Our ref: 01.08.10.04/391C

DEPARTMENT OF ENERGY AND CLIMATE CHANGE
CONSTRUCTION AND OPERATION OF A GAS-FIRED ELECTRICITY GENERATING STATION OF UP TO 945MW COMPRISING EITHER A 945MW COMBINED CYCLE GAS TURBINE(S) OR A 645MW COMBINED CYCLE GAS TURBINE WITH OPEN CYCLE GAS TURBINE UNIT(S) OF LESS THAN 300MW ELECTRICITY GENERATING STATION AT WEST MARSH ROAD, SPALDING, LINCOLNSHIRE

CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for Energy and Climate Change ("the Secretary of State") hereby consents to the construction, on the area of land ~~cross hatched~~ edged red on Figure 61033586-01 Drawing Number 482302-15-01~~63114 PBP 120 1 3~~, attached hereto, of a combined cycle gas turbine (CCGT) or a combined cycle gas turbine with open cycle gas turbine (OCGT) generating station at West Marsh Road, Spalding in the County of Lincolnshire ("the Development")~~,~~ and to the operation of that generating station. This consent is granted to Spalding Energy Expansion Limited, its assigns and successors ("the Company").

2. The Development shall be up to 945 MW ~~about[1] 900 MW~~ capacity and comprise:

~~(a) one or more gas turbines;~~

~~(b) one or more steam turbines;~~

~~(c) one or more heat recovery steam generators;~~

(a) (i) Scenario 1 - up to two CCGT unit(s) including for each CCGT unit a gas turbine, a heat recovery steam generator (HRSG), a steam turbine and associated equipment with a total rated electrical output of up to 945 MW;

(ii) Scenario 2 - up to one CCGT unit including a gas turbine, a heat recovery steam generator (HRSG), a steam turbine with a rated electrical output of up to 645MW with open cycle gas turbine (OCGT) unit(s) and associated equipment with a rated electrical output less than 300 MW.

~~(d)~~(b) one or more transformers;

~~(e)~~(c) air cooled condensers;

~~(f)~~(d) a 400kV electrical sub-station;

~~(g)~~(e) ancillary plant and equipment; ~~and~~

(f) the necessary buildings (including administration offices); and

~~(h)~~(g) civil engineering works.

3. The Development shall be designed so as to have the capability for extracting steam from the electricity generating cycle.

4. This consent is granted subject to the following conditions:

[1] ~~A tolerance of up to 5% is permitted~~

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(1) The Development shall be constructed and operated in accordance with the details contained in paragraph 2 of this consent and the application dated 31 March 2009 as varied by the application dated 24 April 2015, subject to any minor changes which may be approved by the Council pursuant to the requirements of Condition 5(7).

(2) 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.

(3) The following definitions apply for the purposes of Conditions (4) to (11) below:

(i) "capture equipment" means the plant and equipment required to capture the target carbon dioxide and identified as such in the current CCS proposal;

(ii) "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;

(iii) "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 applications[2]; or

(ii) if a revised CCS proposal has been identified under Condition (9), the proposal which has most recently so identified;

(iv) "designated site" means the land identified as the area crossed hatched green on Figure 61033586-01 Drawing Number ~~63114~~482302-15-01 ~~PBP-120-1-3~~ of the Feasibility Study as the area where the Company proposes to locate the capture equipment;

(v) "Feasibility Study" means the document entitled SPALDING ENERGY EXPANSION REVISED CARBON CAPTURE READINESS FEASIBILITY STUDY and dated ~~January~~ 14 April 2015~~0~~;

(vi) "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; and

[2] http://www.decc.gov.uk/Media/viewfile.ashx?FilePath=What%20we%20do\UK%20energy%20supply\Development%20consents%20and%20planning%20reform\electricity\1_20091106164611_e_@@_ccrguidance.pdf&filetype=4

(vii) "the report" means the report to be submitted in accordance with Condition (5).

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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 (8) above by adopting revised CCS proposals, and, if so, include such proposals.

(10) 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.

(11) 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.

