

**CONSTRUCTION AND OPERATION OF A GAS-FIRED ELECTRICITY
GENERATING STATION AT EALAND ROAD, KEADBY, NORTH LINCOLNSHIRE
KNOWN AS KEADBY 2 (“the Development”)**

**EXPLANATORY MEMORANDUM TO S.36 CONSENT AND S90 DIRECTION
VARIATIONS
3 NOVEMBER 2016**

Variation of Section 36 Consent

Paragraph 1 is varied to reflect changes in the numbering of the relevant reference location plan and a change to name of the County in which the Development will be located.

Paragraph 2(a) is varied to set a new maximum generating capacity for the Development and to alter its technical specification.

Paragraph 3(1) is varied to define the Development in terms of the information provided in the variation application as well as in the original application for consent made in 1992.

Paragraph 3(2) is varied to remove the requirement for the construction of the Development to commence within five years of the date of the original grant of consent as the Development has already commenced within this period (by virtue of the construction of the access road in paragraph 2(b)).

Carbon Capture

Paragraphs 3.3 – 3.11 are new conditions which:

set out that any interest in land made available for the installation of carbon capture and storage (“CCS”) equipment can only be disposed of with the written consent of the Secretary of State and that any land set aside for the installation of CCS equipment must not be encumbered with any structures which would diminish the ability of the land to support use as a CCS facility;

requires the Company to provide the Secretary of State with a report setting out how the Company either has or how the Company intends to comply with the requirements of condition 3.3. The condition ceases to have effect if carbon capture equipment is installed, if the Development is decommissioned or if the Secretary of State has given agreement to halt production of the reports; and,

introduce a suite of definitions for terms used in (new) conditions 3.3 to 3.10 related to Carbon Capture Readiness.

Conditions in Section 90 Direction

Paragraph 4

Definitions

Condition 1 is varied as follows:

new definitions are introduced in relation to, “Construction Environmental Management Plan”, “Critical Operational Infrastructure”, “Enabling Works Phase” and “Environmental Statement”; and

other definitions are varied to reflect changes in the names or status of organisations, the submission of new relevant plans and drawings and general consolidation of terms.

Time Limits

Condition 3 is deleted to reflect that the Development was commenced within five years by virtue of the building of an access road (which forms part of the Development).

New Access Road

Conditions 4 and 5 are deleted to reflect that the scheme for the construction of the new access road has been approved by the Council.

Heavy Commercial Vehicle Traffic Movements

Condition 7 is varied to require specified commercial traffic associated with the construction of the Development to use the access road when entering the site of the Development.

Condition 8 is varied to remove reference to the completion of the new access road as the road has been constructed and reference to the County Council (now redefined in Condition 4).

Condition 9 is varied to update cross-referencing and remove the reference to the County Council.

Suppression of Dust and Dirt

Condition 10 is varied to insert a reference to the Permitted Preliminary Works (as defined in Condition 4).

Condition 11 is varied to remove reference to the Borough Council (given redefinitions in Condition 4) and to update cross-referencing.

Condition 12 is varied to include a reference to the Main Development as defined in Condition 4 and to remove references to the Borough Council.

Layout and Design

Condition 13 is varied to remove references to out of date documents and to include a reference to current layout drawings and the Environmental Statement submitted with the variation application.

Condition 14 is varied to remove reference to the Borough Council (given redefinitions in Condition 4).

Condition 15 is varied to remove reference to the Borough Council (given redefinitions in Condition 4).

Condition 16 is varied to remove reference to the Borough Council (given redefinitions in Condition 4).

Condition 17 is varied to remove reference to the Borough Council (given redefinitions in Condition 4).

Condition 18 is varied to remove reference to the Borough Council (given redefinitions in Condition 4) and to include a requirement for consultation with the Canal & River Trust before any approval for a scheme of works is given.

Condition 19 is varied to remove reference to the Borough Council (given redefinitions in Condition 4).

Construction Noise

Condition 20 is varied to remove reference to the Borough Council (given redefinitions in Condition 4) and to change the times when impact pile driving can start and finish.

Condition 21 is varied to remove reference to the Borough Council (given redefinitions in Condition 4).

Condition 22 is varied to remove references to the Borough Council (given redefinitions in Condition 4) and to add the need for certain activities – excluding the Permitted Preliminary Works which include the access road already constructed – proposed for evening and night-time working to be specified in a noise-monitoring programme.

Condition 23 is varied to remove reference to the Borough Council (given redefinitions in Condition 4).

Condition 24 is varied to remove reference to the Borough Council (given redefinitions in Condition 4).

Noise during operation

Condition 25 is varied to remove reference to the Borough Council (given redefinitions in Condition 4) and to add a reference to a noise mitigation scheme.

Condition 26 is varied to remove reference to the Borough Council (given redefinitions in Condition 4) and to add that the operational load of the Keadby I and noise measurement equipment details shall be included in a scheme to measure ambient noise levels.

Condition 27 is varied to remove references to the Borough Council (given redefinitions in Condition 4) and to add a reference to the commissioning of the Development being the point before which a noise monitoring programme must be approved.

Condition 28 is varied to remove reference to a condition in the original consent and to add a maximum measured noise level.

Condition 29 is varied to remove references to the Borough Council (given redefinitions in Condition 4).

Condition 30 is varied to remove references to the Borough Council (given redefinitions in Condition 4).

