

<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

## **VARIATION OF CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989**

### **CONSTRUCTION AND OPERATION OF A GENERATING STATION AT GREAT YARMOUTH, NORFOLK**

The Secretary of State in exercise of the powers conferred on him by section 36C of the Electricity Act 1989 hereby varies the consent for the construction and operation of an electricity generating station at South Denes Road in Great Yarmouth, Norfolk, in accordance with the variations shown in underlined, italic text marked with a superscript of “2” in the Annex.

01 October 2024

John Wheadon  
Head of Energy Infrastructure Planning Delivery  
Department of Energy Security and Net Zero

<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

Our ref: AAH/1/42 Our Ref: GDBC/00006<sup>1</sup>

DEPARTMENT OF TRADE AND INDUSTRY  
ELECTRICITY ACT 1989  
TOWN AND COUNTRY PLANNING ACT 1990  
CONSTRUCTION AND OPERATON OF A GENERATING STATON AT  
SOUTH DENES, NORFOLK

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for Trade and Industry ("the Secretary of State") hereby consents to the ~~construction~~ extension<sup>1</sup> by ~~Amoco Power Resources (Europe) Limited (the Company) Great Yarmouth Power Limited ("the Company")<sup>1</sup>, RWE Generation UK plc ("the Company")<sup>2</sup>~~, on the area of land<sup>1</sup> coloured ~~red black~~<sup>1</sup> on Figure 1, annexed hereto and duly endorsed on behalf of the Secretary of State, of ~~a combined cycle gas turbine generating station at South Denes, Great Yarmouth the South Denes combined cycle gas turbine generating station ("the Station")<sup>1</sup>~~ in the County of Norfolk (~~the Development~~) by an increase in capacity from about 350 MW to ~~about 400 MW up to 430 MW<sup>2</sup>~~ ("the Extended Station")<sup>1</sup>, and to the operation of ~~that generating station the Station as extended~~<sup>1</sup>.

~~32~~<sup>2</sup>. Subject to paragraph 3(1), the ~~Development~~ Extended Station<sup>1</sup> ~~shall be of about<sup>2</sup> 350 400<sup>1</sup>~~ may operate up to 430<sup>2</sup> MW capacity and comprise:

(a) ~~a gas turbine, a heat recovery steam generator and a steam turbine one or more gas turbines and heat recovery steam generators~~<sup>1</sup>;

(b) ~~ancillary plant and equipment; and one or more steam turbines;~~<sup>1</sup>

(c) ~~the necessary buildings (including administration buildings) and civil engineering works: ancillary plant and equipment; and~~<sup>1</sup>

(d) ~~the necessary buildings (including administration offices) and civil engineering works.~~<sup>1</sup>

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 where~~<sup>1</sup> the written permission of the Secretary of State has been given to any variation in design, construction or operation of the ~~Development~~ Extended Station<sup>1</sup>, the ~~Development~~ Extended Station<sup>1</sup> shall be constructed and operated in accordance with the details contained in the Company's application of ~~23 April 1996. 22 September 2000.~~<sup>1</sup>

(2) The ~~construction of the Development shall be begun before the expiry of~~ commencement of the operation of the Extended Station shall not be later than<sup>1</sup> five years from the date of this consent, or such longer period as the Secretary of State may hereafter direct in writing.<sup>1</sup>

4. The Secretary of State in exercise of the powers conferred on ~~her~~ him<sup>1</sup> by section 90(2) of the Town and Country Planning Act 1990 hereby directs that planning permission for the ~~Development be deemed to be granted subject to the following conditions: Extended Station be deemed to be granted~~<sup>1</sup> subject to the following conditions:

<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

## Definitions

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

"BS 4142" means British Standard 4142: 1990

- 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 or a holiday under the Banking and Financial Dealings Act 1971;

"best practicable means" is to be interpreted by reference to the provisions mentioned in section 79(9) of the Environmental Protection Act 1990;

"bulk materials" means dry loose aggregates, cement and soil;

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

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

"the Company" means Amoco Power Resources (Europe) Limited and its assigns and successors;

"the Council" means the Great Yarmouth Borough Council and its assigns and successors;

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

"the Development" means the-combined cycle gas turbine generating station at South Denes, Great Yarmouth in the County of Norfolk;

"emergency" means 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;

"Environment Agency" means the Environment Agency and its assigns and successors;

"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;

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

"the Site" means the area of land coloured red on Figure 1, annexed hereto;

## The Site

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

<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

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.

#### Time Limit

(3) The commencement of the Development shall be not later than the expiry of five years from the date of this permission.

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

#### Suppression of Dust and Dirt

(4) 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.

(5) The Company shall make provision of a concrete or bituminous macadam road on the Site between the wheel cleansing facilities provided pursuant to Condition (4) and the public highway.