DIRECTION UNDER SECTION 90(2Za) OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO VARY THE CONDITIONS OF THE DEEMED PLANNING PERMISSION ~~TO DEEM PLANNING PERMISSION TO BE GRANTED UNDER SECTION 90 OF THE TOWN AND COUNTRY PLANNING ACT 1990~~

CONSTRUCTION AND OPERATION OF A GAS FIRED ELECTRICITY GENERATING STATION OF UP TO 945MW COMPRISING EITHER A 945MW COMBINED CYCLE GAS TURBINE(S) OR A 645MW COMBINED CYCLE GAS TURBINE WITH OPEN CYCLE GAS TURBINE UNIT(S) OF LESS THAN 300MW ELECTRICITY GENERATING STATION AT WEST MARSH ROAD, SPALDING, LINCOLNSHIRE
~~CONSTRUCTION AND OPERATION OF A 900MW COMBINED CYCLE GAS TURBINE ELECTRICITY GENERATING STATION AT WEST MARSH ROAD, SPALDING, LINCOLNSHIRE~~

5. The Secretary of State in exercise of the powers conferred on him 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 –

"BS 4142 ~~1997~~2014" means British Standard 4142: ~~1997~~ 2014 - Method for rating and assessing industrial and commercial sounds~~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;

"BREEAM" means the Building Research Establishment Environmental Assessment Method (www.breeam.org);

"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, following completion of the testing of the Development, the Development first supplies electricity on a commercial basis;

"the Company" means Spalding Energy Expansion Limited and its assigns and successors;

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

"the Construction Traffic Management Plan and Access Route" means a construction traffic management plan and construction traffic access route based on the Environmental Statement;

"the Council" means South Holland District Council and its successors;

"creative conservation" means the establishment of areas which are capable of sustaining locally indigenous species of flora and fauna as well as habitat such as those outlined in the local biodiversity action plan or its equivalent from the UK Biodiversity Action Plan;

"the Development" means the up to 94500MW combined cycle gas turbine(s) andor a 645MW combined cycle gas turbine with -open cycle gas turbine unit-(s) of less than 300MW electricity generating station at West Marsh Road, Spalding, Lincolnshire;

"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 successors;

"Environmental Statement" means the document titled "Spalding Energy Expansion Environmental Statement" prepared by Spalding Energy Expansion Limited March 2009 and the "Spalding Energy Expansion Environmental Statement Further Information Document" prepared by Spalding Energy Expansion Limited 14 April 2015;

"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;

"Natural England" means Natural England and its successors;

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

"Permitted Preliminary Works" means:

(i) landscaping and creative conservation, providing these do not require the delivery or removal of bulk filling materials to or from the Site and have been approved pursuant to Condition (39);

(ii) the removal of the mound in accordance with the requirements of Condition (6);

(iii) installation and diversion of utility services within the Site;

(iv) surveys and geotechnical surveys;

(v) provision of wheel cleansing facilities required pursuant to Condition (4); and

(vi) provision for temporary contractors' facilities necessary for (i) to (v) above within the Site;

"Sheffield stand" means a stand for cycles which has a flat top and two 90o bends with the option of a horizontal bar for added security;

"the Site" means the area of land ~~cross~~ edged~~hatched~~ red on Figure 61033586-01 Drawing Number 482302-15-01~~63114-PBP-120-1-3~~, annexed hereto; and

~~"Site access road" means the road identified on Drawing Number 482302-15-0163114-PBP-120-1-3, 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 construction takes place beyond the boundary of the area which is the subject of this planning permission.

Time Limits

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

Reason: To strike a balance between the time it may take to put in place the necessary pre-construction measures required, for example – tendering, obtaining the necessary financing, design of the proposal (including its layout and main plant foundations); and minimising the impact of any period of uncertainty for those who may be affected pending the decision to begin construction works.

Wheel Washing

(4) Except for parts (i) and (iii) to (vi) of 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 scheme for the provision of wheel cleansing facilities for heavy commercial vehicles and any mobile plant 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 except in so far as any variation to it has been approved in writing by the Council.

