Development shall be treated on the Site in accordance with a scheme to be submitted to, approved in writing by, and deposited with, the ~~Council~~relevant planning authority, in consultation with the Environment Agency, or shall be disposed of to licensed disposal facilities.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Protection of Water Voles

~~(37)~~The commencement of the Development shall not take place until the Company has undertaken the mitigation measures identified in section 3 of the report entitled “Water Vole Mitigation Strategy Overview – September 2008”, unless any variation to it is approved in writing by the Council, in consultation with the Environment Agency and Natural England.

(36) The construction of the Main Development shall not take place until the Company has agreed water vole mitigation strategy with the relevant planning authority, in consultation with the Environment Agency and Natural England, the strategy shall be based on the Environmental Impact Assessment Report dated April 2018 and the Water Vole Mitigation Ditch Concept Design Technical Note dated 7 May 2018 approved by the relevant planning authority pursuant to application reference 18/00848/F and shall identify areas of habitat creation within the land shown edged in green on Plan Ref. 70037039-G-020, annexed hereto, and shall be implemented as approved.

Reason: For the protection of water voles which are protected under the Wildlife and Countryside Act 1981 (as amended).

Protection of Bats

~~(38)~~(37) The commencement construction of the Main Development shall not take place until the Company has undertaken the mitigation and compensation measures identified in sections 4.2 and 4.3 of the report entitled “Bat Activity Survey Report of King’s Lynn Power Station at Saddlebow, King’s Lynn, Norfolk, August 2008”, unless any variation to it is approved in writing by the Council, section 7.7 and Appendix 4C (“Outline Lighting Strategy” dated April 2018) of the Environmental Impact Assessment Report and a written mitigation strategy that has been approved

in writing by the relevant planning authority in consultation with Natural England. The mitigation and compensation measures shall be undertaken as approved unless otherwise agreed in writing by the relevant planning authority, in consultation with Natural England.

Reason: For the protection of bats which are protected under the Wildlife and Countryside Act 1981 (as amended).

Protection and Mitigation for Birds

~~(39) The commencement of the Development shall not take place until the Company has undertaken, in consultation with English Nature, a comprehensive investigation to establish whether birds are present on the Site. Should the investigation indicate that birds are present on the Site then the Company shall submit a scheme of mitigation measures for approval in writing by the Council, in consultation with Natural England.~~

~~(40) Notwithstanding any mitigation measures approved pursuant to Condition (39) no~~

(38) No trees, hedges, scrub or dense vegetation shall be cleared from the Site during the bird breeding season of 1 March to 30 September inclusive, except where a suitably qualified ecological consultant, appointed by the Company, has confirmed that such clearance works should not affect any nesting birds, unless otherwise approved/agreed in writing by the Council/relevant planning authority, in consultation with Natural England.

Reason: To cause the least interference possible to breeding birds.

Protection of Reptiles

~~(41) The commencement of the Development shall not take place until the Company has undertaken, in consultation with Natural England and the Environment Agency, a comprehensive investigation to establish whether reptiles are resident on the Site.~~

~~(42) Should the investigation undertaken pursuant to Condition (41/39) identify that reptiles are resident on the Site, then there A scheme shall be submitted to, approved in writing by, and deposited with, the Council/relevant planning authority, in consultation with Natural England and the Environment Agency, a scheme ensuring that the habitats of the reptiles on the Site are protected or are not infringed without full and proper mitigation from injury and/or death.~~

Reason: For the protection of reptiles which are protected under the Wildlife and Countryside Act 1981 (as amended).

Landscaping and creative conservation Biodiversity Mitigation and Enhancement

~~(43) The commencement of the main (40) Except for the Permitted Preliminary Works, the construction of the Main Development shall not take place until a scheme of landscaping and creative conservation biodiversity mitigation and enhancement based on the Outline Landscape and Biodiversity Strategy dated April 2018 at Appendix 4B of the Environmental Impact Assessment Report has been submitted to, approved/agreed in writing by, and deposited with, the Council/relevant planning authority, in consultation with Natural England and the Environment Agency.~~

~~(44)(41) The scheme referred to in Condition (43)(40) shall deal with the treatment of any~~

environmentally sensitive areas as well as the general provision of screening, including to the boundaries of the Site as shown edged in green on Plan Ref. 70037039-G-020, annexed hereto as the area where the Company proposes to locate shrub and tree planting and grassed areas and means of integrating the Development with the surrounding landscape and habitats and shall include details of the following matters:

- (i) planting (which should mainly of 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;
- (vi) details of the measures to be taken to create new flora and fauna habitats and of the management of such new habitats;
- (vii) phasing of works included in the scheme.

~~(45)~~(42) The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works specified in Condition ~~(44)~~(vii41)~~(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 ~~(43)~~(40), unless ~~any variation has been approved otherwise agreed~~ in writing by the Council~~relevant planning authority~~. 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~~ agreed in writing by the ~~Council~~relevant planning authority.

Reason: To ensure proper landscaping for the Development.

Flood risk

(43) The construction of the Development shall be carried out in accordance the approved flood risk scheme, comprising the Flood Risk Assessment and all mitigation measures set out in the Flood Risk Assessment. The approved flood risk scheme shall be fully implemented prior to the commissioning of the Development and the Company shall confirm completion of the approved scheme in writing to the relevant planning authority and the Environment Agency within one month of its completion.

Reason: To reduce the risk of flooding to the Development and future occupants.

