

DEED OF CONSENT DATED 9 JUNE 1994¹
DEED OF CONSENT DATED 26 FEBRUARY 1997²
VARIED BY SECTION 36C CONSENT DATED [28 January 2021]³

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**

**CONSTRUCTION AND OPERATION OF A COMBINED CYCLE GAS TURBINE ELECTRICITY
GENERATING STATION
OF UP TO 450 MW
IN THE LONDON BOROUGH OF ENFIELD**

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 combined cycle gas turbine electricity generating station of up to 450 MW in the London Borough of Enfield in accordance with the variations shown in underlined, italic text marked with a superscript of "3".

28 January 2021

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

DEPARTMENT OF TRADE AND INDUSTRY BUSINESS ENERGY AND INDUSTRIAL
STRATEGY³
ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING ACT 1990
EXTENSION-UPGRADE³ TO THE ENFIELD COMBINED CYCLE GAS TURBINE
GENERATING STATION

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for ~~Trade and Industry~~² *Business Energy and Industrial Strategy*³ (the Secretary of State) hereby consents to the ~~extension~~² *upgrade*³ by ~~Enfield Energy Centre Limited~~² *Uniper UK Limited*³ (the Company), on the area outlined red on Figure ~~NO: 2.3~~² *1*³, annexed hereto and duly endorsed on behalf of the Secretary of State, of the Enfield combined cycle gas turbine generating station (the Station) in the London Borough of Enfield by an increase in capacity from about ~~240 MW~~² *360MW up to 450MW*³, and to the operation of the Station as ~~extended~~² *upgraded*³ (the ~~Extended~~² *Upgraded*³ Station).

2. Subject to paragraph 3(1), the ~~Extended~~² *Upgraded*³ Station shall comprise:

- a) one industrial gas turbine with an associated boiler and exhaust stack;
- b) one steam turbine;
- c) ancillary plant and equipment; and
- d) the necessary buildings (including administration offices) 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 a planning permission granted by the London Borough of Enfield*³ or where the written permission of the Secretary of State has been given to any variation in design, construction or operation of the ~~Extended~~² *Upgraded*³ Station, it shall be constructed and operated in accordance with the details contained in the Company's application of 24 April 1996 *and the details of the Company's section 36C application dated 28 May 2020*³.
- (2) ~~The construction~~² ~~of the Extended~~² ~~Station shall be begun before the expiry of five years from the date of this permission 9 June 1999~~², ~~or any longer period as the Secretary of State may hereafter direct.~~
- (2) *Until such time as the Upgraded Station is decommissioned, the Company shall not, without the written consent of the Secretary of State:*
 - a) *dispose of any interest in the designated site; or*
 - b) *do any other thing or allow any other thing to be done or to occur, which may reasonably be expected to diminish the Company's ability, within two*

years of such occurrence, to prepare the designated site for the installation and operation of the capture equipment.

(3) The Company shall submit a written report to the Secretary of State (“the report”):

(a) on or before the date on which four years have passed from the commissioning of the Upgraded Station; and

(b) within one month of the each subsequent fourth anniversary, of that date.

(4) The report shall provide evidence that the Company has complied with condition 3(2) 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 continue to comply with condition 3(2)(b) over the next two years.

(5) The report shall state whether the Company considers that some or all of the technology referred to in the current CCS proposals will not work, and explain the reasons for any such conclusion.

(6) The report shall identify any other impediment of which the Company is aware, as a result of which it considers that any aspect of what is proposed in the current CCS proposals is likely or certain not to be technically feasible.

(7) Any report which identifies such an impediment shall state, with reasons, whether the Company considers it technically feasible to overcome the impediment referred to in condition 3(6) above by adopting revised CCS proposals, and, if so, include such proposals.

(8) 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 3(3)(a) or 3(3)(b) above, as appropriate.

(9) Conditions 3(3) to (8) 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) the Secretary of State’s agreement to do so has been obtained in writing.