(5) All heavy commercial vehicles and any mobile plant which has an operating weight exceeding three tonnes associated with the construction of the Development leaving the Site, other than those vehicles

exclusively using tarmacadam or concrete roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities provided pursuant to Condition (4).

Reason: To ensure that mud and deleterious material is not deposited on the public highway.

Removal of Mound

(6) Unless otherwise approved in writing by the Council the removal of the mound from the Site shall take place in accordance with the environmental mitigation measures detailed in Chapter 6 of the Environmental Statement.

Reason: To allow for the Site to be prepared prior to the start of the construction of the Development.

Layout and Design

(7) Except for 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 scheme which shall include provisions for the:

(i) details of the siting, design, external appearance and dimensions of all new or modified 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 vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site;

(iv) details of all new or modified permanent fencing and gates required on the Site;

(v) details of permanent artificial lighting required during the operation of the Development; and

(vi) phasing of works included in the scheme.

(8) Notwithstanding any details approved by the Council pursuant to Condition (6) above, the following buildings shall be constructed to the following BREEAM standards at the date hereof:

(i) reception/administration buildings to be assessed under BREEAM offices;

or such standards that replace BREEAM in whole or in part before the start of construction of any of the buildings referred to in (i) above.

(9) Unless otherwise approved pursuant to Condition (7) the dimensions of the main buildings and structures shall not exceed the following dimensions:

Plant	Width (m)	Length (m)	Height (m)
Turbine hall	45	120	37
HRSG	20	40	40
Stack	12 (dia)	n/a	85
Condensers	80	80	36
Transformers	10	15	10
Workshop/warehouse	60	27	20
Offices/control room	53	28	20
Water tanks	24 (dia)	n/a	21
Sub-station	200	115	12

(10) The use of columns for artificial lighting shall not exceed the obtrusive light limitations of sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Obtrusive Light: GNO1 2005", nor shall such lighting be arranged so that danger or inconvenience is caused to users of the nearby public highways.

(11) The Development shall proceed only in accordance with the scheme approved pursuant to Condition (7) except in so far as any variation to it has been approved in writing by the Council.

Reasons: Condition (7) is to enable the Council to exercise reasonable and proper control over the design and appearance of the Development. Condition (8) is to ensure that the energy efficiency of the proposed Development is maximised. Condition (10) is to reduce light pollution and protect the amenity of local residents and highway safety.

Provision and Retention of Cycle Parking

(12) Provision on the Site shall be made for 10 cycle places, consisting of 5 Sheffield stands, and situated convenient to the reception/office buildings. The cycle parking areas shall be for the exclusive use of cycles and shall be retained for the duration of the operation of the Development.

Reason: To encourage the use of cycling by both staff and visitors and reduce the number of cars which could contribute to traffic congestion.

Green Travel Plan

(13) Except for Permitted Preliminary Works the commencement of the Development shall not take place until a Green Travel Plan has been prepared by a suitably qualified and experienced person and submitted to, approved in writing by and deposited with the Council. The Plan shall set out proposals to positively encourage visitors, staff and contractors to travel to and from the Site by alternative means of transport to single occupancy private car, set out a timetable for its implementation and a programme and methodology for monitoring and review. The approved Plan shall be implemented in accordance with the timetable set out therein except in so far as any variation to it has been approved in writing by the Council.

Reason: To encourage travel to and from the Site by more sustainable means than single occupancy cars.

Construction Environmental Management Plan

(14) Except for parts (i) and (iii) to (vi) of 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.

(15) All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228: 2009+A1:2014: Code of practice for noise and vibration control on construction and open sites – Part 1 – Noise, Part 2 - Vibration.

(16) The commencement of the Development shall not take place until there has been submitted to, approved in writing by and deposited with the Council details of the use of reversing alarms to be fitted to all mobile plant on the Site. The approved reversing alarms shall be utilised on mobile plant throughout the period of the construction and operation of the Development.

(17) No construction work associated with the Development shall take place on the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday	0700 - 1900
Saturday	0700 – 1700

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 background noise levels to be exceeded.