Aviation

(44) Except for the Permitted Preliminary Works, the construction of the Development shall not take place until the relevant planning authority has received confirmation in writing by the Company that the Defence Geographic & Imagery Agency has been

notified of the Development and has received the following information:

(i) the precise location of the Development;

(ii) the date of commencement of construction;

(iii) the estimated date of completion of construction;

(iv) the height above ground level of the tallest structure;

(v) the maximum extension height of any construction equipment; and

(vi) details of aviation warning lighting fitted to the structure(s)

(45) The commissioning of the Development shall not take place until a scheme detailing the lighting of the emissions stacks has been submitted to, and approved in writing by the relevant planning authority, in consultation with the Civil Aviation Authority. The stacks shall be lit in accordance with the approved scheme prior to the commissioning of the Development and maintained thereafter.

Reason: To ensure the Ministry of Defence aeronautical charts and mapping records are updated and that the emissions stacks have appropriate lighting in interests of air traffic safety.

Commissioning

(46) Notice of the intended start of commissioning of the Development shall be given to the relevant planning authority in writing and prior to such start and in any event at least 14 days in advance of the date that commissioning is started. Notice of the intended completion of commissioning of the Development shall be given to the relevant planning authority in writing where practicable prior to such completion and in any event within seven days from the date that commissioning is completed.

Reason: To ensure that the relevant planning authority is notified of the start and completion of commissioning.

Employment, Skills and Training

(47) The construction of the Development shall not take place, save for the Permitted Preliminary Works, until a plan, detailing arrangements to promote employment, skills and training development opportunities for local residents during construction and employment opportunities during operation of the Development has been submitted to and approved in writing by the relevant planning authority. The approved plan must be implemented and maintained during the construction and operation of the Development unless otherwise agreed in writing by the relevant planning authority.

Reason: To ensure that employment, skills and training opportunities for local residents are maximised during construction and operation of the Development.

Local Liaison Committee

(48) The construction of the Development shall not take place, save for the Permitted Preliminary Works, until the Company has established a committee to liaise with

local residents and organisations about matters relating to the Development (a 'local liaison committee'). The Company must invite the relevant planning authority and other relevant interest groups, as may be agreed with the relevant planning authority, to nominate representatives to join the local liaison committee. The Company shall provide a full secretariat service and supply an appropriate venue for the local liaison committee meetings to take place. The local liaison committee must:

(i) include representatives of the Company;

(ii) meet every other month, starting in the month prior to construction of the Main Development commencing, until the completion of construction, testing and commissioning works unless otherwise agreed by the majority of the members of the local liaison committee; and

(iii) during the operation of the Development meet once a year unless otherwise agreed by the majority of the members of the local liaison committee.

Reason: To keep local residents informed of how the Development is progressing and to ensure a proper mechanism for dealing with complaints during the construction and operation of the Development.

Tree Survey

(49) The construction of the Development shall not take place (including any tree felling, tree pruning, engineering work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles) until a tree survey showing the following has been submitted to and approved in writing by the relevant planning authority: _____

(i) a plan indicating the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing clearly which trees are to be retained and which trees are to be removed, and the crown spread of each tree;

(ii) details of the species, diameter, approximate height and condition of each tree in accordance with the version of BS:5837 current at the time of the survey, and of each tree which is on land adjacent to the Site where the crown spread of that tree falls over the application site and where any tree is located within 15 metres in distance from the Site.

(50) The construction of the Development shall be carried out in accordance with the approved details in condition 49, unless otherwise agreed in writing by the relevant planning authority.

Reason: To ensure that the existing trees are properly surveyed, and full consideration is made of the need to retain trees in the development of the site in accordance with the National Planning Policy Framework.

Cessation of works and restoration of the Site

(46)(51) Within 6-12 months of the Development ceasing to be used for the purposes of electricity generation the Company shall submit to the Council ~~the~~ relevant planning

authority, for approval in writing, a scheme for the demolition and removal of redundant buildings and structures from the Site and the restoration of the Site.

~~(47)~~(52) The scheme referred to in Condition ~~(46)~~(51) 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 the restoration works; and
- (v) the phasing of the restoration works.

(53) The scheme shall be implemented as approved unless otherwise agreed in writing by the relevant planning authority.

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

Default of Agreement

~~(48) Where any matter is required to be agreed or approved by the Council under any of the foregoing Conditions that matter shall in default of agreement or approval be determined by the Secretary of State for Energy and Climate Change.~~

Combined Heat and Power

(54) At least 4 months prior to the commissioning of the Development, the Company must submit to the relevant planning authority a report on Combined Heat and Power (CHP) feasibility assessing potential commercial opportunities for the use of heat from the Development.

- (i) The report must provide for ongoing monitoring and full exploration of potential commercial opportunities to use heat from the Development as part of a Good Quality CHP scheme (as defined in CHPQA Standard (issue 6) and for the provision of subsequent reviews of such opportunities as necessary.
- (ii) The commissioning of the Development must not take place until the report has been approved by the relevant planning authority in writing, and the report must be implemented as approved.
- (iii) The commissioning of the Development must not take place until sufficient plant and equipment has been installed to facilitate the future supply of heat to the boundary of the Site if opportunities to supply heat are identified pursuant to condition (i).

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 relevant planning authority

(55) Where the words “unless otherwise agreed in writing by the relevant planning authority” appear in these planning conditions, or where the consent is required of the relevant planning authority in a condition, such agreement or consent may only be given in relation to changes where it has been demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Impact Assessment Report dated April 2018.

Reason: To make clear that where provision is made for the relevant planning authority to agree to changes to the application of planning conditions, the scope of any such changes will be limited to changes which do not materially alter the environmental effects of the Development.

Date: 5 February 2009

Richard Mellish
Head of Development Consents and Planning Reform
Department of Energy and Climate Change