

DEPARTMENT OF ENERGY AND CLIMATE CHANGE ~~TRADE AND INDUSTRY~~
ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING ACT 1990
KEADBY DEVELOPMENTS LIMITED
CONSTRUCTION AND OPERATION OF A GENERATING STATION AT KEADBY

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for **Energy and Climate Change** ~~Trade and Industry~~ (the Secretary of State) hereby consents to the construction by Keadby Developments Limited, **its assigns and successors** (the Company), on the area of land delineated red on **Location Plan** Drawing: **Keadby2_DWD_001** ~~Number 6517/Sk100~~, annexed hereto and duly endorsed on behalf of the Secretary of State, of a combined cycle gas turbine generating station at Keadby **North Lincolnshire** ~~in the County of Humberside~~ (the Development) and to the operation of that generating station.
2. The Development shall comprise:
 - (a) One combined cycle gas turbine generating station of **up to 820MW** ~~about 710MW~~ consisting of:
 - (i) ~~Two~~ **One** industrial gas turbines ~~each with an associated boilers~~ and **single** exhaust stack; and
 - (ii) One steam turbine
 - ~~(b) An access road;~~
 - (c) Ancillary plant and equipment; and
 - (d) The necessary buildings (including administration offices) and civil engineering works.
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 particulars contained in the Company's application of 2 September 1992 **as varied by the application dated 5 February 2016 subject to any minor changes which may be approved by the Council.**
 - ~~(2) Except with the written agreement of the Secretary of State, the construction of the Development shall not be begun after the expiry of five years from the date of this consent.~~
4. The Secretary of State in exercise of the powers conferred 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:

Definitions

(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;

“the ~~Borough Council~~” means the ~~North Lincolnshire~~ ~~Boothferry Borough Council~~ and shall include its assigns and successors ~~in title~~;

“the commencement of the Development” means the date on which the Development is to be taken to be initiated for the purpose of section 56 of the Town and Country Planning Act 1990;

“the commissioning of the Development” means the date on which ~~following completion of the testing of the Development, the Development first supplies electricity to the transmission system of the National Grid Company or directly to one of the Company’s customers~~ ~~on a commercial basis~~;

“the Company” means Keadby Developments Limited and ~~shall include its assigns and successors~~;

“the Construction Environmental Management Plan” shall mean a construction environmental plan based on the Environmental Statement;

“contract year” means ~~the date on which the Company agrees to take receipt of natural gas to the anniversary of such date~~;

“construction site compound” means the area hatched ~~red blue~~ on Drawing Number ~~6517/Sk100~~ ~~Keadby2_DWD_001~~, annexed here to;

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

“creative conservation” means the establishment of areas which are capable of sustaining ~~locally indigenous flora and fauna as well as habitats such as those outlined in the local biodiversity action plan or its equivalent in the UK Biodiversity action plan~~;

“the Development” means the combined cycle gas turbine generating station at Keadby in ~~North Lincolnshire~~ ~~the County of Humberside~~ to be known as Keadby II

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

“Environmental Statement” means the document titled Environmental Statement Keadby II combined cycle gas turbine generating station at Keadby North Lincolnshire regarding an application under the Electricity Act 1989 and the Electricity Generating Stations Variation of Consents (England & Wales) Regulations 2013.

“Natural England” ~~“English Nature”~~ means ~~Natural England and its the Nature Conservancy Council for England~~ and shall include its assigns and successors ~~in title~~;

“heavy commercial vehicle” means heavy commercial vehicle as defined 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;

“owned land” means all the land owned by the Company shown edged ~~yellow~~ red and blue on Drawing No. **Keadby2_DWD_001**, annexed hereto;

“Permitted Preliminary Works” means:

- (i) construction within the Site of ~~the access road, and related~~ alterations to existing on-Site roads;
- (ii) provision of wheel cleansing facilities pursuant to Conditions **(9-10 and 11)**;
- (iii) landscaping works, provided these do not require the delivery of bulk filling materials to the Site;
- (iv) installation and diversion of utility services within the Site;
- (v) surveys and geotechnical investigation works;
- (vi) erection of boundary and security fences; and
- (vii) provision for temporary contractors facilities within the Site as necessary for (i) – (vi) above or for the construction of off-Site highway works ~~pursuant to the provisions of Condition (5)~~;

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

“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 Technical Services of the County Council~~; and

“the Site” means the areas **of land edged hatched red** on Drawing **Keadby2_DWD_001 6517/Sk100**, annexed hereto.

