

DEED OF CONSENT DATED 19 DECEMBER 1990

VARIATION OF CONSENT DATED 30 APRIL 1991^a

VARIATION OF CONSENT DATED [09 NOVEMBER 2022]^b

DEPARTMENT OF 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
CONDITIONS OF THE DEEMED PLANNING PERMISSION**

**CONSTRUCTION AND OPERATION OF A COMBINED CYCLE GAS TURBINE GENERATING STATION AT
RYE HOUSE, HERFORDSHIRE**

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 the combined cycle gas turbine generating station constructed on the Site at Rye House, Hertfordshire in accordance with the variations shown by way of underlined text (for additions) and strikethrough text (for deletion) in the Annex.

[09 November 2022]

[Redacted]

Deputy Director Energy Infrastructure

Planning

Department for Business, Energy and

Industrial Strategy

Annex -Variation of Section 36 Consent

DEPARTMENT OFFOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

ELECTRICITY ACT 1989

TOWN AND COUNTRY PLANNING ACT 1990

VPI POWER LIMITEDGEN PLC

CONSTRUCTION AND OPERATION OF A GENERATING STATION AT RYE HOUSE, HERTFORDSHIRE

1. In pursuance of section 36 of the Electricity Act 1989 the Secretary of State for Business^b, Energy and Industrial Strategy^b (the Secretary of State) hereby consents to the construction by VPI Power Limited PowerGen plc^b (the Company) on the area edged hatched green and^b red on Drawing No. DWD/15774/01HQ1/0606^b, annexed hereto and duly endorsed on behalf of the Secretary of State, of a combined cycle gas turbine generating station at Rye House in the County of Hertfordshire (the Development), and to the operation of that generating station.
2. Subject to paragraph 3(1), ~~the~~^b the Development shall ~~is~~comprise either one or two^b a combined cycle gas turbine generating station with a gross output of about¹ 680 megawatts, comprising modules according to one of the following plant configurations:^b

Option	Module	Gas Turbines		Boilers		Steam Turbines	Total ^b (MW)
1.	2	(2	+	2	+	1)	680
2.	2	(1	+	1	+	1)	670
3.	1	(2	+	2	+	1)	670
4.	1	(3	+	3	+	1)	675
5.	1	(£	+	3	+	1)	560

~~The Development shall also comprise:^b~~

~~a) Three gas turbines and associated boilers;^b~~

~~b) A steam turbine;^b~~

~~c) A synchronous condenser;^b~~

~~a)d) Air cooled condensers Six induced draught cooling towers^a for each module;~~

~~b) Distillate oil storage facilities;^a~~

~~e)e) Ancillary plant and equipment; and~~

~~d)f) The necessary buildings (including administration offices) and civil engineering works.~~

¹A tolerance of up to 5% is permitted.

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 11 May 1989 as varied by the Company's letters of 19 October 1990, [21 March 1991](#), [19 April 1991](#)^a and [28 July 2022](#)^b.

~~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 any approval required by 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).~~

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

**CONSTRUCTION AND OPERATION OF A COMBINED CYCLE GAS TURBINE GENERATING STATION AT
RYE HOUSE, HERFORDSHIRE**

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

~~2)1)~~ In these Conditions unless the context otherwise requires –

~~“the approved route” means the length of Essex Road west of Ratty’s Lane, Diant Link Road (A1170) and Trunk Road A10;~~ ^b

~~“the Borough Council” means the Broxbourne 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 begun within the meaning of section 56 of the Town and Country Planning Act 1990;~~ ^b

~~“the commissioning of the first module” means the date on which the first module first supplies electricity to the transmission system of the National Grid Company or direct to one of the Company’s customers;~~ ^b

~~“the commissioning of the second module” means the date on which a second module first supplies electricity to the transmission system of the National Grid Company or direct to one of the Company’s customers;~~ ^b

~~“the Company” means VPI Power Limited PowerGen plc~~ ^b and shall include its successors in title and assigns;