(18) No impact piling approved under the Plan approved pursuant to Condition (14) shall take place on the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday	09.00 – 18.00
Saturday	09.00 – 13.00

Unless such work –

(a) is associated with an emergency; or

(b) is carried out with the prior written approval of the Council.

(19) No heavy commercial vehicles associated with the construction of the Development shall enter or leave the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday	0700 - 1900
Saturday	0800 – 1600

Unless such movement:

(a) is associated with an emergency; or

(b) is carried out with the prior written approval of the Council.

(20) In any instance where a time limitation referred to in Conditions (17), (18) and (19) is not adhered to, the Company shall as soon as practicable notify the Council and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.

(21) The removal of the mound pursuant to Condition (6) and the commencement of the Development shall not take place until a Construction Traffic Management Plan and Access Route which incorporates adequate provision for addressing any abnormal wear and tear to the highway has been submitted to, approved in writing by and deposited with, the Council. The Construction Traffic Management Plan shall include proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure that no other local roads are used by construction traffic.

(22) For the duration of the construction period of the Development and the removal of the mound all heavy commercial traffic associated with the construction of the development or the removal of the mound will

comply with the Construction Traffic Management Plan and use only the Construction Traffic Access Route and no other local roads unless approved in writing with the Council in consultation with the Highway Authority or is associated with an emergency.

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.

Operational Noise

(23) The commissioning of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a programme based on the Environmental Statement for the monitoring and control of noise generated by the normal commercial 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 2014 ~~1997~~) and the maximum permissible levels of noise at each such monitoring 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 or with the prior written approval of the Council. Such noise shall exhibit no tonal or impulse content at these locations in any weather conditions.

(24) In any instance where a noise level approved pursuant to Condition (23) is exceeded because of an emergency the Company shall as soon as possible, and in any case within two 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. If the emergency period is expected to be for more than twenty-four hours then the Company shall inform those residents and businesses affected by the emergency of the reasons for the emergency and the expected duration.

(25) Except in an emergency, the Company shall give at least 24 hours prior notice in writing to the Council of any proposed operation of emergency pressure relief valves or similar equipment. So far as is reasonably practicable any such operation should take place between the hours of 09.00 and 17.00 hours on any day other than Saturdays, Sundays, Bank Holidays or public holidays.

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

Noise Complaints Procedure

(26) If a local resident or local business complains direct to the Company or the Company has been notified in writing by the Council of any

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, of the complaint, the likely cause and possible remedial measures. A written report to the complainant, copied to the Council, shall be made as soon as reasonably practicable following the investigation and/or 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.

Prevention of Contamination of Watercourses

(27) Except for 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, 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.

(28) The scheme referred to in Condition (27) 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 to ensure that all existing drainage systems continue to operate and that riparian owners upstream and downstream of the Site are not adversely affected;

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

(iv) measures to ensure that all foul sewage drains to an approved foul sewerage and/or sewage disposal system;

(v) provisions to distinguish between temporary and permanent parts of the works; and

(vi) phasing of works.

(29) 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 public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.

(30) All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the

Development must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) 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.

(31) All bunded compound(s) referred to in Condition (30) containing acids, alkalis or sulphides in addition to being contained in suitable facilities shall have appropriate protective lining applied to the inner walls of the bunds.

(32) Any storage facility to which Conditions (30) or (31) refer shall be completed in accordance with the requirements of those Conditions before being brought into use.

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

Contaminated Waste

(33) The commencement of the Development shall not take place until the Company has carried out an investigation to assess the degree of ground contamination of the Site and submitted a written report of the findings to the Council and the Environment Agency. The investigation shall include testing for hydrocarbons and other contaminants, together with leachability testing. The survey shall include the leachability test results along with the locations at which they were sampled. Any groundwater encountered during the survey shall also be tested for contaminants, in order to assess the mobility of any contaminants encountered.

(34) The commencement of the Development shall not take place until the Council, in consultation with the Environment Agency, has approved in writing the report produced pursuant to Condition (33).

(35) The commencement of the Development shall not take place until a scheme of any necessary remedial measures and monitoring has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency.