The Site

- (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 which is the area which is the subject of the application for planning permission to be deemed to be granted.

Time Limits

- ~~(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.~~

New Access Road

- ~~(4) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the County Council, in consultation with the Borough Council, a scheme for the construction of the new access road and its junction with the public highway. The scheme shall indicate the layout, design and programme for the construction of the new access road and its junction with the public highway.~~
- ~~(5) Except for the Permitted Preliminary Works, the Development shall not commence until:-~~
- ~~(i) a by-pass route for the village of Ealand linking the Site with the public highway has been substantially completed; and~~
 - ~~(ii) the new access road has 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.~~

Heavy Commercial Vehicle Traffic Movements

- (6) Except in an emergency no heavy commercial vehicle traffic, and any other traffic having an operating weight exceeding three tonnes, which is associated with the construction of the Development, shall be routed via the village of Keadby.
- (7) Except for heavy commercial vehicle traffic associated with the Permitted Preliminary Works all heavy commercial vehicle traffic, and any other traffic having an operating weight exceeding three tonnes, which is associated with the construction of the Development, shall enter the Site via **the existing access road leading from the A18 over the Palfrey Bridge** ~~the new access road~~ unless such movement is associated with an emergency or is with the prior written approval of the ~~County~~ Council or is an abnormal load movement the subject of a special order by the Secretary of State for Transport.
- (8) ~~Prior to the new access road being substantially completed~~ **No** heavy commercial vehicle traffic, plant machinery and 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 Thursday	0700-2000 hours
Friday	0700-1800 hours
Saturday	0700-1300 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.

- (9) In any instance where a traffic movement referred to in Condition (6) and Condition (7) or a time limitation referred to in Condition (8) is not adhered to 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 the traffic movement or the time limitation could not be observed.

Reason: To mitigate the impact of heavy commercial vehicle traffic on the locale.

Suppression of Dust and Dirt

- (10)The commencement of the **Main** Development shall not take place until there has been submitted to and approved in writing by the ~~Borough~~ Council a scheme for the provision of wheel cleansing facilities within the Site or owned land for heavy commercial vehicle traffic and any other traffic 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 ~~Borough~~ Council.

- (11)Unless otherwise approved in writing by the ~~Borough~~ Council, all heavy commercial vehicle traffic and any other traffic which has an operating weight exceeding three tonnes, shall on each occasion prior to leaving the Site or owned land, pass through the wheel cleansing facilities provided pursuant to Condition (10).

- (12)The commencement of the **Main** Development shall not take place until there has been submitted to and approved in writing by the ~~Borough~~-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 ~~Borough~~ Council.

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

Layout and Design

- (13)The Development shall be constructed in accordance with the *Consolidated Parameter Layout drawing (Ref no. 105_0805_0040)*

- (14)No work shall take place on the Site until the construction site compound has been laid out with a heavy commercial vehicle traffic parking area and an area for the storage of materials to the satisfaction of the ~~Borough~~ Council.

- (15)No temporary buildings or structures shall be erected on the Site until there has been submitted to and approved in writing by the ~~Borough~~ Council a scheme which shall include the siting, design, external appearance of such buildings and structures.

- (16)The commissioning of the Development shall not take place until there has been submitted to and approved in writing by the ~~Borough~~ Council a scheme for the removal of all buildings and structures referred to in Condition (15). 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 to the scheme has been approved in writing by the ~~Borough~~ Council.

(17) Notwithstanding the terms of Condition (16) the Company shall, subject to the prior written approval of the ~~Borough~~ Council, be permitted to retain those buildings which may be required for future use by the Company.

(18) Prior to the construction of any permanent building or structure comprising the Development there shall be submitted to and approved in writing by the ~~Borough~~ Council a scheme which shall indicate:

- (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 colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;
- (iii) details of vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site, distinguishing between permanent and temporary arrangements;
- (iv) details of any additional facilities required on the Site for the storage of materials required for the construction or operation of the Development;
- (v) details of the areas on the Site which are to be used for the permanent storage of materials and the manner by which such areas will be screened from view; and
- (vi) phasing of works included in the scheme.

(19) The Development shall proceed only in accordance with the schemes approved under Conditions (15) and (18) subject to any subsequent variations to the schemes as may be agreed in writing with the ~~Borough~~ Council.