(10) The following definitions apply for the purposes of conditions 3(2) to (9) above:

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

(b) "CCS proposal" means a proposal for the capture, transport and storage of the target carbon dioxide, which identifies the proposed technology, transport route and storage location;

(c) "current CCS proposal" means:

(i) the CCS proposal set out in the Feasibility Study and assessed in accordance with the guidance entitled "Carbon Capture Readiness (CCR) A guidance note for Section 36 Electricity Act 1989 consent applications; or

(ii) if a revised CCS proposal has been identified under sub-paragraph (7) above, the proposal which has most recently so identified;

(d) "designated site" means the land identified in the Feasibility Study as the area where the Company proposes to locate the capture equipment;

(e) "Feasibility Study" means the document entitled 'Carbon Capture Readiness Study for Enfield Power Station High Efficiency Upgrade' dated May 2020;

(f) "target carbon dioxide" means as much carbon dioxide emitted by the Upgraded Station when it is operating at full capacity as it is reasonably practicable to capture for the purposes of permanent storage, having regard to the state of the art in carbon capture and storage technology; and

(g) "the report" means the report to be submitted in accordance with condition 3(3) above.³

4. The Secretary of State in exercise of his powers conferred by³ sections³ 90(2) and 90(2ZA)³ of the Town and Country Planning Act 1990 hereby directs that planning permission for the ~~Extended~~² Upgraded³ Station 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 1990¹ 2014³ - Method for rating industrial noise affecting mixed residential and industrial areas;

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

~~"best practicable means" has the same meaning as given in Part III of the Environmental Protection Act 1990 by virtue of section 79(9) of that Act;~~¹

~~"bulk materials" means dry loose aggregates and cement;~~¹

~~"the commencement of the Development" means the date on which the Extended~~² ~~Station shall be taken to be initiated in accordance with section 56 of the Town and Country Planning Act 1990, as amended~~³;

~~"the commissioning of the Development" means the date on which the Development first supplies electricity to the transmission system of the National Grid Company or directly to one of the Company's customers;~~¹

"the Company" means ~~Enfield Energy Centre~~¹ Uniper UK³ Limited and shall include its assigns and successors in title;

"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;

~~"construction site compound" means the area hatched black on Figure 1.3, annexed hereto;~~¹

"the Council" means the London Borough of Enfield and shall include its assigns and successors in title;

~~"creative conservation" means the establishment of areas which are capable of sustaining indigenous species of flora and fauna;~~¹

~~"the Development"~~¹ means the combined cycle gas turbine generating station at Brimsdown in the London Borough of Enfield;

"emergency" means the 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 shall include its assigns and successors in title;¹

*"the Environment Agency" means the Environment Agency and shall include its assigns and successors in title;*³

"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

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

~~"the Rivers Authority" means the Thames Region of the National Rivers Authority and shall include its assigns and successors in title;~~¹

"the Site" means the area of land outlined red on ~~Figure NO: 2.3~~² *I*³, annexed hereto; ~~and~~³

*"Upgrade" means works to the Station to undertake a high efficiency upgrade and an increase in generating capacity; and*³

*"the Upgraded Station" means the combined cycle gas turbine generating station at Brimsdown in the London Borough of Enfield.*³

- (2) The commencement of the ~~Extended~~² Station shall not be later than the expiry of five years from the date of this permission 9 June 1999².

- (iii) ~~The commencement of the Extended Station shall not take place until there has been submitted to and approved in writing and deposited with the Council a scheme which shall indicate:~~
- ~~(1) the siting, design and external appearance of all temporary buildings and structures to be erected and used during the period of the construction of the Extended Station;~~
 - ~~(2) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (1) above;~~
 - ~~(3) details of any additional facilities on the Site for the storage of materials required for the construction of the Extended Station; and~~
 - ~~(4) phasing of works included in the scheme.²~~
- (iv) ~~The commencement of the main Development shall not take place until there has been submitted to and approved in writing by and deposited with the Council a scheme which shall include:~~
- ~~(1) the siting, design, external appearance and dimensions of all buildings and structures which are to be retained following the commissioning of the Extended Station;~~
 - ~~(2) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (1) above;~~
 - ~~(3) details of vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site, distinguishing between permanent and temporary arrangements;~~
 - ~~(4) details of any additional facilities on the Site for the storage of materials required for the operation of the Extended Station;~~
 - ~~(5) details of the areas of the Site which are to be used for the permanent storage of materials and the manner by which such areas will be screened from view;~~
 - ~~(6) details of the ground levels and heights of all permanent buildings and structures together with cross-sections through the Site and adjacent land showing existing and proposed ground levels;~~
 - ~~(7) details of any new access roads and/or junctions with the existing highways required during the construction and operation of the Extended Station; and~~
 - ~~(8) phasing of works included in the scheme.²~~
- (v) ~~The commencement of the main Development shall not take place until there has been submitted to and approved in writing by the Council a programme for the~~