Landscaping

Condition 31 is varied to remove references to the Borough Council (given redefinitions in Condition 4) and to require consultation with Natural England (rather than English Nature) on a scheme of landscaping and creative conservation before commencement of the Development.

Condition 32 is varied to replace `English Nature` with `Natural England`.

Condition 33 is varied to remove references to the Borough Council (given redefinitions in Condition 4), to update cross referencing and to remove an otiose reference.

Condition 34 is varied to remove references to the Borough Council (given redefinitions in Condition 4) and to remove an otiose reference to English Nature.

Prevention of Contamination of Watercourse and Water Requirements

Condition 35 is varied to provide an exemption for Permitted Preliminary Works (which include the access road already constructed) in relation to the submission of a scheme for drainage of the Development site before the commencement of works. It is also varied to remove references to the Borough Council (given redefinitions in Condition 4), to replace `Rivers Authority` with `Environment Agency` (to reflect the abolition of the former organisation and replacement with the latter) and to provide clarity on certain requirements.

Conditions 41 (i) and (iii) are removed because their provisions are now in new conditions 70 - 72.

Condition 42 is varied to ensure that, in the event the existing infrastructure for the Keadby I power station is utilised by the Development, any water discharges are

properly controlled, and to replace `Rivers Authority` with `Environment Agency` for the reasons set out in relation to condition 35 above.

Fuel

Conditions 44 to 50 are removed because they are no longer relevant.

Emissions and Discharges

Condition 51 is varied to remove references to the Borough and County Councils, English Nature (given redefinitions in Condition 4) and to add a reference to the Environment Agency.

Monitoring of Emissions

Condition 52 is varied to remove references to the Borough and County Councils (given redefinitions in Condition 4) and the requirement for consultation with `English Nature` is replaced by a requirement for consultation with `the Environment Agency and Natural England`.

Condition 53 is varied to remove references to the Borough and County Councils (given redefinitions in Condition 4) and the requirement for consultation with `English Nature` is replaced by a requirement for consultation with `the Environment Agency and Natural England`.

Archaeology

Condition 54 is varied to define when safe access to the Development site for the observation of excavations is available and to remove references to the Borough Council (given redefinitions in Condition 4).

Condition 54A is a new condition to require an Archaeological Mitigation Strategy to be put in place to mitigate any impacts of the Development on archaeological remains.

Contaminated Waste

Condition 55 is varied to remove references to the Borough Council (given redefinitions in Condition 4).

Local Liaison Committee and Complaints Procedure

Condition 56 is varied to exclude the Permitted Preliminary Works (which include the access road already constructed) from the trigger for establishing a local liaison group and to remove references to the Borough and County Councils (given redefinitions in Condition 4).

Condition 57 is varied to correct cross referencing and to substitute the word `may` for `will`.

Condition 59 is varied to remove Permitted Preliminary Works from the trigger for the establishment of a local liaison committee before the commencement of the Development.

Default of Agreement

Condition 60 is deleted because it is no longer appropriate to resolve disputes by the process set out in the condition: new and more appropriate mechanisms are available [under statutory provisions].

Immaterial changes to conditions by the Council

Condition 61 is a new condition included to ensure that any changes to the consent that might be made by the Council are limited to those which are `immaterial` and unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

Environmental Statement

Condition 62 is a new condition which ensures that the Development consented has no greater environmental impact than that considered in the Environmental Statement (as defined in condition 4).

Use of waste heat

Condition 63 is a new condition to set out the need for the Applicant to produce an updated Combined Heat and Power Feasibility Review to assess potential opportunities for the use of heat from the Development.

Construction Traffic

Conditions 64, 65 and 66 are added to ensure that, except for the Permitted Preliminary Works which include the access road already constructed, no construction shall take place until details of the measures to be put in place to mitigate the impacts of traffic during the construction of the Development are put in place.

Construction Environmental Management Plan

Condition 67 is a new condition to require a Construction Environmental Management Plan to be approved by the Council before commencement of the Development (except for the Permitted Preliminary Works which include the access road already constructed).

Protection of Water Voles

Condition 68 is a new condition to protect water voles and their habitat within and adjacent to the site of the Development.

Protection of Eels and Lamprey

Condition 69 is a new condition to protect eel and lamprey present in the waterbodies surrounding the Development.

Flood Risk and Drainage

Condition 70 is a new condition that sets out measures required to reduce the risk of flooding at the site of the Development.

Condition 71 is a new condition that sets out measures to ensure there is no increase in the risk of flooding at the site of the Development but also in the wider community.

Condition 72 is a new condition that requires the approval of a flood emergency preparedness plan to ensure the safety of any occupants at the site of the Development.

Land Contamination

Condition 73 is a new condition which introduces measures to reduce the risk of pollution to controlled waters.

Condition 74 is a new condition which introduces measures to ensure any identified contamination is remediated and verified in order to protect controlled waters.

Condition 75 is a new condition which introduces measures to ensure that if there are any areas of contamination remaining after the provisions of conditions 73 and 73 have been given effect, then it must be dealt with appropriately in order to protect controlled waters.

Aviation

Condition 76 is a new condition which requires the information about the Development, excluding the Permitted Preliminary Works (which include the access road already constructed), to be submitted to the Defence Geographic and Imagery Intelligence Agency before the commencement of works and to remove references to the Borough and County Councils (given redefinitions in Condition 4).