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

Construction Environmental Management Plan

(20) With exception to the Permitted Preliminary Works, the commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a Construction Environmental Management Plan. The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work including from piling and associated traffic movements, from both inside and outside the Site boundary, will be controlled and mitigated. The construction of the Development shall be completed in accordance with the approved Plan except in so far as any variation to it has been approved in writing by the Council.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development and to reduce the number of traffic movements for the safety of other road users and pedestrians.

Construction Noise

(21) 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 0900-1700 hours

unless associated with an emergency or with the prior written approval of the ~~Borough~~ Council.

(22) In any instance where the time limitation referred to in Condition (20) is exceeded because of an emergency the Company shall as soon as reasonably possible provide the ~~Borough~~ Council with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.

(23) The noise generated during the construction of the Development shall be monitored by the Company in accordance with a programme to be approved in writing by the ~~Borough~~ Council prior to the commencement of the Development. The measurement locations at which noise will be monitored shall be locations at the nearest residential properties in Chapel Lane, Trentside and the Mariners Arms Flats, Keadby or any other location as may be approved in writing by the ~~Borough~~ Council. The programme shall specify the method of noise measurement and the maximum permissible noise level at each measurement location. The programme shall make provision for continuous noise monitoring over a period to be approved in writing by the ~~Borough~~ Council and thereafter at intervals to be approved in writing by the ~~Borough~~ Council and for other noise measurements to be taken as soon as possible following requests by the ~~Borough~~ Council. The results of all noise measurements shall be given to the ~~Borough~~ Council on request.

(24) The noise levels in the programme approved pursuant to Condition (22) shall not be exceeded except in an emergency or with the prior written approval of the ~~Borough~~ Council.

(25) In any instance where a noise level agreed pursuant to Condition (22) is exceeded because of an emergency the Company shall as soon as possible provide the ~~Borough~~ 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 the proper control of noise during the construction of the Development.

Noise during operation

(26) The commissioning of the development shall not take place until there has been submitted to and approved in writing by the ~~Borough~~ Council a scheme for the insulation of the Development. The scheme shall include details of the specification of noise attenuation measures and shall be implemented to the satisfaction of the ~~Borough~~ Council and prior to the commissioning of the Development.

- (27) The commissioning of the Development shall not take place until there has been submitted to and approved in writing by the ~~Borough~~ Council a scheme to determine the ambient noise levels at the nearest residential properties in Chapel Lane, Trentside and the Mariners Arms, Keadby and/or any other location as may be approved in writing by the ~~Borough~~ Council. Such scheme shall specify equipment details and sampling techniques.
- (28) The noise generated during the operation of the Development shall be monitored by the Company in accordance with a programme to be approved in writing by the ~~Borough~~ Council prior to the commencement of the **Main** Development. The measurement locations at which noise will be monitored shall be locations at the nearest residential properties in Chapel Lane, Trentside and the Mariners Arms, Keadby or any other location as may be approved in writing by the ~~Borough~~ Council. The programme shall specify the method of noise measurement and the maximum permissible noise level at each measurement location. The programme shall make provision for continuous noise monitoring over a period to be approved in writing by the ~~Borough~~ Council and thereafter at intervals to be approved in writing by the ~~Borough~~ Council and for other noise measurements to be taken as soon as possible following requests by the ~~Borough~~ Council. The results of all noise measurements shall be given to the ~~Borough~~ Council on request.
- (29) Notwithstanding the noise levels approved by the ~~Borough~~ Council pursuant to Condition (27) the noise levels when measured at one metre in front of the nearest residential properties in Chapel Lane, Trentside and the Mariners Arms, Keadby shall be within 5 db (A) of the ambient noise levels approved pursuant to Condition (25) as assessed by British Standard 4142 and exhibit no tonal content.
- (30) In any instance where a noise level referred to in Conditions (27) and (28) is exceeded because of an emergency the Company shall as soon as reasonably practicable provide the ~~Borough~~ Council with a written statement detailing the nature of the emergency and the reason why the noise level concerned could not be observed.
- (31) Except in an emergency, the Company shall give at least 48 hours' prior notice in writing to the ~~Borough~~ Council of any steam pipe purging and/or any proposed operation of emergency pressure valves or similar equipment. Such purging and/or operation, as far as reasonably practicable, shall take place between the hours of 0900 and 1700 Monday to Friday.