(36) The scheme approved pursuant to Condition (35) shall be adhered to during the construction of the Development, except in so far as any variation to it has been approved in writing by the Council, in consultation with the Environment Agency.

(37) Should contaminated materials be found on any area of the Site which had been identified as being free of contaminants pursuant to Condition (33) then such area shall be subject to the remedial and monitoring scheme approved pursuant to Condition (35).

(38) Except for the Permitted Preliminary Works contaminated material arising from the construction of the Development shall be treated on the Site in accordance with a scheme to be submitted to, approved in writing

by, and deposited with, the Council, in consultation with the Environment Agency, or shall be disposed of to licensed disposal facilities.

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

Landscaping and creative conservation

(39) Unless otherwise agreed in writing by the Council the commencement of the main Development shall not take place until a scheme of landscaping and creative conservation which shall accord with the approach outlined in the landscape and ecology chapters and appendices of the Environmental Statement, has been submitted to and approved in writing by the Council, in consultation with Natural England and the Environment Agency.

(40) The scheme referred to in Condition (39) shall deal with the treatment of any environmentally sensitive areas their aftercare and maintenance as well as the general provision of screening, shrub and tree planting and grassed areas and means of integrating the Development with the surrounding landscape and shall include details of the following matters:

(i) planting (which should be mainly of locally native species, ideally with a local provenance);

(ii) management of existing and new planted areas including protection of existing planting during construction;

(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;

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

(vii) phasing of works included in the scheme.

(41) The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works referred to in Condition (40)(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 (39), unless any variation has been approved in writing by the Council. 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.

Biodiversity Enhancement Measures

(42) The commencement of the Development shall not take place until a scheme of Environmental Enhancement Measures outlined in Chapter 13 of the Environmental Statement and Chapter 11 of the Variation Application ES FID (March 2015) has been submitted to, approved in writing by the Council in consultation with Natural England. The Measures shall be adhered to in accordance with the required scheme except in so far as any variation has been approved in writing by the Council, in consultation with Natural England.

Reason: To ensure that any adverse impact on wildlife is properly compensated for.

Flood Risk

(43) The construction of the Development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), undertaken by ENVIRON and dated August 2009 (Issue 2)~~,~~ and a Supplementary Flood Risk Assessment (14 April 2015), especially the following mitigation measures detailed in the FRA:

(i) the switch yard/sub-station shall be located on a platform set no lower than 5.3 metres above Ordnance Datum; and

(ii) the turbine hall and HRSGs shall be located on a platform no less than 6.5 metres above Ordnance Datum.

The Company shall confirm completion of the approved scheme in writing to the Council and the Environment Agency within one month thereafter.

(44) The commencement of the Development shall not take place until a surface water drainage scheme for the Site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the Development, has been submitted to and approved in writing by the Council. The scheme shall be implemented in accordance with the approved details prior to the commissioning of the Development.

Reason: To ensure there is no increase in the risk of flooding, both at the Site and to third parties, as result of the Development.

Cessation of works and restoration of the Site

(45) Within 6 months of the Development ceasing to be used for the purposes of electricity generation the Company shall submit to the Council, for approval in writing, a scheme for the demolition and removal of redundant buildings and structures from the Site and the restoration of the Site and unless otherwise agreed in writing by the Council shall thereafter implement the approved scheme.

(46) The scheme referred to in Condition (45) shall include:

(i) details of all structures and buildings which are to be demolished;

(ii) details of the means of removal of materials resulting from the demolition;

(iii) the phasing of the demolition and removal;

(iv) the means of de-contaminating the Site;

(v) the means of removal of any contaminated material;

(vi) the phasing of the de-contamination works;

(vii) details of the restoration works; and

(viii) the phasing of the restoration works.

Reason: To ensure the Site is not allowed to become derelict after the cessation of electricity generation.

Use of Waste Heat

(47) The Commissioning of the Development shall not take place until sufficient plant and pipework has been installed to facilitate the future supply of heat to the boundary of the Site under Condition (48) at a later date if opportunities to do so are identified pursuant to Condition (48).

(48) 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 3), 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 Council. 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 if or when the demand arises.

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