

DEED OF CONSENT DATED 26 MAY 1993
DEED OF CONSENT DATED 2 MAY 1995
VARIED BY SECTION 36C CONSENT DATED 23 JUNE 2022

DEPARTMENT FOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

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 GENERATING STATION IN STAYTHORPE, NEWARK,
NOTTINGHAMSHIRE

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 generating station in Staythorpe, Newark, Nottinghamshire, in accordance with the variations shown by way of underlined text (for additions) and strikethrough text (for deletions) in the Annex.

23 June 2022

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

Annex - Variation of Section 36 Consent

DEPARTMENT OF ~~TRADE AND INDUSTRY~~BUSINESS, ENERGY AND INDUSTRIAL
STRATEGY

ELECTRICITY ACT 1989

TOWN AND COUNTRY PLANNING ACT 1990

NATIONAL POWER PLC RWE GENERATION UK PLC

CONSTRUCTION AND OPERATION OF STAYTHORPE "C" GENERATING
STATION

1. In pursuance of section 36 of the Electricity Act 1989 the Secretary of State for Business, Energy & Industrial Strategy ~~Trade and Industry~~ (the Secretary of State) has consented~~s~~ to the construction by National Power plc ~~(the Company)~~, on the area outlined in~~hatched~~ red on Drawing No. NP/0035 UKP/STC/0107/C, annexed hereto and duly endorsed on behalf of the Secretary of State, of a combined cycle gas turbine generating station at Staythorpe ~~in the County of Nottinghamshire, to be~~ known as Staythorpe "C" and hereby consents to the continued operation of that generating station by RWE Generation UK Plc ('the Company') its successors in title and assigns ('the Development'), and to the operation of that generating station.

2. (1) The Development shall~~comprised~~:

- (a) Four to six gas turbines and heat recovery steam generators ~~with a total output of about 1,500MW;~~
- (b) Four~~Two~~ steam turbines
- (c) Two exhaust stacks, each serving two or three gas turbines
- (d) Four banks of mechanical draught cooling towers;
- (e) Distillate oil storage facilities
- (f) Gas receiving facilities
- (g) Ancillary plant and equipment
- (h) The necessary buildings (including administration offices) and civil engineering works; and
- (i) A 400kV connection compound.

(2) The Development may operate at a capacity of up to 1850MW.

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

- (1) Except where the prior written agreement of the Secretary of State has been given to any variation in design, construction or operation of the Development,

the Development shall not be constructed or operated otherwise than in accordance with the technical and other details contained in the Company's application of 16 October 1990, as amended by the Company's Statement of Case of December 1991 (Doc.05) and as further amended by the details contained in the Company's application for a Section 36C variation application of 24.06.2021.

~~—(2) Except where the written agreement of the Secretary of State has otherwise been given the construction of the Development shall be begun before the expiry of five years from the date of this consent.~~

(2) Until such time as the Development 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) Except for use as a temporary laydown or works area for purposes related to the maintenance or operation of the Development, or for other works uses or projects of a temporary nature, do any other thing or allow any other thing to be done or to occur, which may reasonably be expected to materially 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) Unless otherwise authorised in writing by the Secretary of State following a review of a report submitted in accordance with sub-paragraph (4) below, a "designated site" means the land outlined in green on drawing number 60648701-CCS-01 attached hereto where capture equipment may be located.

(4) The Company shall submit a written report to the Secretary of State within one month of the second anniversary, and each subsequent even-numbered anniversary, of the date of this consent.