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

Landscaping

- (32) The commencement of the Development shall not take place until a scheme of landscaping and creative conservation has been submitted to and approved in writing by the ~~Borough~~ Council **in consultation with Natural England** ~~English Nature~~.
- (33) The scheme referred to in Condition (31) shall deal with the treatment of any environmentally sensitive areas and flora 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:

- (i) planting on the Site and owned land;
- (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 shrubs and trees to be planted;
- (vi) details of those areas of the Site and owned land which are of ecological interest;
- (vii) details of the measures to be taken to create new ecological habitats and of the management of such new habitats;
- (viii) details of the measures to be taken to protect existing flora on owned land which are identified by ~~English Nature~~ **Natural England** as being of importance; and
- (ix) phasing of works included in the scheme.

(34) The landscaping and planting, including grass sowing, shall take place in the appropriate planting or sowing season following the completion of the construction and earthmoving operations of the Development and shall be carried out in accordance with a scheme approved under Condition (31). The landscaping on owned land shall be maintained thereafter and 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 ~~Borough Council~~ **Nature**.

(35) Notwithstanding any measures approved by the ~~Borough Council~~ **English Nature** pursuant to Conditions (31) and (33) the Company shall on no account disturb those parts of owned land on which there has been established colonies of southern marsh orchid (*Dactylorhiza praetermissa*).

Reason: To ensure the proper landscaping of the Site and owned land and the restoration of the land after completion of construction of the Development and to protect species of plants which are of importance.

Prevention of Contamination of Watercourse and Water Requirements

(36) The commencement of the Development shall not take place until there has been submitted and approved in writing by the ~~Borough Council~~ and the **Environment Agency** ~~Rivers Authority~~ 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 in accordance with a timescale to be agreed with the ~~Borough Council~~ and the **Rivers Authority**.

(37) The scheme approved pursuant to Condition (35) 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 leachate or any contaminated surface 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 foul sewage system.

(38) 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.

(39) Any tanks and transformers containing hydrocarbons, process chemicals or similar liquids shall be contained within bunded areas of sufficient capacity to restrain 100% of the volume of the largest container within the bund plus 10%. 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 filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.

(40) All containers in the bunded area referred to in Condition (38) 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.

(41) Such facilities required pursuant to Condition (38) shall be built prior to the commissioning of the Development.

~~(42) The commissioning of the Development shall not take place until the Company has been granted:~~

- ~~(i) an appropriate approval of any works or structures which require the consent of the Rivers Authority under the provisions of the Land Drainage Act 1976, as amended by the Water Act 1989;~~
- ~~(ii) an authorisation pursuant to the Environmental Protection Act 1990 covering the operation of the Development, including abstraction of water from the River Trent and/or boreholes and discharge of waste water or any other matter returned to the River Trent or any other watercourse; and~~
- ~~(iii) a consent for the discharge of water or any other matter resulting from the Development to any watercourse, not covered by the authorisation under (ii) above; in accordance with the provisions of the Water Act 1989.~~

(43) No silt extracted from the River Trent or suspended solids from the Site shall be allowed at any time to be returned to the River Trent or to enter the land drainage systems, except as authorised by the **Environment Agency** ~~Rivers Authority~~. The company shall remove so far as is reasonably practicable any material which accumulates in those land drainage systems.

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

Fuel

- (44) All natural gas for use in the operation of the Development shall be conveyed to the Site only by pipeline.
- (45) All distillate oil to be used in the operation of the Development as a standby fuel during periods when the gas supply is interrupted shall be conveyed to the Site only by pipeline or water transport.
- (46) 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 45 days in any contract year.
- (47) Notwithstanding the number of days allowed pursuant to Condition (45) the Company shall as far as reasonably practicable endeavour to ensure that no distillate oil shall be used in the operation of the Development during the same period as when distillate oil is used as the fuel for the Keadby 1 combined cycle gas turbine generating station, except where there is an interruption of the gas supply or in an emergency.
- (48) In any instance where the burning of distillate oil referred to in Condition (46) occurs because of an emergency the Company shall as soon as possible provide the Borough Council, the County Council and English Nature with a written statement detailing the nature of the emergency and the reason why distillate oil had to be so burned.
- (49) The Company shall make every effort to ensure that any distillate oil for use in the operation of the Development is free from contamination.
- (50) Notwithstanding the efforts made by the Company pursuant to Condition (48) no distillate oil shall be used in the operation of the Development 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.
- (51) By the end of the business day of the Development following any day on which distillate oil is burned in the operation of the Development (except routine testing not exceeding 60 minutes in any day) the company shall notify the Borough Council, the County Council and English Nature in writing of such burning. Any notification shall include details of the period of time and rate of consumption of such burning and the quantity and sulphur content of the distillate oil burned.