(6) 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 (4).

(7) 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.

(8) A heavy commercial vehicles carrying bulk materials into and out of the Site shall be sheeted so as fully to contain such material and prevent it being dispersed into the environment during transit.

(9) The Company shall put in place procedures to monitor all exit points from the Site and shall as soon as reasonably practicable sweep or otherwise clear away any mud or similar matter which may be carried onto the public highway by vehicles leaving the Site during the period of the construction of the Development.

Reason: To ensure that satisfactory measures are in force to alleviate any impact dust and dirt may have on the local environment.

#### Layout and Design

(10) The commencement of the 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 indicate:

<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

- (i) the siting, design and external appearance of temporary buildings and structures to be erected and used during the period of the construction 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 any facilities required on the Site for the storage of materials required for the construction of the Development;
- (iv) details of storage facilities on the Site for the storage of wastes and for the collection and disposal of such wastes;
- (v) details of any perimeter fencing and gates required during the period of the construction of the Development;
- (vi) details of artificial lighting required during the period of the construction of the Development; and
- (vii) phasing of works included in the scheme.

(11) 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:

- (i) the siting, design, external appearance and dimensions of all buildings and structures which are to be retained following the commissioning of the Development;
- (ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;
- (iii) 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;
- (iv) details of vehicular circulation roads, parking, hardstandings, turning Facilities and loading and unloading facilities on the Site;
- (v) details of any additional facilities required on the Site for the storage of materials required for the operation of the Development;
- (vi) details of artificial lighting required during the operation of the Development; and
- (vii) phasing of works included in the scheme.

(12) The Development shall proceed only in accordance with the schemes referred to in Conditions (10) and (11) subject to any variation as may be approved in writing by the Council.

(13) 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

<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

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.

(14) Notwithstanding the terms of Condition (13) the Company shall, subject to the prior written approval of the Council, be permitted to retain those buildings which may be required or future use by the Company.

(15) All permanent roads and/or junctions provided pursuant to Condition (12) (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 junctions shall be maintained to the satisfaction of the Council for the duration of the operation of the Development.

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

### Construction

(16) All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228, Parts 1 and 2: 1984 and Part 4: 1992; Noise Control on Construction and Open Sites.

(17) No construction work associated with the Development 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	0700 - 1900 hours
Saturday	0800 - 1700 hours

unless such work -

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the Council; or
- (c) does not cause existing ambient noise levels to be exceeded.

(18) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the Council a scheme detailing the method to be used for pile driving. The approved scheme shall be adhered to throughout the period of the construction of the Development, unless any variation has been approved in writing by the Council.

(19) No pile driving approved pursuant to Condition (18) 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 such pile driving is -

- (a) associated with an emergency; or
- (b) carried out with the prior written approval of the Council.

<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

(20) In any instance where a time limitation referred to in Conditions (17) and (19) is exceeded because of an emergency the Company shall within 2 working days provide the Council with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.

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

### Construction Noise and Vibration

(21) 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 and the maximum permissible levels at each such monitoring locations. The programme shall make provision for such noise and vibration measurements to be undertaken 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 each measurement location, noise levels during construction operations shall not exceed the levels specified in the approved programme unless otherwise approved in writing by the Council or in an emergency.

(22) In any instance where the noise limitation referred to in Condition (21) is exceeded because of an emergency the Company shall within 2 working days provide the Council with a written statement detailing the nature of the emergency and the reason why the noise level could not be observed.

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

### Operational Noise

(23) The commissioning 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 generated by the operation of the Development. The programme shall specify the locations 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 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.

(24) Notwithstanding any noise measurement and noise measurement location approved by the Council pursuant to Condition (23) the noise generated by the operation of the Development shall not exceed  $LA_{eq} - 39$  dBA (5 minutes) when assessed in accordance with BS 4142 at residential positions 1 (Riverside Road/Rear of High Street) and 2 (Riverside Road/South Icehouse Hill) on Figure 7, annexed hereto. The noise shall exhibit no tonal or impulse content at these locations in any weather conditions. The above noise level limitation shall be adhered to at all times except in an emergency.

<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

(25) In any instance where a noise level approved pursuant to Condition (23) or a noise limitation referred to in Condition (24) is exceeded because of an emergency the Company shall within 2 working days 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.

(26) Except in an emergency, the Company shall give at least 2 working days prior notice in writing to the Council of any proposed operation of emergency pressure valves or similar equipment.

So far as is reasonably practicable, any such operation

(a) shall take place between the hours of 09.00 and 17.00; and

(b) shall not take place on any Saturday, Sunday or Bank Holiday.

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

#### Noise Complaints Procedure

(27) In any instance where a local resident has cause to make a complaint about noise generated by the construction and/or operation of the Development the Company shall carry out investigations to establish the justification, or otherwise, for 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/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 on local residents.