monitoring of noise generated by the operation of the Extended Station. The programme shall specify the measurement locations at the boundary of the Site or any other location as may be approved in writing by the Council 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 measurement location. The programme shall make provision for such noise measurements to be taken by the Company as soon as possible following requests by the Council and such measurements shall be given to the Council as soon as they are available. At such measurement locations noise levels shall not exceed the levels specified in the approved programme, except in an emergency.²

~~(vi) The Extended Station shall be constructed in accordance with the conditions contained in paragraph 4 of the consent dated 9 June 1994 granted for the Station, other than those contained in paragraphs 4(14), 4(15) and 4(27) and provided that~~

~~(aa) the definition of "the Site" in paragraph 4(1) shall be replaced by the definition in paragraph 4(i) of this consent; and~~

~~(bb) all references to the Development in those conditions shall be taken to refer to the Extended Station.²~~

The Site¹

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

Reason: To ensure that no construction takes place beyond the boundary of the site which is the area which is the subject of this planning permission.¹

Time Limits

~~(3) (i) Application for approval in respect of the matters covered by Conditions (7), (9), (11), (15), (22), (26), (43), (57) and (63) shall be made to the Council before the expiry of three years from the date of this permission.¹~~

~~(ii) Application for approval in respect of the matter covered by Condition (36) shall be made to English Nature before the expiry of three years from the date on this permission.¹~~

~~(iii)¹ The commencement of the Extended² Station shall be not later than the expiry of five years from the date of this permission,³ or not later than two years from the date that approval of the matters referred to in (i) and (ii) above are given, or in the case of approval on different dates the date of the last such approval.~~

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990¹.

Traffic Movements

- (4) All heavy commercial vehicles associated with the ~~construction~~¹ implementation of the Upgrade³ and operation of the ~~Development~~ Upgraded³ Station shall be routed via the A10, A105 Bullsmoor Lane and Mollison Avenue unless such movement is associated with an emergency or is with the prior written approval of the Council or is an abnormal load the subject of a special order by the Secretary of State for Transport.
- (5) In any instance where the route(s) referred to in Condition (4) cannot be adhered to because of an emergency the Company shall as soon as possible provide the Council with a written statement detailing the nature of the emergency and why the route(s) could not be observed.
- (6) In any instance where the Company has been granted a special order by the Secretary of State for Transport pursuant to Condition (4) the Company shall, as soon as it receives the special order, provide the Council with a copy.

Reason: To ensure that the movement of heavy commercial vehicles in residential areas close to the ~~Development~~¹-Upgraded³ Station is minimised and that the Council is informed of any such movement in residential areas³.

Lighting

- ~~(7) The commencement of the main Development shall not take place until there has been submitted to and approved in writing by the Council, in consultation with English Nature a scheme for artificial lighting of the Site during the period of the construction of the Development. Such approved scheme shall include a programme for the installation of the artificial lighting. The artificial lighting shall be installed in accordance with the approved scheme, unless otherwise agreed in writing by the Council, in consultation with English Nature.~~¹
- (7) The ~~commissioning of the Development~~ Upgraded³ Station must be operated in accordance with a scheme³ shall not take place until there has been submitted to and¹ approved in writing by the Council, ~~in consultation with English Nature a scheme~~¹ for artificial lighting of the Site during the period of the operation of the ~~Development~~ Upgraded³ Station. Such approved scheme shall include a programme for the installation of the artificial lighting. The artificial lighting shall be installed in accordance with the approved scheme, unless otherwise agreed in writing by the Council, in consultation with English Nature.¹

Reason: To ensure that the Site is properly lit but without causing undue nuisance to birdlife utilising the neighbouring Sites of Special Scientific Interest.