Reason: To ensure that fuel is delivered to the Development by means other than by road; to limit the periods when distillate oil can be used as the standby fuel; to ensure that the period when distillate oil is used is not the same as that for Keadby 1; and that such distillate oil has a sulphur content as low as practicable to reduce emissions of sulphur dioxide gas. **The provision of a pipeline is the only practical means of conveying gas.**

Emissions and Discharges

(52) All data relating to emissions into the air and to cooling water discharged into the River Trent from the Development which are supplied by the Company to the enforcing authority pursuant to the Environmental Protection Act 1990 or any other relevant legislation, for publication on the register, shall be supplied by the Company, as soon as possible after the data becomes available, to the ~~Borough Council, the County Council~~ and **Natural England, English Nature the Environment Agency**, except where any party 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 ~~Borough Council, the County Council~~ **the Environment Agency and Natural England** ~~English Nature~~ are given access to information required for the exercise of their functions.

Monitoring of Emissions

(53) The commissioning of the Development shall not take place until there has been submitted to and approved in writing by the ~~Borough Council the County Council~~ and **in consultation with the Environment Agency and Natural England** ~~English Nature~~ schemes for the monitoring of air pollution in their areas. Each scheme shall include the measurement location or locations within the relevant area from which air pollution will be monitored, the equipment and methods to be used and the frequency of measurement. Each scheme shall provide for the first measurement to be taken not less than twelve months prior to the commissioning of the Development. The Company shall supply full details of the measurements obtained in accordance with the schemes to the ~~Borough Council, the County Council~~ and **the Environment Agency and Natural England** ~~English Nature~~, as appropriate, as soon as possible after they become available.

(54) Should the ~~Borough Council~~ **in consultation with** ~~or the County Council~~ **the Environment Agency and Natural England** ~~English Nature~~ require continued monitoring of air emissions the Company shall extend the scheme approved pursuant to Condition (52) for a period of up to five years. The Company shall supply full details of the measurements obtained during the extended period to the ~~Borough Council, the County Council~~ and **the Environment Agency and Natural England** ~~English Nature~~, as appropriate, as soon as possible after they are available.

Reason: To ensure that the Council and **the Environment Agency and Natural England** ~~English Nature~~ are kept informed on a regular and programmed basis about any changes in the level of air pollution in their areas.

Archaeology

(55) In order to assess the state of preservation of any surviving archaeology and palaeo environmental evidence, a programme of field evaluation will be carried out in advance of construction at specific areas as identified in a Written Scheme of Investigation to be submitted to and approved by the Council.

(56) The Company shall before commencement of the main Development afford safe and reasonable access to any person(s) nominated by the ~~County Council~~ to observe the

excavations and record items of interest and finds, provided that no such access for this purpose interferes with work on the Site.

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

Contaminated Waste

(57) Contaminated waste arising from the construction of the Development shall be disposed of to licensed disposal facilities. Prior to the removal of any contaminated waste from the Site the Company shall supply documentary evidence to the ~~Borough~~ Council of the statutory consents and licenses relating to such disposal facilities which the Company has obtained.

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

Local Liaison Committee and Complaints Procedure

(58) Prior to the commencement of the Development the Company shall establish a local liaison committee made up of representatives of the Company and representatives of the main contractors for the Development. The Company shall also invite the ~~Borough~~ Council, ~~the County Council~~, the local parish councils and other relevant local interest groups to nominate representatives to join the local liaison committee. The Company shall provide a full secretariat service, determine when to hold meetings and supply an appropriate venue.

(59) The local liaison committee referred to in Condition (56) shall provide a forum in which consultation can take place to consider the effects and problems the Development will have both during construction and operation on the locale. The local liaison committee shall meet on a regular basis and at least once every quarter.

(60) The Company shall nominate a representative of the Company as an Environmental Officer and such an officer shall act as a point of contact for those members of the local liaison committee referred to in Condition (56) and for all matters associated with the construction and operation of the Development.

