Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

Dalton Warner David LLP
21 Garlick Hill
London
EC4V 2AU

TOWN AND COUNTRY PLANNING ACT 1990
NON MATERIAL AMENDMENT

Reference: H16-0605-17 **Date of Decision:** 7th August 2017

Applicant: Spalding Energy Co Ltd, Intergen Enterprises (Uk) Ltd & Intergen (Uk) Ltd
21 Holborn Viaduct
London
EC1A 4DY

Location: Spalding Energy Expansion Ltd West Marsh Road Spalding

Description: Non-material amendment to the conditions of the deemed planning permission associated with the Section 36 consent for a generating capacity of the development permitted of up to 945MW (H16-0492-15). Proposed additional condition to provide that a phasing scheme be submitted to and approved by the Local Planning Authority, amendments to Conditions 1, 4, 7, 8, 13, 14, 21, 23, 27, 28, 40, 41, 42, 45, 48, 49 and 50 to allow the details to be submitted prior to the commencement and/or commissioning of each phase of development

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

1 Definitions

In these Conditions unless the context otherwise requires -

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

"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 commencement of each phase of the Development " means the date on which a specified phase of 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 commissioning of each phase of the Development " means the date on which, following completion of the testing of the specified phase of Development, such phase 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 a generating station at West Marsh Road, Spalding Lincolnshire of up to 945 MW comprising either:
(i) up to two combined cycle gas turbine unit(s) or (ii) a combined cycle gas turbine unit of up to 645 M W with open cycle gas turbine unit(.s) of less than 300 MW

"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" prepar ed by Spalding Energy Expansion Limited 14 April 2015 (in the event of any conflict between the information contained in these two documents, the information in the later document shall take precedence);

"heavy commercial vehicle" has the meaning given by section 138 of the Road Traffic Regulation Act 1984;

"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 (40);

(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;

"relevant planning authority " means South Holland District Council and its successors;

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

"the Site" means the area of land edged red on Figure 61033586-01 Drawing Number 482302- 15-01.

2 The Site

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.

3 Time Limits

The commencement of the Development shall not be later than the expiry of five years from the date of the varied permission (30 October 2015).

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.

4 Wheel Washing

Except for parts (i) and (iii) to (vi) of the Permitted Preliminary Works, the commencement of each phase 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 associated with construction of the specified phase of the Development. 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 specified phase of the Development unless otherwise agreed in writing by the Council.

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

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.

6 Removal of Mound

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.

7 Layout and Design

Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until there has been submitted to and approved in writing by, and deposited with, the Council, a scheme for the phasing of the works comprised in the Development. The Development shall proceed only in accordance with the scheme approved pursuant to Condition (7) unless otherwise agreed in writing by the Council.

Reason: To enable the Council to exercise reasonable and proper control over the phasing of the development.

8 Except for the Permitted Preliminary Works, the commencement of each phase 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 specified phase 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 associated with the specified phase of the Development;

(iv) details of all new or modified permanent fencing and gates required on the Site associated with the specified phase of the Development; and

(v) details of permanent artificial lighting required during the operation of the specified phase of the Development.

Each phase of the Development shall proceed only in accordance with the scheme approved pursuant to Condition (8) unless otherwise agreed in writing by the Council.

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

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

(vi) 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.

Reason: To ensure that the energy efficiency of the proposed Development is maximised.

10 Unless otherwise approved pursuant to Condition (8) 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

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

11 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.

Reason: To reduce light pollution and protect the amenity of local residents and highway safety.

12 Provision and Retention of Cycle Parking

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.

13 Green Travel Plan

Except for Permitted Preliminary Works the commencement of each phase 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 unless otherwise agreed in writing by the Council.

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

14 Construction Environmental Management Plan

Except for parts (i) and (iii) to (vi) of the Permitted Preliminary Works the commencement of each phase 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 specified phase of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing by the Council.

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

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

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

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.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction 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 Friday0700 - 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.

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

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.

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

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 Friday0700 - 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.

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.

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 each phase 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. The construction of the specified phase of the Development shall be completed in accordance with the approved Plan unless otherwise agreed 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

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.

23 Operational Noise

The commissioning of each phase 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 specified phase of the Development. The programme shall specify the locations from which noise wi ll be monitored, the method of noise measurement (which shall be in accordance with BS 4142 2014 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.

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

24 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.

25 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.

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

26 Noise Complaints Procedure

A point of contact will be provided by the Company to local residents and Local business for any queries or complaints relating to noise generated by the construction and/or operation of the Development. 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.

