

DEED OF CONSENT DATED 5th FEBRUARY 1991
DEED OF CONSENT DATED 11th NOVEMBER 2004
VARIED BY SECTION 36C CONSENT DATED 23rd 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 AT LITTLE BARFORD, NEAR ST
NEOTS

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 at Little Barford, near St. Neots 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

DEPARTMENT OF ENERGY FOR 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 A GENERATING STATION AT LITTLE

BARFORD IN THE COUNTIES OF BEDFORDSHIRE AND CAMBRIDGESHIRE

1. In pursuance of section 36 of the Electricity Act 1989 the Secretary of State for Energy Business, Energy & Industrial Strategy (the Secretary of State) has consented to hereby consents to the construction by National Power plc ~~(the Company)~~, on the area of land outlined in hatched red on the Drawing No. UKP/LFC/0176/AHQ1/0891, annexed hereto and duly endorsed on behalf of the Secretary of State, of a combined cycle gas turbine generating station near St Neots ~~in the Counties of Bedfordshire and Cambridgeshire~~ (the Development), ~~to be~~ known as Little Barford, and hereby consents to the continued operation of that generating station by RWE Generation UK Plc ('the Company') its successors in title and assigns.
2. (1) The Development ~~shall~~ comprised :-
 - (a) One combined cycle gas turbine generating station ~~of about 680 MW~~ consisting of:
 - i. Two or three industrial gas turbines each with an associated boiler and exhaust stack;And
 - ii. One steam turbine
 - (b) An arrangement of multi-celled cooling towers;
 - (c) Ancillary plant and equipment; and
 - (d) The necessary buildings (including administration offices) and civil engineering works.

(2) The development may operate at a capacity of up to 750MW.

(3) A combustion plant consisting of a facility to provide restoration services was authorised to be constructed and operated at the site of the Little Barford power station under a variation to the section 36 consent (reference GDBC/001/00184C) dated 11 November 2004 which remains in full force and effect.
3. This consent is granted subject to the following conditions;
 - (1) Except where the 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 particulars contained in the Company's application of 20

April 1989 as varied by the Company's letters of 14 August 1990 and 7 January 1991 and as further amended by the details contained in the Company's application for a section 36C variation on 24.06.2021.

~~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 or before the expiry of two years from the date of the final approval of the last matter to be approved by the Borough Council under the conditions attached to the planning permission deemed to be granted under section 90(2) of the Town and Country Planning Act 1990 (the 1990 Act) by virtue of paragraph 4 below.~~

~~(3)(2) Until such a 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 or such occurrence, to prepare the designated site for the installation and operation of capture equipment.~~

~~(3) Unless otherwise authorised by the Secretary of State following a review of a report submitted in accordance with sub-paragraph (4) below, the 'designated site' means the land outlined in green on drawing number 60648701-CCS-023 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.

~~(4)~~(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.

~~(5)~~(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 1989 consent applications" or any equivalent replacement thereof; or

(ii) if a revised CCS proposal has been identified undersub-paragraph 8 above, the proposal which has been most recently so identified;

(d) "Feasibility Study" means the document entitled Carbon Capture Readiness (CCR) Assessment Little Barford Power Station (document reference 60648701-RP-001) 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 ('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 –

"the Borough Council" means the ~~North Bedfordshire~~ Bedford Borough Council and shall include its successors in title and assigns;

~~"the commencement of the Development" means the date on which 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 ~~National Power plc~~ RWE Generation UK plc, company number 03892782 and shall include its successors in title and assigns;

~~"the County Councils" means the Bedfordshire County Council and the Cambridgeshire County Council and shall include their successors in title and assigns;~~

"the Development" means the combined cycle gas turbine generating station near St Neots in the Counties County of Bedfordshire ~~and Cambridgeshire to be~~ known as "Little

Barford”;

“emergency” means the circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property or serious pollution to the environment;

~~“the main Development” means the construction work commencing with the placing of the first concrete for the main plant foundations of the Development; and~~

“the Site” means the area of land outlined in hatched red on Drawing No UKP/LFC/0176/A-HQ1/0891.