(5) The report shall provide information on how the Company has complied with sub-paragraphs 2(a) and (b) 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 sub-paragraphs 2(a) and (b) over the next two years.
- (6) 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.
- (7) 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.
- (8) Reports which identify such an impediment shall state, with reasons, whether the Company considers it technically feasible to overcome the impediment referred to in sub-paragraph (7) above by adopting revised CCS proposals, and, if so, include such proposals.
- (9) 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 sub-paragraph 4 above, as appropriate.
- (10) Sub-paragraphs (4) to (9) 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.
- (11) The following definitions apply for the purposes of sub-paragraphs (2) to (10) 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 capture technology, transport route and storage location;
- (c) "current CCS proposal" means:
(i) the CCS proposal set out in the Feasibility Study and assessed as technically feasible by the Secretary of State in accordance with the guidance entitled "Carbon Capture Readiness (CCR) - A guidance note for section 36 Electricity Act 1980 consent applications" or any equivalent replacement thereof; or
(ii) if a revised CCS proposal has been identified under sub-paragraph 8 above, the proposal which has been most recently so identified;
- (d) "Feasibility Study" means the document entitled Carbon Capture Readiness (CCR) Assessment Staythorpe Power Station (Document reference 60648701-RP-002) and dated 20 May 2021;
- (e) "target carbon dioxide" means as much of the carbon dioxide emitted by the Development 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.

4. The Secretary of State in exercise of the powers conferred by section 90 (2) and 90 (2ZA) of the Town and Country Planning Act 1990 ('the 1990 Act') hereby directs that planning permission for the Development be deemed to be granted subject to the following conditions:

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

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

~~"best practicable means" shall have the same meaning as in section 79(9) of the Environmental Protection Act 1990;~~

~~"the Board" means the Midland Region of the British Rail Property Board and shall include its successors in title and assigns;~~

"Network Rail" means Network Rail and its successors in title and assigns;

~~"the commencement of the Development" means the date on which the Development shall be taken to be begun within the meaning of section 56 of the Town and Country Planning Act 1990;~~

~~"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 direct to one of the Company's customers;~~

"the Company" means RWE Generation UK Plc, company number 03892782 National Power plc and shall include its successors in title and assigns:

~~"Contractors" Working Areas" means the areas within the Site which are occupied and managed by the Company's contractors during the construction of the Development, including areas where the main buildings are being constructed, and any land used during the construction of the Development for office accommodation, storage and the loading, unloading, manoeuvring and parking of vehicles associated with construction;~~

"the County Council" means the Nottinghamshire County Council and shall include its successors in title and assigns;

"the Development" means the combined cycle gas turbine generating station at Staythorpe in the County of Nottinghamshire ~~to be~~ known as Staythorpe C;

"the District Council" means the Newark and Sherwood District Council and shall include its successors in title and assigns;

"emergency" in the context of Conditions (4), (5) and (6) ~~(19), (5) and (6), (20), (22), (26) and (65)~~ means the circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property or of serious pollution to the environment; and in the context of Conditions (837) and (9) means circumstances in which the use of normal unloading or transport facilities for distillate oil is prevented

for a prolonged period by major mechanical or electrical breakdowns, blockages of railway routes or industrial action;

~~"HGV traffic" means heavy commercial vehicles as defined by section 138 of the Road Traffic Regulation Act 1984;~~

~~"the main Development" means the delivery of bulk filling material to raise the level of the Site and construction work commencing with the placing of the first concrete for the main plant foundations of the Development;~~

~~"new access facilities" means the improvement of the junction between the existing power station access road and Staythorpe Road, including segregation of the Site entrance and exit;~~

~~"Permitted Preliminary Works" means:~~

- ~~(i) Construction within the Site of the new "B" station access road, and related alterations to existing on-Site roads, generally as shown on Plan D attached;~~
- ~~(ii) improvements to the junction of the power station access road with Staythorpe Road pursuant to Condition (5) (iii);~~
- ~~(iii) provision of wheel washing facilities pursuant to Condition (6);~~
- ~~(iv) landscaping works, provided these do not require the delivery of bulk filling materials to the Site;~~
- ~~(v) installation and diversion of utility services within the Site;~~
- ~~(vi) surveys and geotechnical investigation works;~~
- ~~(vii) erection of boundary and security fences; and~~
- ~~(viii) provision of temporary contractor's facilities within the Site as necessary for (i) - (viii) above or for the construction of off-site highway works pursuant to the provisions of Condition (5) (i) and (ii),;~~