(61) The commencement of the Development shall not take place until the Company has in place a set of procedures for dealing with a complaint by a member of the public. Such set of procedures to be approved in writing by the local liaison committee.

Reason: To keep local residents informed of how the Development is progressing and to ensure a proper mechanism for dealing with complaints during the construction and operation of the Development.

Default of Agreement

(62) Where any matter is required to be agreed by the ~~Borough~~ Council, ~~the County Council~~ or the **Environment Agency** ~~English Nature~~ under any of the foregoing Conditions that

matter shall in default of agreement be determined by the Secretary of State for Trade and Industry.

(63) Where the words, “unless otherwise agreed in writing with the Council” or “unless otherwise approved in writing by the Council” appear in these planning conditions, or where the consent is required of the Council in a condition, such agreement, approval or consent may only be given in relation to changes where it has been demonstrated to the satisfaction of the Council that the subject matter of the approval is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

Reason: To make clear that where provision is made for the Council to agree to variations to the application of planning conditions, the scope of any such variations will be limited to immaterial changes

(64) This consent is granted subject to the following conditions:

- (1) The Development shall be constructed and operated in accordance with the details contained in paragraph 2 of this consent and the application dated *10 September 1993 as varied by the application dated 05 February 2016*, subject to any minor changes which may be approved by the Council pursuant to the requirements of Condition 13.
- (2) *The Company shall notify the Secretary of State and the relevant planning authority which one of the gas turbine technology options in paragraph 2(a) of this consent has been selected prior to commencement of the Development and provide details of the capacity of each gas turbine technology to be used.*
- ~~(3) The commencement of the Development shall not be later than five years from the date of this *varied* consent, or such longer period as the Secretary of State may hereafter direct in writing.~~
- (4) The following definitions apply for the purposes of Conditions (4) to (11) below:
 - (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 technology, transport route and storage location;
 - (c) “current CCS proposal” means:
 - (i) the CCS proposal set out in the Feasibility Study and assessed in accordance with the guidance entitled “Carbon Capture Readiness (CCR) A guidance note for Section 36 Electricity Act 1989 consent applications¹; or

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/43609/Carbon_capture_readiness_-_guidance.pdf

- (ii) if a revised CCS proposal has been identified under Condition (9), the proposal which has most recently so identified;
 - (d) “designated site” means the land identified as the area crossed hatched green on *Figure 4* of the Feasibility Study as the area where the Company proposes to locate the capture equipment;
 - (e) “Feasibility Study” means the document entitled CARBON CAPTURE READINESS REPORT FOR KEADBY 2 CCGT dated 26 October 2015;
 - (f) “target carbon dioxide” means as much 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;
 - (g) “relevant planning authority” means North Lincolnshire Council and its successors ; and
 - (h) “the report” means the report to be submitted in accordance with Condition (5).
- (5) 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 laydown area during the construction of the Development and ending at the commissioning of the Development, do any other thing or allow any other thing to be done or to occur, which may reasonably be expected to diminish the Company’s ability, within two years of such or occurrence, to prepare the designated site for the installation and operation of the capture equipment.
- (6) The Company shall submit a written report to the Secretary of State:
- (a) on or before the date on which three months have passed from the commissioning of the Development; and
 - (b) within one month of the second anniversary, and each subsequent even-numbered anniversary, of that date.
- (7) The report shall provide evidence that the Company has complied with Condition (4):
- (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 Condition (4) over the next two years.

- (8) 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.
- (9) 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.
- (10) Reports which identify such an impediment shall state, with reasons, whether the Company considers it technically feasible to overcome the impediment referred to in condition 4 (9) above by adopting revised CCS proposals, and, if so, include such proposals.
- (11) 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 Condition (6)(a) or (b), as appropriate.
- (12) Conditions (3) to (10) 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.

Use of Waste Heat

- (65) Prior to the commissioning of the Development, an updated CHP Feasibility Review assessing potential opportunities for the use of heat from the Development shall be submitted to, approved in writing by, and deposited with, the Relevant Planning Authority. This shall provide for the ongoing monitoring and full exploration of potential opportunities to use heat from the Development as part of a Good Quality CHP scheme (as defined in the CHPQA Standard issue 35), and for the provision of subsequent reviews of such opportunities as necessary. Where 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 Relevant Planning Authority. Any plant and pipework installed to the boundary of the Site 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.

Date:

J H T Green
An Assistant Secretary
Department of Trade and Industry