#### Landscaping

(28) 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.

(29) The scheme referred to in Condition (28) shall include details of the following matters:

- (i) planting;
- (ii) management of existing and new planted areas;
- (iii) restoration of areas affected by construction works;
- (iv) details of grass seed mix for areas of the Site to be restored to grassland;
- (v) details of the height, type, size and species of the shrubs and trees to be planted;



<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

(vi) details of the measures to be taken to create new flora and fauna habitats and of the management of such new habitats; and

(vii) phasing of works included in the scheme.

(30) The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works specified in Condition (29) (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 (28). 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.

Reason: To ensure proper landscaping for the Development and so as not to prejudice the future planning of the riverside.

#### Prevention of Contamination of Watercourses

(31) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the Council, in consultation with the Environment Agency, 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.

(32) The scheme referred to in Condition (31) shall include:

(i) 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;

(ii) provision for trapped gullies in car parks, hardstandings and roadways;

(iii) measures to ensure that all foul sewage must drain to an approved foul sewerage and/or sewage disposal system; and

(iv) phasing of works.

(33) Any surface water contaminated by hydrocarbons which are used during the construction 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 to any other surface water disposal system which has been approved by the Environment Agency.

(34) 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.

(35) All containers in the bunded area referred to in Condition (34) 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.

<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

(36) The facilities required for the purposes specified in Condition (34) shall be built prior to the commencement of the main Development.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built.

#### Atmospheric Emissions

(37) All data relating to emissions into the air from the Development which are supplied by the Company to the Environment Agency pursuant to the Environmental Protection Act 1990 or any other relevant legislation, for publication on the public register, shall be supplied by the Company, as soon as possible after the data become available to the Council except where the Council 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 is given access to information required for the exercise of their functions.

#### Air pollution Monitoring

(38) 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 monitoring of air pollution in its area. The scheme shall specify the pollutants to be monitored and include the measurement location or locations within the Council's area from which air pollution will be monitored, the equipment and methods to be used and the frequency of measurement. The scheme shall provide for the first measurement to be taken not less than 12 months prior to the commissioning of the Development and for the final measurement to be taken not more than 24 months after the commissioning of the Development. The Company shall supply full details of the measurements obtained in accordance with the scheme to the Council as soon as possible after they become available.

(39) Should the Council require continued monitoring of air pollution the Company shall extend the scheme approved pursuant to Condition (38) for a period of up to 60 months from the date of the last measurement taken pursuant to Condition (38). The Company shall supply full details of the measurements obtained during the extended period to the Council as soon as possible after they become available.

Reason: To ensure that the Council is kept informed on a regular and programmed basis about the changes in the level of air pollution at locations within its area.

#### Fuel

(41) All natural gas for use in the operation of the Development shall be conveyed to the Site only by pipeline.

(42) All condensate for use in the operation of the Development shall be conveyed to the Site only by pipeline

(43) Condensate storage on the Site shall not exceed 3,900 tonnes.

Reason: To ensure that gas and condensate are not delivered to the Development by road and to prevent a large area of the Borough coming within the notifiable area required by the Health and Safety Executive.

<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

### Contaminated Waste

(44) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the Council; in consultation with the Environment Agency, a scheme for the treatment of any contaminated material found on the Site.

(45) Contaminated material arising from the construction of the Development shall be treated on the Site in accordance with the scheme approved pursuant to Condition (44) or shall be disposed of to licensed disposal facilities.

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

### Archaeology

(46) 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 archaeological investigation and an associated implementation programme.

(47) The scheme approved pursuant to Condition (46) 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.

(48) 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 approved pursuant to Condition (47) (iii), unless any variation has been approved in writing by the Council.

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

### TV, Microwave and Radio Interference

(49) Prior to the commencement of the main Development the Company shall carry out an investigation of the likely impact, if any, of the construction and operation of the Development on television, microwave or radio communications. Details of the investigation shall be presented to the Council. Should the investigation predict adverse effects, the Company shall take steps to provide such equipment as may be necessary to ensure interference is eliminated.

Reason: To ensure that existing TV, microwave and radio communications are not adversely affected by the Development.

### Use of Waste Heat

<sup>1</sup> Varied by the letter dated 4 April 2001

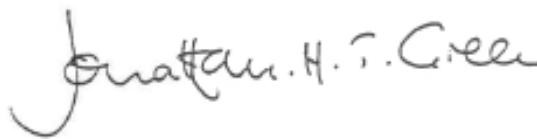
<sup>2</sup> Varied by the letter dated [01 October 2024]

(50) The commissioning of the Development shall not take place until the Company has installed the necessary plant and pipework to supply waste heat to the Site boundary.

Reason: To ensure that waste heat be available for use to the benefit of the local community.