27 Prevention of Contamination of Watercourses

Except for the Permitted Preliminary Works, the commencement of each phase 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 associated with the specified phase of the Development. Such facilities shall be put in place in accordance with the approved scheme. The specified phase of the Development shall be completed in accordance with the approved scheme unless otherwise agreed in writing by the Council.

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

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 associated with the specified phase of the Development 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 associated with the specified phase of the Development 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) provision to ensure that there is no discharge of water from the Site associated with the specified phase of the Development until such a time as the permanent surface water drainage system is operational with provisions to contain any run-off from the Site associated with the specified phase of the Development.

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

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.

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

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.

Reason: To ensure that proper containment facilities are built.

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.

Reason: To ensure that proper containment facilities are built.

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 that proper containment facilities are built.

33 Contaminated Waste

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.

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

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).

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

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.

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

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.

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

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).

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

38 The commencement of the development shall not take place until an Asbestos survey and environmental/demolition audits have been undertaken and any specific requirements identified for the existing buildings occupying the proposed SEE site have been agreed by the Council.

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

39 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.

40 Landscaping and creative conservation

The commencement of each phase of the 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. The specified phase of the Development shall be completed in accordance with the approved scheme unless otherwise agreed in writing by the Council.

Reason: To ensure proper landscaping for the Development.

41 The scheme referred to in Condition (40) 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 including the Sustainable Urban Drainage Water feature.

Reason: To ensure proper landscaping for the Development.

42 The landscaping and planting, including grass sowing, shall take place in accordance with the scheme referred to in Condition (40) and no later than the appropriate planting or sowing season following the completion of the construction of the specified phase of the Development, unless otherwise agreed 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 agreed in writing by the Council.

Reason: To ensure proper landscaping for the Development.

43 Biodiversity Enhancement Measures

The commencement of the Development shall not take place until a scheme of Environmental Enhancement Measures 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. The scheme shall be based on the information outlined in Chapter 13 of the Environmental Statement (March 2009) and Chapter 11 of the Variation Application Environmental Statement Further information Document (March 2015) and include thefollowing:

(i) the measures to be taken to secure and enhance the welfare, on the Site, of flora and fauna (including badgers, bats, otters, amphibians, reptiles, nesting birds and water voles) which are
found on, inhabit or use the Site during the construction, operation and decommissioning of the Development.

(ii) Agreed monitoring and mitigation as detailed in Chapter 13 of the Environmental Statement (March 2009) and Chapter 11 of the Variation Application Environmental Statement Further information Document (March 2015)

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

44 Flood Risk

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 mitigation measures shall be fully implemented prior to occupation and the Company shall confirm completion of the approved scheme in writing to the Council and the Environment Agency within one month thereafter.

Reason
To reduce the risk of flooding to the Development and future occupants.

45 The commencement of each phase of the Development shall not take place until a surface water drainage scheme for the Site associated with the specified phase of the Development, based on the information outlined in Chapter 12 of the Environmental Statement (March 2009) and Chapter 18 of the Variation Application Environmental Statement Further information Document (March 2015) and 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 specified
phase of the Development unless otherwise agreed in writing by the Council.

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.

46 Cessation of works and restoration of the Site

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.

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

47 The scheme referred to in Condition (46) 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.

48 Use of Waste Heat

The Commissioning of the CCGT unit(s) 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 (49) at a later date if opportunities to do so are identified pursuant to Condition (49).

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.

49 Prior to the Commissioning of the CCGT unit(s), 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.

50 Stack Lighting

The Commissioning of each phase of the Development shall not take place until a scheme detailing the lighting of the flue stacks has been submitted to, and approved in writing by, and deposited with, the Council in consultation with the Civil Aviation Authority. The stacks shall be lit in accordance with the approved scheme prior to the Commissioning of the specified phase of the Development and maintained thereafter.

Reason: In the interests of air traffic safety.

51 Immaterial Changes to Conditions by the Council

Where the words, "unless otherwise agreed in writing by the Council" or "with the prior written approval of the Council " appear, such agreement or approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the Council that the agreement or 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.

52 The environmental effects of the Development must not exceed those assessed in the Environmental Statement.

Reason: To ensure that the development consented has no greater environmental impact than that considered in the original application of 31 March 2009 and the variation application of 7 May 2015.

53 Notification regarding Gas Turbine Technology

The Company shall notify the Secretary of State and relevant planning authority which one of the gas turbine technology options has been selected prior to commencement of the Development and provide details of the capacity of each gas turbine technology to be used.

Reason: To ensure enforceability.

Notes:

The determined details are: Letter ref 2544e/KD/SMB from Dalton Warner Davis dated 22 June 2017.

Updated Direction under Section 90 (2ZA) of the Town and Country Planning Act 1990 dated 21 July 2017 attached.



Paul Jackson
Place Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.