Suppression of Dust and Dirt¹

~~(9) — The commencement of the Development shall not take place until there has been submitted to and approved in writing by the 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 Council and shall be maintained throughout the period of the construction of the Development.~~¹

~~(10) — All heavy commercial vehicles and any other vehicle which has an operating weight exceeding three tonnes associated with the construction of the Development, shall on each occasion prior to leaving the Site pass through the wheel cleansing facilities provided pursuant to Condition (9).~~¹

~~(11) — The commencement of the Development shall not take place until there has been submitted to and approved in writing by the 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 Council.~~¹

~~(12) — All heavy commercial vehicles carrying bulk materials into and out of the Site shall be covered so as to prevent exposure of such materials to the air.~~¹

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

~~(13) — No work shall take place on the Site until the construction site compound has been laid out with a heavy commercial vehicle parking area and an area for the storage of materials to the satisfaction of the Council.~~¹

~~(17) — The commissioning of the Development shall not take place until there has been submitted to and approved in writing by the 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 approved in the scheme shall be employed throughout the period of removal unless any variation has been approved in writing by the Council.~~¹

~~(18) — Notwithstanding the terms of Condition (17) the Company shall, subject to the prior written approval of the Council, be permitted to retain those buildings which may be required for future use by the Company. ¹~~

- (8) The permanent³ car parking areas ~~which are to be retained on a permanent basis pursuant to Condition 15(iii)~~¹ shall be for the sole use of the Company's staff and visitors unless otherwise approved in writing by the Council.
- (9) All permanent roads and/or junctions provided in accordance with details approved by the Council³ ~~pursuant to Condition (14)(iii) and/or Condition (15)(iii)~~ shall be surfaced to a specification to be approved in writing by the Council and shall be constructed prior to the commissioning of the Development. Such approved roads and/or junctions¹ shall be maintained to the satisfaction of the Council for the duration of the operation of the ~~Development~~Upgraded³ Station.

Reason: To enable the Council to exercise reasonable and proper control over the design and appearance of the ~~Development~~Upgraded³ Station and access to it.

Construction Noise and Vibration¹

~~(21) — The commencement of the Development shall not take place until there has been submitted to and approved in writing by the Council a scheme for impact piling, or other means of piling, including methods and duration. The approved scheme shall be adhered to during the period of construction of the Development. ¹~~

~~(22) — No piling approved under the scheme referred to in Condition (21) 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 hours
Saturday 0800—1300 hours
unless associated with an emergency or with the prior written approval of the Council. ¹~~

~~(23) — Notwithstanding the terms of Condition (22) all impact piling shall only take place during the months February to June inclusive. ¹~~

~~(24) — In any instance where a time limitation referred to in Condition (22) is exceeded because of an emergency the Company shall as soon as reasonably possible provide the Council with a written statement detailing the nature of the emergency and the reason why the time limitation 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 effects of the emergency of the reasons for the emergency and the expected duration. ¹~~

~~(25) — The commencement of the Development shall not take place until there has been submitted to and approved in writing by the Council a programme for the monitoring of noise and vibration generated during the construction of the Development. The programme shall specify the measurement locations from which noise and vibration will be monitored, the method of noise and vibration measurement and the maximum permissible levels of noise at each such monitoring location. The programme shall make provision for such noise and vibration measurements to be taken as soon as possible following requests by the Council and such measurements shall be given to the Council as soon as they are available. At such measurement locations, noise levels during construction operations shall not exceed the levels specified in the approved programme, except in an emergency. ¹~~

~~(26) — In any instance where a noise level approved pursuant to Condition (25) is exceeded because of an emergency the Company shall as soon as reasonably possible provide the Council 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 effects of the emergency of the reasons for the emergency and the expected duration. ¹~~

~~Reason: To ensure proper control of noise during the construction of the Development and that there are mechanisms to ensure that impact piling does not adversely affect the breeding of the overwintering bird population. ¹~~