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

~~"the Site" means the areas outlined in hatched red on Drawing Number UKP/STC/0107/C, annexed hereto NP/0035;~~

~~"substantially completed" means complete, save in minor respects, so that the relevant works can be used for the purpose and operate in the manner for which they were designed, and certified as such by the Director of Planning and Transportation of the County Council; and~~

~~"Washlands" means the areas of the Site shown edged blue on Drawing Number NP/0035.~~

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

~~Reason: To ensure that no works take place beyond the boundary of the Site.~~

Time Limits

~~(3) The commencement of the Development shall be not later than whichever is the later of the following dates:~~

~~(ix) before the expiry of five years from the date of this permission; or~~

~~(x) before the expiry of two years from the final approval of the last matter to be approved by the District Council.~~

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

Capacity

~~(2) The Development may operate at a capacity of up to 1850MW.~~

New Access Facilities

~~(4) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the County Council a scheme for the construction of new access facilities to the Site. The~~

~~scheme shall indicate the layout, design and programme for the construction of the new access facilities.~~

~~(5) Except for the Permitted Preliminary Works, the Development shall not commence until:—~~

~~(i) A by-pass route for the village of Averham, linking Staythorpe Road and the A617 has been substantially completed;~~

~~(ii) Staythorpe Road, between the point where it meets the southern end of the by-pass route referred to in (i) above and the new access facilities, has been upgraded in accordance with a scheme previously approved by the County Council; and~~

~~(iii) The new access facilities have been provided in accordance with the requirements of Condition (4) unless otherwise approved in writing by the County Council.~~

~~Reason: To secure safe access for road and pedestrian traffic onto and out of the Site.~~

Suppression of Dust and Dirt

~~(6) No work associated with the Development shall take place until there has been submitted to and approved in writing by the District Council, following consultation with the County Council, a scheme for the provision of wheel cleansing facilities for HGV traffic and any other traffic which has an operating weight exceeding three tonnes. Such approved facilities shall be put in place prior to the commencement of the main Development.~~

~~(7) The Company shall make provision of a concrete or bituminous macadam road on the Site between the wheel cleansing facilities provided pursuant to Condition (6) and the public highway.~~

~~(8) All HGV traffic and any other traffic which has an operating weight exceeding three tonnes leaving the Site shall on each occasion, prior to leaving, pass through the wheel cleansing facilities provided pursuant to Condition (6).~~

~~(9) The Company shall as soon as reasonably practicable sweep or otherwise clear away any mud or similar matter~~

~~which may be carried on to the public highway by vehicles leaving the Site during the period of the construction of the Development.~~

- ~~(10) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the District Council, following consultation with the County Highway Authority, a scheme employing the best practicable means for the suppression of dust, including dust arising from construction traffic, during the period of the construction of the Development. The measures approved in the scheme shall be employed throughout the period of construction unless any variation has been approved in writing by the District Council's Environmental Health Officer.~~

~~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

- ~~(11) The Development shall be constructed in accordance with drawings to be deposited with, and approved in writing by the District Council.~~

- ~~(12) The commencement of the Development shall not take place until there have been submitted to and approved in writing by the District Council:~~

- ~~(i) Drawing showing boundaries of Contractor's Working Areas; and~~
- ~~(ii) Drawings showing cross-sections through the Site indicating existing and proposed site levels;~~

- ~~(13) The commencement of the main Development shall not take place until there has been submitted to and approved in writing by the District Council a scheme which shall indicate:~~

- ~~(i) The siting, design, external appearance and dimensions of all permanent buildings and structures which are to be retained following the commissioning of the Development;~~
- ~~(ii) Details of colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;~~
- ~~(iii) Details of new and altered permanent roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site; and~~

~~(iv) Phasing of works included in the scheme.~~

~~(14) The Development shall proceed only in accordance with the drawings and scheme referred to in Conditions (12) and (13) subject to any variation as may be approved with the District Council.~~

Parking Facilities

~~(15)~~ (3) Sufficient facilities shall be provided within the Site at all times for the parking, loading, unloading and manoeuvring of all cars, lorries and other vehicles associated with the ~~construction and~~ operation of the Development.