~~“the synchronous condenser works” means the construction and installation of the synchronous condenser to Gas Turbine No. 13 and the associated buildings and structures;~~ ^b

~~“the County Council” means the Hertfordshire County Council and shall include its successors in title and assigns;~~

“the Development” means the combined cycle gas turbine generating station as defined at paragraph 2 at Rye House in the County of Hertfordshire;^b

“emergency” means circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to ~~property;~~^b

“the Highway Authority” means Hertfordshire County Council^b;

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

~~“the Rivers Authority” means the Thames Region of the National Rivers Authority and shall include its successors in title and assigns;~~^b and

“the Site” means the area edged hatched green and red on Drawing No. DWD/15774/01HQ1/0606^b.

~~3)2)~~ The synchronous condenser construction works of the Development^b shall only take place within the boundary of the Site.

Reason: To ensure that the ~~no~~^b works do not^b take place beyond the boundary of the Site.

Time/Limits^b

- i. ~~Application for approval in respect of the matters covered by Conditions (4), (5), (7), (8) and (9) shall be made to the Borough Council and an application for approval in respect of the matters covered by Condition (6) shall be made to the County Council before the expiry of three years from the date of this permission.~~
- ii. ~~The commencement of the Development shall be not later than the expiry of five years from the date of this permission or not later than the expiry of two years from approval of the matters specified in (i) above, or in the case of approval on different dates the last such approval.~~

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

Layout and Design

~~4)3)~~ The synchronous condenser works main Development^b shall not take place until there have been submitted to and approved in writing by the Borough Council drawings showing details of those works, including the general layout, size, appearance and external design of the buildings and structures, and proposals for cladding materials, surface finishes and colour and external lighting. The submitted details shall be in accordance with Drawing No. 5211454-LY-DWG-015 Rev A1. The 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. of the Development and the location of the following major permanent buildings and structures: ^b~~

- ~~i. — Gas turbine house ^b~~
- ~~ii. — Steam turbine house ^b~~
- ~~iii. — Administration block and central control room ^b~~
- ~~iv. — Workshop and stores ^b~~
- ~~v. — Heat recovery boiler house and main stacks ^b~~
- ~~vi. — Local control room 3.3 kv, 415 kv switchgear and battery room ^b~~
- ~~vii. — Unit and generator transformer ^b~~
- ~~viii. — Oil storage tanks ^a~~
- ~~ix. — Air cooled condensers Cooling towers, cooling water pump house and make-up settlement tanks ^a~~
- ~~x. — Water treatment plant ^b~~
- ~~xi. — Towns water tank ^b~~
- ~~xii. — Reserve feed water tanks ^b~~
- ~~xiii. — Fire fighting pump house ^b~~
- ~~xiv. — Gas processing plant ^b~~
- ~~xv. — Bypass stacks ^a~~
- ~~xvi. — Gate house ^b~~

~~5) — 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 shall be constructed and finished in accordance with such approved drawings subject to any subsequent variations agreed in writing by the Borough Council. ^b~~

Reason: To enable the Borough Council to exercise reasonable and proper control over aspects of the details of the synchronous condenser works Development ^b.

Fire fighting ^b

~~6) — The main Development shall not take place until the following have been agreed in writing with the County Council:~~

- ~~i. — The arrangements for access to all buildings comprised in the Development for fire appliances;~~
- ~~ii. — The provision of water supplies for fire fighting.~~

~~Reason: To ensure that satisfactory access to buildings for fire appliances and a satisfactory supply of water for fire fighting is available.~~

Landscaping ^b

~~7) — Site clearance work and the commencement of the 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 which shall include the following matters, unless otherwise agreed in writing with the Borough Council:-~~