Operational Noise

- (10) ~~Notwithstanding any noise measurement and noise measurement location approved by the Council pursuant to Condition (27) the ¹ The³ noise generated by the operation of the Development Upgraded³ Station shall not cause the existing ambient noise levels to be exceeded by more than 3 dBA when measured in accordance with BS 4142 at the nearest existing residential properties. The noise shall exhibit no tonal content at the nearest existing residential properties in any weather conditions. The above noise level limitation shall be adhered to at all times unless otherwise approved in writing by the Council or in an emergency.~~
- (11) ~~In any instance where a noise level approved pursuant to Condition (27) or ¹ the noise limitation referred to in Condition (28 ¹ 10³) is exceeded because of an emergency the Company shall as soon as reasonably possible provide the Council with a written statement detailing the nature of the emergency and the reason why the noise level and/or limitation 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 effects of the emergency of the reasons for the emergency and the expected duration.~~

- (12) Except in an emergency, the Company shall give at least 2 working days prior notice in writing to the Council and ~~English Nature~~¹ the Environment Agency³ of any proposed operation of emergency pressure valves or similar equipment and steam purging. Such operation, as far as reasonably practicable, shall take place between the hours of 09.00 and 17.00 and shall not be carried out on any Saturday, Sunday or Bank Holiday.
- (13) In any instance where steam purging is to take place the Company shall give 2 working days prior written notice to local residents affected by the noise of such purging.

Reason: To ensure the proper control of noise during the operation of the ~~Development~~³ Upgraded Station and to give advance warning of the timing of exceptionally noisy events.

Noise Complaints Procedure

- (14) In any instance where a local resident has cause to make a complaint about noise during the ~~construction~~¹ implementation of the Upgrade³ and/or operation of the ~~Development~~³ Upgraded Station 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 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 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~~³ Upgraded Station on local residents.

Landscaping

~~(33) — The commencement of the main Development shall not take place until a scheme of landscaping and creative conservation has been submitted to and approved in writing by the Council, in consultation with English Nature.~~¹

~~(34) — The scheme referred to in Condition (33) 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 means of integrating the surrounding landscape and shall include details of the following matters:~~

- ~~(i) — planting;~~
- ~~(ii) — the management of existing and new planted areas;~~
- ~~(iii) — restoration of areas affected by construction works;~~
- ~~(iv) — the grass seed mix for areas of the Site to be restored to grassland;~~

- (v) — the height, type, size and species of the shrubs and trees to be planted;
- (vi) — the measures to be taken to create new flora and fauna habitats and of the management of such new habitats;
- (vii) — the construction of mounding, including the heights and contours; and
- (viii) — the phasing of works included in the scheme.¹

(35) — The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works specified in Condition (34)(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 (33). 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 Council, in consultation with English Nature.¹

Reason: To ensure proper landscaping for the Development.¹

Mitigation Measures¹

(36) — The commencement of the Development shall not take place until there has been submitted to and approved in writing by English Nature a scheme for monitoring the effects caused by the construction of the Development on wildfowl which frequent the Lea Valley Special Protection Area.¹

(37) — The scheme approved pursuant to Condition (36) shall include the following:

- (i) — a monitoring programme to record the impact of the construction and operation of the Development on the behaviour of wildfowl;
- (ii) — the submission of a report of the above monitoring report to English Nature at monthly intervals during the construction of the Development and annual intervals during the operation of the Development, unless such intervals are changed with the written agreement of English Nature;
- (iii) — mitigation measures and a programme for implementing them.¹

(38) — The monitoring programme referred to in Condition (37)(i) shall provide for it to be undertaken throughout the period of the Construction of the Development and for two years from the commissioning of the Development, unless otherwise approved in writing by English Nature.¹

(39) — The Company shall nominate a representative to be approved in writing by English Nature as an Environment Officer who shall be empowered to cause any work to be halted if he or she is of the opinion that such work would cause irreversible damage to the wildfowl and/or the Lea Valley Special Protection Area.¹

(40) — Any work caused to be halted pursuant to Condition (39) shall only be resumed in a manner acceptable to the person nominated pursuant to Condition (39) and with the written approval of English Nature.