Reason: To enable reasonable and proper control to be exercised over aspects of the details of the Development.

Construction Works and Noise

~~(16) All areas of contractors plant storage, working areas, temporary site roads and vehicle parking and ancillary buildings (including office accommodation) shall be confined to the Contractors' Working Areas defined pursuant to Condition (12)(i).~~

~~(17) The commissioning of the Development shall not take place until there has been submitted to and approved in writing by the District Council a scheme for the removal from the Site 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 phasing of the 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 District Council.~~

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

~~(19) No HGV traffic, plant, machinery or earthmoving equipment associated with the construction of the Development shall enter or leave the Site on any Sunday or Bank Holiday nor on any other day except between the following times;~~

~~Monday to Friday 0700-2100 hours~~
~~Saturday 0700-2100 hours~~

~~Unless one of the following exceptions is applicable:~~

- ~~(i) The movement is an abnormal load movement the subject of a special order by the Secretary of State for Transport;~~
- ~~Or~~
- ~~(ii) The movement is associated with an emergency on the Site; or~~
- ~~(iii) The movement is with the prior written approval of the County Council.~~

- ~~(20) No impact pile driving in connection with the construction of the Development shall take place on the Site on any Saturday, Sunday or Bank Holiday nor on any other day except between the following times:~~

~~Monday to Friday 0700-1800 hours~~

~~Unless associated with an emergency or with the prior written approval of the District Council.~~

- ~~(21) In any instance where a time limit referred to in Conditions (19) and (20) is exceeded because of an emergency the Company shall within two working days of the occurrence provide a written statement, detailing the nature of the emergency and the reason why the time limit could not be observed, to the County Council (with reference to Condition (19)) or the District Council (with reference to Condition (20)) as appropriate.~~

- ~~(22) The noise generated during the construction of the Development, when measured 1.2 metres above the ground and not less than 4 metres from the façade of the old people's home in Church Lane, Averham, Ordnance Survey grid reference SK 767 543, shall not in neutral weather conditions exceed the following levels:~~

~~Monday to Friday~~

0700-1900	$L_{10} = 60$ dB (A); $L_{01} = 70$ dB (A)
1900-2200	$L_{10} = 55$ dB (A); $L_{01} = 60$ dB (A)
2200-0700	$L_{10} = 40$ dB (A); $L_{01} = 45$ dB (A)

~~Saturdays~~

0700-1900	$L_{10} = 60$ dB (A); $L_{01} = 70$ dB (A)
1900-2200	$L_{10} = 40$ dB (A); $L_{01} = 45$ dB (A)

~~Sundays and Bank Holidays~~

~~0700-0700 $L_{10} = 40$ dB (A); $L_{01} = 45$ dB (A)~~

~~Except in an emergency or with the prior written approval of the District Council.~~

- ~~(23) In any instance where a noise level referred to in Condition (22) is exceeded because of an emergency the Company shall within two working days of the occurrence provide the District Council with a written statement detailing the nature of the emergency and the reason why the noise level concerned could not be observed.~~
- ~~(24) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the District Council a programme for noise surveys during the construction of the Development. The programme shall specify the method of noise measurement and shall make provision for noise measurements to be taken by the Company as soon as possible following requests by the District Council. Such measurements shall be given to the District Council as soon as they are available.~~
- ~~(25) All mechanical and electrical plant and equipment, including contractors' mobile plant, used during the construction of the Development shall be fitted with the best practicable means of noise attenuation.~~