~~(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 not be later than whichever is the later of the following dates:—~~

- ~~i. The expiration of five years from the date of this permission; or~~
- ~~ii. The expiration of two years from the date of the final approval of the last matter to be approved by the Borough Council.~~

~~Reason: To comply with the requirements of section 91 of the 1990 Act.~~

Capacity

~~(2) The Development may operate at a capacity of up to 750MW.~~

Layout and Design

~~(4) The commencement of the Development shall not take place until there have been submitted to and approved in writing by the Borough Council, details of ground levels of all major permanent buildings and structures together with cross-sections through the Site showing existing and proposed ground levels. The construction of the Development shall be carried out in accordance with the details of ground levels so approved subject to any subsequent variations agreed in writing by the Borough Council.~~

~~(5) Prior to the commencement of the Development the following matters shall be carried out to the satisfaction of the Borough Council:—~~

~~The construction of a hard surface for a distance of 30 metres along the exit roads from the Site and the provision of facilities for the cleansing of heavy goods vehicles wheels as shown n the Company's Drawing No LFC/KA/00046/A or LFC/KA/00047/A, annexed hereto, such hard surfaces and facilities to be maintained until the commissioning of the Development.~~

~~(6) The general layout of the Development, including the locations of the following major buildings and structures set out below, should be in accordance with Drawing No. LFC/KA/00046/A or LFC/KA/00047/A unless otherwise agreed in writing by the Borough Council:~~

- ~~(1) Gas turbine house~~
- ~~(2) Steam turbine house~~
- ~~(3) Administration block and central control room~~
- ~~(4) workshop and stores~~
- ~~(5) heat recovery steam generator~~
- ~~(6) local control room, 3.3 KV, 415 V switchgear and battery room~~
- ~~(7) unit and generator transformers~~
- ~~(8) cooling towers, cooling water circulating pump house, chemical store and make-up settlement tanks~~
- ~~(9) water treatment plant~~
- ~~(10) raw water tank~~
- ~~(11) reserve feed water tanks (12) fire fighting pump house (13) gas control station~~
- ~~(14) auxiliary boiler house for gas control station (if required)~~
- ~~(15) gatehouse~~
- ~~(16) cooling water make-up pump house~~
- ~~(17) site supplies switchgear~~
- ~~(18) permanent station carpark~~
- ~~(19) 400 kV banking connections.~~

~~(7) The major permanent buildings and structures of the Development shall not exceed a height of 65 metres above those ground levels approved pursuant to Condition (4) subject to any subsequent variations agreed in writing by the Borough Council.~~

~~(8) The main Development shall not take place until there have been submitted to and approved in writing by the Borough Council drawings showing the size and appearance of all major permanent buildings and structures, and the external design of those buildings and structures including proposals for cladding materials, surface finishes and colour. The major permanent buildings and~~

~~structures shall be constructed and finished in accordance with such approved drawings subject to any subsequent variations agreed in writing by the Borough council.~~

~~(9) No work on the main development shall take place until there has been submitted to and approved in writing by the Borough Council a phased scheme for the construction of a main access road to the site and for the movement of vehicles within the site. The submitted scheme shall show:~~

~~(a) The layout, design and method of construction of both temporary and permanent means of vehicular access to the B1043 road, including the construction of the main access road, and~~

~~(b) Provision within the Site for the parking, loading, off-loading and manocuvring of vehicles which shall include temporary provision of such facilities during the construction of the Development.~~

~~(10) The phased scheme and any subsequently agreed variations to the scheme approved under Condition (9) shall be implemented to the satisfaction of the Borough Council.~~

Site Entrance

~~(11) (3) After the commissioning of the Development t~~There shall be one main site entrance only, which shall be that shown as B on Drawing No LFC/KA/00046/A or LFC/KA/00047/A, with a secondary access shown as A on the said Drawing being retained for emergency use only with normal access being prevented by a gate which shall normally be locked.

Reason: To enable the Borough Council to exercise reasonable and proper control over aspects of the details and security of the Development.