Reason: To provide mitigation measures to compensate against any adverse effects the Development may have of the proposed Lea Valley Special Protection Area. ¹

Prevention of Contamination of Watercourses

(41) — No work associated with the Development shall take place in a strip of land 8 metres from the top of the bank of the River Lea Navigation or any other designated main river watercourse. The ground levels in this area must not be raised and this area must be kept clear of all buildings, structures, fencing and trees unless otherwise approved in writing by the Rivers Authority. ¹

(42) — The commencement of the Development shall not take place until there has been submitted to and approved in writing by the Council and the Rivers Authority a scheme showing the method and working of drainage facilities on the Site. Such facilities shall be put in place in accordance with the approved scheme. ¹

(43) — The scheme referred to in Condition (42) shall include:

(i) — 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;

(ii) — 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;

(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. ¹

(44) — The commencement of the Development shall not take place until the Company has been granted an appropriate approval under the terms of the Water Resources Act 1991 from the Rivers Authority for the discharge of water or any other matter resulting from construction works and excavations on the Site to any watercourse. ¹

(15) Any surface water contaminated by hydrocarbons which are used during the construction or¹ operation of the Development Upgraded³ Station shall be passed through oil/grit interceptor(s) prior to being discharged to any on-Site foul drainage system or public sewer or watercourse or to

any other surface water disposal system approved by the ~~Rivers Authority~~¹ Environment Agency³.

(16) 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.

(17) All containers in the bunded area referred to in Condition ~~(46)~~¹ 16³ 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 bund.

~~(48) — Such facilities required to Condition (46) shall be built prior to the commissioning of the Development.~~¹

(18) In the event of becoming aware of any spillage or unscheduled release of chemicals or hydrocarbons on the Site which results in the discharge of such chemicals or hydrocarbons into the River Lea Navigation the Company shall notify the Council, ~~English Nature~~¹ and the ~~Rivers Authority~~¹ Environment Agency³ immediately after any such spillage or release.

(19) ~~Prior to the commissioning of the Development the Company shall agree~~¹ The Upgraded Station must be operated in accordance with details agreed³ with the Council, ~~English Nature~~¹ and the ~~Rivers Authority~~¹ Environment Agency relating to³ emergency planning arrangements to deal with any spillage of distillate oil which is for use in the operation of the ~~Development~~ Upgraded³ Station in the River Lea Navigation.

Reason: To ensure proper drainage of the Site; that proper containment facilities are built and to cope with any accidental discharge of contaminates.

Atmospheric Emissions

(20) All data relating to emissions into the air from the ~~Development~~ Upgraded³ Station which are required to be³ supplied by the Company to the ~~enforcing authority~~¹ Environment Agency³ pursuant to¹ under³ the terms of the environmental permit for the Upgraded Station granted under The Environmental Permitting (England and Wales) Regulations 2016³ ~~Environmental Protection Act 1990 or any other relevant legislation, for publication on the public register,~~¹ shall also³ be supplied by the Company, as soon as possible after the data become available,¹ to the Council and ~~English Nature~~¹ except where either party¹ the Council³ has informed the Company in writing that it does not wish the Company to supply all or part of such data to it.

Reason: To ensure that the Council and English Nature are¹ is³ given access to information required for the exercise of their¹ its³ functions.

Fuel

- (21) All natural gas for use in the operation of the ~~Development~~ Upgraded³ Station shall be conveyed to the Site only by pipeline.
- (22) The period in which distillate oil can be used as a standby fuel in the operation of the ~~Development~~ Upgraded³ Station because of an interruption of the gas supply shall not exceed 480 hours in any given contract year.
- (23) The Company shall make every reasonable effort to ensure that any distillate oil for use in the operation of the ~~Development~~ Upgraded³ Station is free from contamination.
- (24) Notwithstanding the efforts made by the Company pursuant to Condition (23)³ no distillate oil shall be used in the operation of the ~~Development~~ Upgraded³ Station ~~in the period up to and including 1 October 1999 which has a sulphur content greater than 0.2% by weight and thereafter¹ which has a sulphur content greater than 0.1% by weight.~~
- (25) By the end of the business day of the ~~Development~~ Upgraded³ Station following any day on which distillate oil is burnt in the operation of the ~~Development~~ Upgraded³ Station (except routine testing not exceeding 60 minutes in any day) the Company shall notify the Council and English Nature¹ the Environment Agency³ in writing of such burning except where either party has informed the Company in writing that it does not wish the Company to supply all or part of such data to it³. Any such notification shall include details of the period of time and rate of consumption of such burning and the quantity and sulphur content of the distillate oil burnt.

Reason: To limit the periods when distillate oil can be used as a standby fuel and to reduce emissions of sulphur dioxide gas.