~~Reason: To enable reasonable and proper control to be exercised over aspects of the details of the construction of the Development.~~

Noise during operation

- (4) The Leq (1 hour) noise level emitted by the normal commercial operation of the Development shall not exceed 38 dB (A), when measured generally in accordance with BS4142: 1997 at the façade of the Old People's Home in Church Lane, Averham (SK763543). Such noise shall exhibit no tonal or impulsive content at the property in all weather conditions.
- ~~(26) The commissioning of the Development shall not take place until there has been submitted to and approved in writing by the District Council a programme for the monitoring of noise generated by the operation of the Development. The programme shall provide for noise to be measured 1.2 metres above the ground and not less than 4 metres from the facade of the old people's home~~

- ~~(30) 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 District Council.~~
- ~~(31) The scheme referred to in Condition (30) shall include the features generally identified on Plan H, annexed hereto, subject to the requirements of the Rivers Authority, the Newark Area Internal Drainage Board and overhead line clearances.~~
- ~~(32) The works referred to in sub-clause (iv) of the definition of Permitted Preliminary Works shall not take place until a scheme of landscaping and creative conservation relating to the Permitted Preliminary Works has been submitted to and approved in writing by the District Council.~~
- ~~(33) No development shall take place until the Company has notified the District Council that they are in a position to carry out Conditions (31) and (32) as to the off-Site planting at locations 4 and 6 on Plan H.~~
- ~~(34) The scheme referred to in Condition (30) shall deal with the treatment of any environmentally sensitive areas as well as the general provision of screening, shrub and tree planting and grassed areas and the means of integrating the Development with the surrounding landscape and shall include details of the following matters:~~
- ~~(ii) Planting on the Site~~
 - ~~(iii) Management of existing and new planted areas;~~
 - ~~(iv) Restoration of areas affected by construction works;~~
 - ~~(v) Earthmoving operations, including the disposal of spoil and the storage and management of topsoil during the construction of the Development; and~~
 - ~~(vi) Phasing of works included in the scheme~~
- ~~(35) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in accordance with the agreed phasing of landscaping works included in the scheme. Any trees, shrubs or plants which prior to or within a period of five years following the commissioning of the Development die, or are removed or become seriously damaged or diseased,~~

~~shall be replaced in the next planting season with others of similar size and species, unless otherwise approved in writing by the District Council.~~

~~Reason: To ensure proper landscaping for the Development and the restoration of the land after completion of construction of the Development.~~

Fuel

- ~~(36)~~ (7) All natural gas for use in the operation of the Development shall be conveyed to the Site only by pipeline.
- ~~(37)~~ (8) Only distillate oil shall be used in the operation of the Development as a standby fuel during periods when the natural gas supply is interrupted and such distillate oil shall not be conveyed to the Site by road, except in an emergency and/or with the written approval of the County Council.
- ~~(38)~~ (9) In any instance where road transport has to be used because of an emergency pursuant to Condition (837) the Company shall within two working days of the occurrence provide the County Council with a written statement detailing the nature of the emergency and the reason why road transport had to be used.
- ~~(39)~~ (10) The period in which distillate oil can be used as a standby fuel in the operation of the Development because of an interruption of the gas supply shall not exceed 720 hours in any given contract year.
- ~~(40)~~ (11) The Company shall make every effort to ensure that any distillate oil for use in the operation of the Development is free from contamination.
- ~~(41)~~ ~~Notwithstanding the efforts made by the Company pursuant to Condition (40) no distillate oil shall be used in the operation of the Development in the period up to and including 1 October 1999 which has a sulphur content greater than 0.2% by weight and thereafter which has a sulphur content greater than 0.1% by weight.~~

Reason: To exercise proper control over the operation of the Development when the gas supply is interrupted.