Landscaping

~~(12) The main Development shall not take place until there has been submitted to and approved in writing by the Borough Council a scheme of landscaping for the Site. The scheme of landscaping shall broadly accord with the Company's Drawing No LFC/KJ/00048/A or LFC/KJ/00049/A, annexed~~

~~hereto, and shall show the following matters in colour at a scale of 1:1250:-~~

- ~~i. Indications of all existing trees and hedgerows on the site;~~
- ~~ii. Details of the trees and hedgerows to be retained on the Site;~~
- ~~iii. The measures for protection those retained trees and hedgerows during the period of construction;~~
- ~~iv. Proposals for the construction of amenity bunds (including location, height and method of construction); and proposals specifying height, type, species and spacing of new planting, seeding and turfing;~~
- ~~v. Proposals for planning for that part of the Site on the western side of the B1043 road shown on Drawing No LFC/KJ/00048/A or LFC/KJ/00049/A; and~~
- ~~vi. Phasing of works included in the scheme.~~

~~(13) All amenity bunding, 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 detailed in condition (12) above. Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species, unless the Borough Council give written consent to any variation.~~

~~(14) The commencement of the Development shall not take place until there have been submitted to and approved in writing by the Borough Council details of all permanent screen walls and fences to the boundary of the site.~~

~~Reason: To ensure the proper landscaping of the Site including measures that need be agreed to after the construction of the Development has been completed.~~

Archaeology

~~(15) The Company and its agents shall afford reasonable access at all reasonable times to the Bedfordshire County Council and its agents for the purpose of inspecting excavations for the presence of archaeological features~~

~~or artefacts to permit the proper recovery and recording of these should they be uncovered, provided that no such schemes or works delay or otherwise interfere with construction work on the Site.~~

~~Reason: To allow the surveying of the area for archaeological artefacts before main construction of the Development commences.~~

Noise

~~(16) The noise generated by the construction of the Development shall be monitored by the Company in accordance with a programme to be agreed with the Borough Council prior to the commencement of the Development. The programme shall specify the measuring places from which noise will be monitored, the method of noise measurement and the maximum permissible levels of noise at each such measuring place. The programme shall make provision for noise measurements to be taken by the Company as soon as possible following requests by the Borough Council and such measurements shall be given to the Borough Council as soon as they are available. At such measuring places noise levels during construction operations shall not exceed the levels specified in the agreed programme, except in an emergency.~~

~~(17)~~ (4) Unless otherwise agreed in writing by the Borough Council, ~~the~~ the noise generated by the operation of the Development shall be monitored by the Company in accordance with the noise monitoring a programme ~~to be~~ agreed with the Borough Council prior to the commissioning of the Development. The programme ~~shall~~ specifies the measuring places from which noise will be monitored, the method of noise measurement and the maximum permissible levels of noise at each such measuring place. The programme ~~shall~~ makes provision for noise measurements to be taken by the Company as soon as possible following requests by the Borough Council as soon as they are available. At such measuring places noise levels during the operation of the Development shall not exceed the levels specified in the programme so agreed, except in an emergency.

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

Surplus Spoil

~~(18) Prior to the commencement of the Development the Company shall consult the Borough Council, the District Council and the County Councils on the landfill facility to be~~

~~used for the deposit of surplus spoil arising from major earthworks and the heavy goods vehicle routes between the Site and the landfill facility.~~

~~Reason: To ensure that any surplus spoil is properly disposed of.~~

Wheel Cleansing Facilities

~~(19) All heavy good vehicles leaving the Site shall on each occasion, prior to leaving, pass through the wheel-cleansing facilities provided pursuant to Condition 5 and all other vehicles leaving the Site shall on each occasion, prior to leaving, have their wheels cleaned either by passing through the wheel cleansing facilities or manually.~~

~~Reason: To ensure that vehicles leaving the Site do not carry mud and other dirt on their wheels onto the highway.~~

Temporary Structures

~~(20) No permanent buildings or structures above ground shall be constructed on the land lying to the west of the B1043 road as shown on Drawing HQ1/0891 except for the fencing of the site boundary, the landscaping, cooling water and purge pipelines and associated pump houses and plant, and transmission works.~~

~~Reason: To ensure that no temporary structures associated with the Development are still in place after the completion of the construction of the Development.~~

(5) 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 Bedford Borough 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 Bedford Borough 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

~~(21)~~(6) Where any matter is required to be agreed by the Borough Council under any of the foregoing conditions that matter shall in default of agreement ~~be~~ determined by the Secretary of State for Business, Energy & Industrial Strategy~~Energy~~.