Contaminated Waste¹

~~(57) — The commencement of the Development shall not take place until there has been submitted to and approved in writing by the Council and the Rivers Authority a scheme for the treatment of any contaminated material found on the Site.¹~~

~~(58) — Contaminated material arising from the construction of the Development shall be treated on the Site in accordance with the scheme approved pursuant to Condition (59) or shall be disposed of to licensed disposal facilities. Prior to the removal of any contaminated waste from the Site the Company shall supply documentary evidence to the Council~~

~~of the statutory consents and licences relating to such disposal facilities which the Company has obtained.~~¹

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

Local Liaison Committee¹

~~(59) — Prior to the commencement of the Development the Company shall, at the Company's expense, establish a local liaison committee made up of representatives of the Company and representatives of the main contractors for the Development. The Company shall also invite the Council, English Nature and relevant local interest groups to nominate representatives to join the local liaison committee. The Company shall provide a full secretariat service and supply an appropriate venue in the local area.~~¹

~~(60) — Once the committee referred to in Condition (59) has been established its constituent members shall nominate a person to Chair the committee. The nominated Chairperson shall be responsible for determining when to hold meetings.~~¹

~~(61) — The committee referred to in Condition (59) shall provide a forum in which consultation can take place to consider the effects and problems the Development will have on the local area both during construction and operation. The committee shall meet on a regular basis and at least once every quarter.~~¹

~~(62) — The Environmental Officer nominated pursuant to Condition (39) shall act as a point of contact for those members of the committee referred to in Condition (59) and for all matters associated with the construction and operation of the Development.~~¹

~~Reason: To keep interested parties informed of how the Development is progressing.~~¹

Archaeology¹

~~(63) — The commencement of the Development shall not take place until there has been submitted to and approved in writing by the Council a scheme for the archaeological assessment of boreholes and test pits dug during preliminary geotechnical investigations of the Site. The scheme shall include the method and extent of monitoring, allow where appropriate for an archaeologist to be in attendance to observe and record test pits when they are dug, and the procedure to be followed in the event of the assessment indicating that there may be an archaeological find on the Site.~~¹

~~(64) — Should the assessment carried out pursuant to Condition (63) result in there being areas of archaeological potential on the Site then~~

~~such areas identified shall have a full archaeological field evaluation made of them and a report presented to the Council.~~¹

~~(65) — If the assessment referred to in Condition (63) or the field evaluation referred to in Condition (64) results in archaeological findings of national importance or importance to the locale if indicated by the Council, then such finds shall be excavated in accordance with a scheme to be submitted to and approved in writing by the Council.~~¹

~~(66) — The scheme approved pursuant to Condition (65) 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.~~¹

~~(67) — The 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 agreed pursuant to Condition (66)(iii), unless any variation has been approved in writing by the Council.~~¹

~~Reason: To allow the surveying of the Site for archaeological artefacts and the recovery of any archaeological discovery before construction of the Development begins.~~¹

Cessation of Works and Restoration of the Site

- (26) Within three years 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 Council, unless by the expiry of that period a planning application for an alternative use for the Site has been obtained or sought or otherwise approved in writing by the Council. Such restoration work shall be undertaken in accordance with a detailed scheme submitted to and approved in writing by the Council.

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

- (27) On or within four years of the date following the commissioning of the Upgraded Station, the Company shall review the feasibility of Combined Heat and Power (CHP), assessing potential commercial opportunities for the use of heat from the Upgraded Station and submit a report to the Council. The report shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the Upgraded Station as part of a Good Quality CHP

scheme (as defined in the CHPQA Standard issue 7, or any subsequent edition), and for the provision of subsequent reviews of such commercial opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to, approved in writing by, and deposited with the Council. Any plant and pipework installed to the boundary of the Site to enable the use of heat shall be installed in accordance with the agreed details.

Reason: To ensure that waste heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.³

- (28) No works in connection with the Upgrade that will result in the disturbance of birds overwintering in the Chingford Reservoirs Site of Special Scientific Interest shall take place during the months of October to March inclusive.³

Reason: To ensure that overwintering birdlife utilising the neighbouring Site of Special Scientific Interests are not disturbed.