- ~~A. — Details of clearance works and ground preparation~~
- ~~B. —~~

- i. — Indications of all existing trees (including details of their trunk position, spread and species), shrubs, hedges and grass area;
- ii. — Details of the existing trees, shrubs, hedges and grass areas described in 7.B.i above to be retained on the Site;
- iii. — The measures for protecting those retained trees, shrubs, hedges and grass areas described in 7.B.ii above during the period of construction;
- iv. — The measures for protecting those retained trees, shrubs, hedges and grass areas described in 7.B.ii above for a period of 5 years after the commissioning of the first module;
- v. — Details showing the location/depth and extent of any proposed underground works services within the spread of trees, shrubs or hedges described in 7.B.ii above;
- vi. — Any alteration in ground level trees, shrubs or hedges described in 7.B.ii above, and
- vii. — Watercourses.
- viii. — The proposed planting of trees, shrubs, hedges and grass areas showing the species, size of plants, planting distances/densities and the number of plants to be used; and
- ix. — Details of the programmed of implementation of the agreed landscaping scheme shall be agreed in writing with the Borough Council.

The approved scheme of landscaping shall be carried out and completed in accordance with 7.C.ii above or such longer period as may be agreed in writing by the Borough Council.

- 8) — All planting, seeding or turfing shall be carried out in accordance with the approved scheme of landscaping. 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.

Reason: To ensure the proper landscaping of the Site.

Archaeology^b

- 9) — The Company and its agents shall afford reasonable access at all reasonable times to the Borough Council and the County Council and their agents for the purpose of inspecting excavations for the presence of archaeological features or artifacts to permit the proper recovery and recording of these should they be uncovered, provided that no such scheme or works delay or otherwise interfere with construction work on the Site.

Reason: To allow the surveying of the area for archaeological artifacts and the recovery of any archaeological discovery before the main Development.

Noise

~~10)4)~~ _____ The noise generated during ~~demolition work in connection with the Development and during the period of the synchronous condenser construction works of the Development~~^b shall be monitored by the Company in accordance with a programme to be agreed with the Borough Council prior to the commencement of those ~~workse-Development~~^b. 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 ~~the synchronous condenser construction worksoperations~~^b shall not exceed the levels specified in the agreed programme, except in an emergency.

~~11)5)~~ _____ The noise generated by the operation of the Development shall be monitored by the Company in accordance with a programme to be agreed with the Borough Council prior to the commissioning of the ~~synchronous condenserfirst module~~^b. 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 the operation of the Development shall not exceed the levels specified in the agreed programme, except in an emergency.

~~12)6)~~ _____ The noise generated by the routine testing and practice use of plant and machinery of the Development shall be confined to between the hours of 0800 – 1800 on Mondays to Fridays, excluding Bank and Public Holidays. The Company shall use its best endeavours to ensure that non-routine testing is also confined to these periods.

Reason: To ensure the proper control of noise during the construction ~~works~~^b and the operation of the Development.

~~Air pollution monitoring~~^b

~~13)~~ The Company shall monitor air pollution in the vicinity of the Development during ~~construction operations and for three years after the commissioning of the first module. If a second module is constructed the Company shall monitor air pollution for at least two and, if required by the Borough Council, for up to three years after the commissioning of the second module. The methods and frequency of measurement shall be agreed in writing with the Borough Council, who shall be given copies of the results obtained as soon as possible after they become available.~~

~~Reason: To see that air quality is monitored on a regular and programmed basis and to determine whether or not a significant change has occurred in overall levels of air pollution at locations typical of the neighbourhood.~~

Removal of temporary structures

~~14)7)~~ Any temporary buildings or structures erected on the Site for the purpose of the synchronous condenser construction ^b works shall be removed from the Site no later than 6 months following the completion of those works ~~missioning of the first module of the commissioning of the second module if construction has commenced~~ ^b, unless otherwise agree in writing with the Borough Council.

Reason: To ensure that temporary structures associated with the synchronous condenser works ~~Development~~ ^b are removed within a reasonable period after the completion of those e-work ~~construction of the Development~~ ^b.

Delivery of fuel oil ^a

~~15)~~ The Company shall use its best endeavours including contractual specifications to ensure that all movements of vehicles associated with the delivery of fuel oil to or from the Development shall be restricted to the approved route, except in an emergency.

