

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

MEMORANDUM TO S.36 CONSENT AND S.90(2ZA) DIRECTION VARIATIONS

13 June 2022

Variation of the Section 36 Consent

The heading is varied to refer to the Department for Business, Energy and Industrial Strategy, a successor body to the Department for Trade and Industry.

Paragraph 1 is varied to refer to the Department for Business, Energy and Industrial Strategy, a successor body to the Department for Trade and Industry.

Paragraph 2 is varied to specify an increase in the maximum generating capacity of the Spalding Energy Project (“the Development”) “from about 800MW” to “up to 950MW”.

Paragraph 3(1) is varied to refer to the date of the Variation Application.

Paragraph 3(2) is deleted as the condition has already been satisfied.

Paragraphs 3(3) – 3(7) are inserted by the Secretary of State to require the developer to produce a Report for the Secretary of State every four years on the feasibility of installing carbon capture readiness infrastructure as part of the Development.

Variation of the Section 90 Direction

The ‘Definitions’ are varied as follows: “BS 4142”; “best practicable means”; “bulk materials”; “the commencement of the Development”; “the commissioning of the Development”; “contract year”; “the County Council”; “creative conservation”; “English Nature”; “heavy commercial vehicle”; “the main Development”; and, “operating weight” have been removed as they are no longer relevant.

The ‘Definitions’ are varied by the addition of a reference to “Environmental Statement” to define the Environmental Statement for the Development.

The ‘Definitions’ are varied by the amendment of the definition from “new access facility” to “site access facilities”, and amendment of the associated description to reflect that the site access facilities, comprising Gate A (operational non-HGV traffic), Gate B (operational HGV traffic) and Gate C (outage all traffic), have been constructed.

‘The Site’, Condition 2 is varied by amending the word ‘construction’ to ‘operation’ to reflect that the site is now operational and to apply the condition to that operational phase.

'Time Limits', Condition 3 is deleted as the condition has already been satisfied.

'Site Access Facilities', Condition 4 is deleted as it relates to the construction of the Development which is complete.

'Site Access Facilities', Condition 5 is varied by amending the reference from "new access facility" to "site access facilities"; by deleting the part of the condition that relates to the construction phase of the development as this is complete; and by amending the condition to require that all traffic associated with the operation of the Development uses the existing site access facilities.

'Suppression of Dust and Dirt', Conditions 6 – 11 are deleted as they relate to the construction phase of the Development which is complete.

'Layout and Design', conditions 12 – 16 are deleted as they relate to the construction phase of the Development which is complete.

'Layout and Design', condition 17 is varied to remove references to construction which is complete and to refer to the details approved by the District Council and by reference to further changes which may be approved by the District Council.

'Construction', Conditions 18 – 22 are deleted as they relate to the construction phase of the Development which is complete.

'Construction Noise and Vibration', Conditions 23 – 24 are deleted as they are no longer relevant.

'Operational Noise', Condition 25 is removed as it is no longer required given that commissioning has taken place.

'Operational Noise', Conditions 26 – 27 are removed because they are no longer required.

'Noise Complaints Procedure', Condition 29 is varied to clarify that the requirement for the Company to provide a nominated representative to be the point of contact for local residents and occupiers of neighbouring industrial premises and responsible for dealing with noise complaints applies throughout the duration of the operation of the Development; and by deletion of the reference to the "construction" of the Development.

'Landscaping', Conditions 30 – 32 are deleted as they have been satisfied and are, therefore, no longer relevant.

'Prevention of Contamination of Water Courses', Condition 33 is deleted as it is no longer relevant and a replacement condition is inserted to require that ongoing maintenance of the drainage facilities on the Site is undertaken in accordance with the details approved by the District Council.

'Prevention of Contamination of Water Courses', Condition 34 is deleted as it is no longer relevant.

'Prevention of Contamination of Water Courses', Condition 35 is varied by deleting the reference to the construction of the Development as this is no longer relevant.

'Prevention of Contamination of Water Courses', Condition 36 is varied by deleting the reference to the construction of the Development as this is no longer relevant.

'Prevention of Contamination of Water Courses', Condition 38 is deleted as it is no longer relevant.

'Air Pollution Monitoring', Conditions 39 – 40 are deleted as they are no longer relevant, the time-limited air quality monitoring having been completed as required.

'Contaminated Waste', Conditions 42 – 43 are deleted as they relate to the construction of the Development and are no longer relevant.

'Footpaths', Condition 44 is deleted as it relates to the construction of the Development and is no longer relevant.

'Cessation of Works and Restoration of the Site', Condition 45 is varied to allow further changes which may be agreed by the District Council.

'Default of Agreement', Condition 46 is varied by deleting reference to “and/or County Council” and the amendment of “Department of Trade and Industry” to “Department for Business, Energy and Industrial Strategy”. The changes reflect the fact that no matters remain to be agreed in writing with the County Council under any of the foregoing Conditions and to reflect the current name of the Department.

'Combined Heat and Power', Condition 47 has been inserted by the Secretary of State to ensure the ongoing monitoring and reporting on the potential for combined heat and power and, where viable, opportunities for a combined heat and power scheme are identified, the development is ‘CHP ready’. The inclusion of such a condition is standard practice.

'Further Immaterial Changes to the Conditions by the District Council', Condition 48 is a new condition to require that, where a condition provides for the District Council to agree variations, the scope of any such variation will be limited to immaterial changes and where the effects on the environment are not materially new or materially different from those assessed in the Environmental Statement.