Prevention of Contamination of Watercourses and

Flood Defence Requirements

- ~~(42)~~ The commencement of the Development shall not take place until there has been submitted and approved in writing by the District Council a scheme for disposing of foul and surface water drainage resulting from the construction and operation of the Development. Such approved scheme shall be implemented prior to the commencement of the Development.
- ~~(43)~~ The approved scheme referred to in Condition ~~(42)~~ shall include:
- ~~(i)~~ Provision so as to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the Site are not adversely affected;
 - ~~(ii)~~ Measures to ensure that no contaminated water from the Site shall be allowed at any time to enter into a watercourse or onto any adjoining land;
 - ~~(iii)~~ Provision for trapped gullies in car parks, hardstandings and roadways; and
 - ~~(iv)~~ Measures to ensure that all foul sewage must drain to the public sewerage system.

Prevention of Contamination of Watercourses

- ~~(44)~~ (12) Any surface water contaminated by hydrocarbons which are used during the ~~construction or~~ operation of the Development 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 soakaway or pond.
- ~~(45)~~ (13) Any tanks and containing transformers used for the storage and containment of hydrocarbons, process chemicals or similar liquids shall be contained within bunded areas of sufficient capacity to retain 100% of the volume of the largest container within the bund plus 10% of the total capacity of all the containers within that bund. The walls and floors of the bund shall be impervious to both water and oil and any installed means of removal of liquid from the bund will be such as to require constant manual supervision. All vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls. ~~The design of the tank filling arrangements~~

~~shall be submitted to and approved in writing by the Rivers Authority before installation.~~

~~(46)~~ (14) All containers in the bunded area referred to in Condition (45)~~(13)~~ containing acids, alkalis or sulphides in addition to being contained within suitable facilities will have appropriate protective lining applied to the inner walls of the bund.

~~(47) All containers required to be bunded pursuant to Condition (45) shall be so bunded before being brought into use.~~

~~(48) There shall be no raising of ground levels within the Washlands of the River Trent without the prior written approval of the Rivers Authority.~~

~~(49) No works associated with the Development shall take place within the Washlands of the River Trent unless such works have been approved in writing by the Rivers Authority.~~

~~(50) The commissioning of the Development shall not take place until the Company has been granted:~~

~~(i) A licence for the abstraction of water from the River Trent and/or boreholes in accordance with the provisions of the Water Resources Act 1991;~~

~~(ii) An appropriate approval of any works or structures which require the consent of the Rivers Authority under the provisions of the Land Drainage Act 1991;~~

~~(iii) An authorisation pursuant to the Environmental Protection Act 1990 for the operation of the Development, including discharge of waste water or any other matter returned to the River Trent or any other watercourse; and~~

~~(iv) A consent for the discharge of waste water or any other matter resulting from the Development to any watercourse, not covered by the authorisation under (iii) above, in accordance with the provisions of the Water Resources Act 1991.~~

~~Reason: To ensure proper drainage from the Site, to protect the Washlands of the River Trent and that the amount of water to be used in the Development is properly discharged and properly authorised before commissioning of the Development.~~

Protection of Railway Property

- ~~(51) No work associated with the Development shall take place within 10 metres of the Board's boundary except with the prior written approval of the Board.~~
- ~~(52) If the Board approves any work pursuant to Condition (51) the Company shall supply the Board with detailed plans which shall include cross-sections where alterations of the existing ground levels are proposed for such works.~~
- ~~(53) No storm/surface water shall be discharged on to the Board's property nor into the Board's culverts or drains without the prior written approval of the Board. Provision shall be made and agreed with the Board to accept and continue drainage discharging from the Board's property.~~
- ~~(54) No soakaway as a means of storm/surface water disposal shall be constructed within 15 metres of the Board's boundary.~~
- ~~(55) All cranes or jibbed machinery used during the construction of the Development must be positioned so that the jib does not swing over the Board's property. The Company shall give the Board at least six weeks advance notice in writing when such instances are unavoidable.~~
- ~~(56) There must be no lowering of existing ground levels near the Board's boundary, especially where the railway is on an embankment or on the same level as the adjoining land. There must also be no excavation into nor deep continuous unsupported excavations near the toe of embankments or retaining walls.~~
- ~~(57) Where new roads, turning places or parking areas are to be situated adjacent to a railway which is at or below the level of the Development, the Company shall provide suitable crash barriers or high kerbs to prevent vehicles accidentally driving/rolling onto the railway or damaging the lineside fencing.~~
- ~~(58) Any scheme for the provision of lighting for the illumination of the Site near to the Board's boundary must be approved in writing by the Board prior to such scheme being implemented.~~
- ~~(59) Any trees to be planted near the railway as part of a landscaping scheme shall be of a non-deciduous species excluding pines and should be located at a distance of~~