Reason: To reduced disturbance to the inhabitants of the locality.

Access to the public footpath adjoining the Site ^b

~~16)~~ Public access shall at all times be maintained, during demolition work in connection with the Development and during the period of the synchronous condenser construction works of the Development, to the public footpath adjoining the Site along the River Lea unless agreed in writing with the Borough Council.

Reason: In the interest of amenity.

Water Requirements ^a

~~17)~~ The main Development shall not take place until the Company has applied for and has been granted:

- ~~i.~~—A consent for the discharge of cooling water or any other matter to the River Lea or any watercourse, in accordance with the provisions of the Water Act 1989;
- ~~ii.~~—A licence for the abstraction of water from the River Lea and/or boreholes in accordance with the provisions of the Water Resources Act 1963; and
- ~~iii.~~—An appropriate approval for any works or structures which either require the consent of the Rivers Authority under the provisions of the Land Drainage Act 1976, or the agreement of the Rivers Authority in exercise of its navigational responsibilities.

Reason: To ensure that the amount of water to be used in the Development and the methods of supply and discharge are authorised before main construction commences.

Construction Traffic Management Plan (CTMP) ^b

~~8)~~ The synchronous condenser works shall not take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by

the Highway Authority. The CTMP shall include measures to manage construction traffic during the synchronous condenser works, including arrangements for construction worker car parking. The CTMP shall be implemented as approved.

Reason: To ensure the safe and efficient operation of the local highway network.

Construction Environmental Management Plan (CEMP) ^b

9) The synchronous condenser works shall not take place until a Construction Environmental Management Plan (CEMP), including a Site Waste Management Plan, has been submitted to and approved in writing by the Borough Council. The CEMP shall be implemented as approved.

Reason: To control the construction of the synchronous condenser and to minimise construction waste.

Default of Agreement

10) Where any matter is required to be agreed by the Borough Council or County Council under any of the foregoing Conditions that matter shall in default of agreement be determined by the Secretary of State.

Dated 09 November 2022 -30 April 1991 -19 December 1990

[Redacted]

Deputy Director Energy Infrastructure

Planning

Department for Business, Energy and

Industrial Strategy

DEPARTMENT OF ENERGY
ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING ACT 1990
POWERGEN PLC
CONSTRUCTION AND OPERATION OF A GENERATING STATION
AT RYE HOUSE, HERTFORDSHIRE ^b

Pursuant to paragraph 3(1) of the consent granted by him under section 36 of the Electricity Act 1989 on 19 December 1990, the Secretary of State for Energy hereby agrees that the Development referred to therein may be constructed otherwise than in accordance with the technical and other particulars referred to in that paragraph, provided that the Development is constructed in accordance with paragraph 2 below.

- i.—Sub-paragraph 2 (a) of the consent shall be read as if the reference to “six induced draught cooling towers for each module” were a reference to “air cooled condensers;”
- ii.—The reference to “distillate oil storage facilities” in sub-paragraph 2 (b) of the consent shall be deleted; and
Paragraph 3 of the consent shall be read as if the reference to “the Company’s letter of 19 October 1990” were a reference to “the Company’s letters of 19 October 1990, 21 March and 19 April 1991.”

2.—The Secretary of State further agrees, after consulting the County Council, the Borough Council and Rivers Authority, that the direction as to deemed planning permission accompanying the consent shall be read as if

1) In condition (1) the definitions of “the Rivers Authority” and “the approved route” were deleted.

In condition (4):

- i.—The reference at 8 to “oil storage tanks” were deleted;
- ii.—The reference at 9 to “cooling towers, cooling water pump house and make-up settlement tanks” were deleted and instead there were substituted a reference to “air cooled condensers;” and
- iii.—The reference at 15 to “bypass stacks” were deleted

2) Condition (16) were deleted.

Condition (18) were deleted.

3.—Terms used herein shall have the same meaning as the direction as to deemed planning permission.

Dated: 30 April 1991