Default of Agreement

(51) Where any matter is required to be agreed in writing by the Council under any of the foregoing Conditions that matter shall in default of agreement be determined by the Secretary of State for Trade and Industry.



Date: 23 October 1997 J H T Green  
Director  
Electricity Directorate  
Department of Trade and Industry

<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

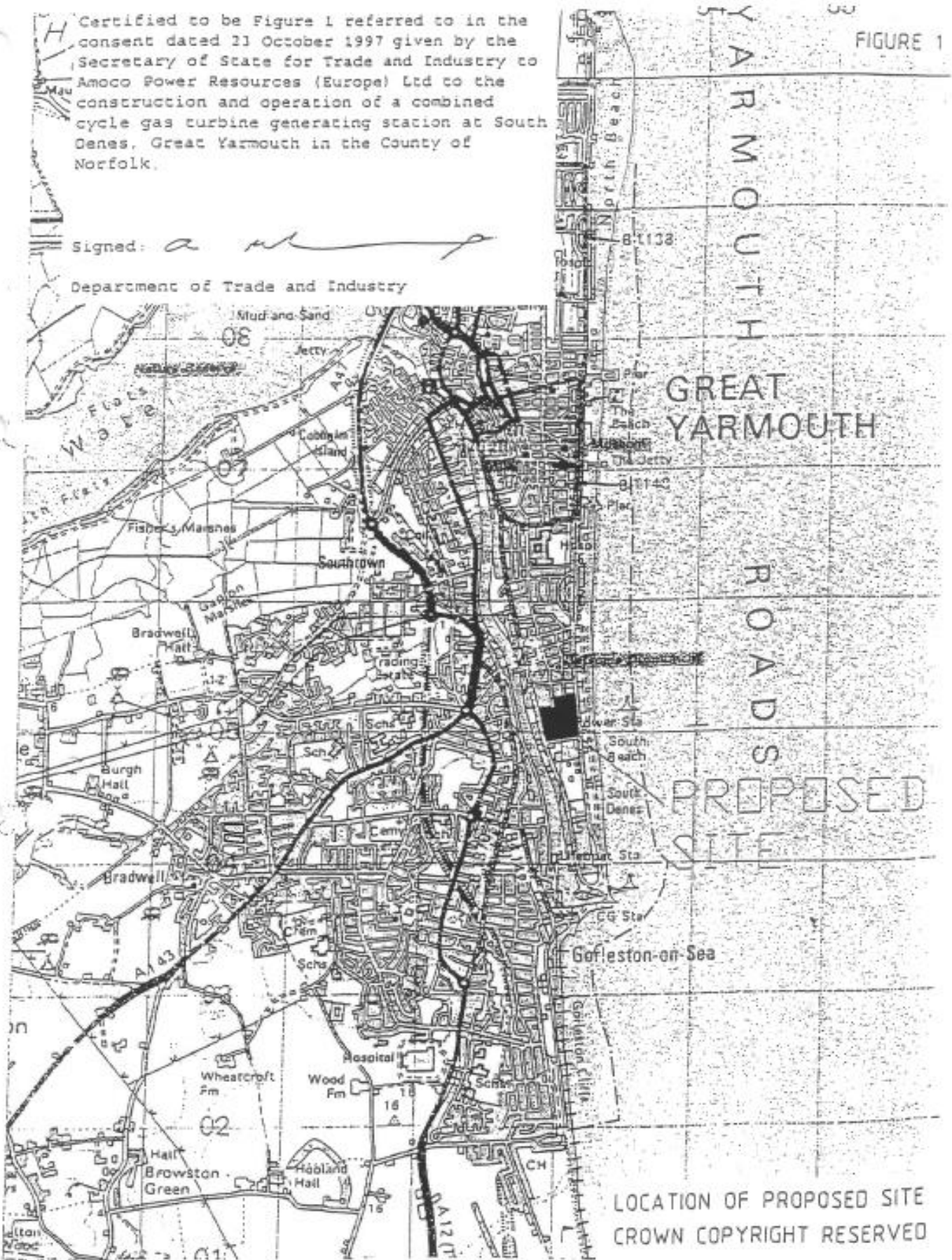
Town and Country Planning Act 1990

Certified to be Figure 1 referred to in the consent dated 21 October 1997 given by the Secretary of State for Trade and Industry to Amoco Power Resources (Europe) Ltd to the construction and operation of a combined cycle gas turbine generating station at South Denes, Great Yarmouth in the County of Norfolk.

Signed: *a m p*

Department of Trade and Industry

FIGURE 1



LOCATION OF PROPOSED SITE  
CROWN COPYRIGHT RESERVED

<sup>1</sup> Varied by the letter dated 4 April 2001

<sup>2</sup> Varied by the letter dated [01 October 2024]