~~not less than their mature height from the nearest railway track or structure.~~

- ~~(60) All buildings and structures associated with the Development shall be constructed at a distance from the Board's boundary so as to allow all maintenance to be carried out on the Company's land.~~
- ~~(61) The Company shall provide a suitable trespass-proof fence adjacent to the Board's boundary and make provision for the fence's future maintenance and renewal. The Board's existing fencing must not be removed or damaged.~~
- ~~(62)~~ (15) The Company shall ~~provide and thereafter~~ maintain a substantial fence, e.g. concrete post and panel, iron railings, steel palisade, weldmesh, adjacent to ~~the Board's~~ Network Rail's boundary to a minimum height of 2 metres.
- ~~(63)~~ (16) Where any works associated with the Development require the approval of ~~the Board~~ Network Rail which are, in the opinion of the Network Rail Board's Engineer, of a nature to require protection/supervision, the Company shall reimburse Network Rail ~~the Board~~ of the costs incurred with such protection/supervision.

Reason: To protect the interests of Network Rail ~~the Board~~ and for the safety of trains and passengers which traverse the Site.

Archaeology

- ~~(64) The Company shall afford access at all reasonable times during the construction of the Development to any archaeologist nominated by the District Council or the County Council, and shall allow him/her to observe the excavations and record items of interest and finds.~~

~~Reason: To allow the surveying of the Site for archaeological artefacts and the recovery of any archaeological discovery as and when necessary during construction of the Development.~~

Routing of Traffic

- ~~(65) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the County Council a scheme detailing the routes that HGV traffic associated with the~~

~~construction and operation of the Development shall take. The approved routes shall be adhered to at all times, except in an emergency or unless otherwise approved in writing by the County Council.~~

- ~~(66)~~ (17) In any instance where HGV traffic associated with the ~~construction and~~ operation of the Development does not use the routes shown in 'Plan B-Designated Routes' (approval of planning condition, reference 97/51916/DCO issued by Newark and Sherwood District Council approved in Condition (65)) because of an emergency the Company shall as soon as reasonably possible provide the County Council with a written statement detailing the nature of the emergency and the reason why such traffic had to go via a different route.

Reason: To alleviate the effects that traffic associated with the Development will have on the local neighbourhood.

- (18) On or within four years of the date of this consent being granted, the Company shall review the feasibility of Combined Heat and Power (CHP), assessing potential commercial opportunities for the use of heat from the Development and submit a report to the District Council. The report shall provide for the 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 the CHPAQ Standard Issue 7), or any subsequent edition), and for the provision of subsequent reviews of such technically and economically viable commercial opportunities as necessary. Where technically and economically 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 District Council. Any plant and pipework installed to the boundary of the site of the Development 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.

Default of Agreement

- ~~(67)~~ (189) Where any matter is required to be agreed by the District Council or the County Council under any of the foregoing Conditions that matter shall in default of agreement be determined by the Secretary of State. ~~Any matter under Conditions (51), (53) or (58) requiring to be determined pursuant to these Conditions shall be~~

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~~determined jointly by the Secretary of State and the
Secretary of State for Transport.~~