

PLANNING APPLICATION

For office use only

Application No.

H18/0932/98

Date Accepted

18SEP 1998

NAME AND ADDRESS OF APPLICANT

SUTTON BRIDGE POWER
SUTTON BRIDGE POWER STATION
SUTTON BRIDGE
SPALDING, Lincs, PE12 9TF

NAME AND ADDRESS OF CLIENT

SPALDING DISTRICT COUNCIL

01406 353000

TYPE OF

USE OF THE APPLICATION SITE

SUTTON BRIDGE POWER STATION, SUTTON BRIDGE, SPALDING,

Lincs.
PE12 9TF

**OFFICE
COPY**

DETAILS OF

PROPOSED DEVELOPMENT CHANGE UNDER CONDITION 45 OF THE

SECTION 36 AGREEMENT RELATING TO SUTTON BRIDGE POWER STATION IN RESPECT OF THE
TIME PERIOD FOR READINGS TO BE OBTAINED FROM THE PERMANENT AIR POLLUTION
MONITORING EQUIPMENT LOCATED IN SUTTON BRIDGE. FURTHER DETAILS OF THE REQUESTED
CHANGE ARE GIVEN IN THE ENCLOSED CORRESPONDENCE.

£95.00

TYPE OF

OF

THE 3 AND 8 AND 10 OWNERSHIP CONDITIONS

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H18/1150/96

CONDITION 45

HAZARDOUS WASTE OFFICE OR SHOPS Please complete if appropriate

Existing floorspace

Extension in total gross

Previous total gross floor space

sq. m.

Industrial

sq. m.

Warehousing

sq. m.

Industrial staff

Industrial staff

Other staff

Site office

Site office

Site office

Site office

Site office

If yes, you may need to apply for
Hazardous Substances Consent



Department of Trade and Industry

Electricity Directorate
1 Victoria Street
London SW1H 0ET

20th May 1997

needs to go 6.5m
future enquiries

Miss T Nath
Director
Asset Development
Enron Europe Ltd
Four Millbank
London SW1P 3ET

Enquiries 0171 215 5000
Direct Line 0171 215 2880
Fax 0171 630 9570

Agreed.

AG in firm context of
HARVEY LINE.

Our ref: AAH/1/62

20 May 1997

MOBILE

0468 723396
(see previous).

Dear Madam

ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION FOR CONSENT TO EXTEND THE COMBINED CYCLE GAS
TURBINE GENERATING STATION AT SUTTON BRIDGE, LINCOLNSHIRE

I. THE APPLICATION

1.1 I am directed by the Secretary of State for Trade and Industry (the Secretary of State) to refer to the application dated 16 December 1996 (the Application) by Independent Power Generators Limited (the Company), for the consent of the Secretary of State under section 36 of the Electricity Act 1989 (section 36 consent) to the construction and operation of a combined cycle gas turbine generating station at Sutton Bridge, Lincolnshire (the Development) and for a direction under section 90(2) of the Town and Country Planning Act 1990 (section 90 direction) that planning permission for the Development be deemed to be granted.

1.2 In accordance with the Electricity and Pipe-line Works (Assessment of Environmental Effects) Regulations 1990 (the 1990 Regulations) the Company also submitted on 16 December 1996 a document, entitled "Environmental

Statement Update", describing the Application and giving an analysis of its environmental implications. The document is hereafter referred to in this letter as the "Environmental Statement".

1.3 The Lincolnshire County Council and the South Holland District Council (the relevant planning authorities) entered into discussions with the Company about the terms on which it would be content for the Application to proceed. As a result of these discussions:

- (i) 50 conditions to be attached to any section 90 direction were agreed between the relevant planning authorities and the Company (the Planning Conditions); and
- (ii) the Company and the South Holland District Council entered into an agreement under section 106 of the Town and Country Planning Act 1990.

1.4 In view of the successful conclusion of these discussions the relevant planning authorities entered no objection to the Application.

II. SECRETARY OF STATE'S CONSIDERATION OF THE PLANNING CONDITIONS

2. The Secretary of State has considered the Planning Conditions carefully. She agrees that they are suitable for inclusion in any section 90 direction which he may give.

III. SECRETARY OF STATE'S DECISION ON THE HOLDING OF A PUBLIC INQUIRY

3.1 As stated in paragraph 1.4 above, there was no objection by the relevant planning authorities to the Application, and the Secretary of State is not therefore obliged under paragraph 2(2) of Schedule 8 to the Electricity Act 1989 (the 1989 Act) to cause a public inquiry to be held.

3.2 Paragraph 3(2) of Schedule 8 to the 1989 Act, however, requires the Secretary of State to consider all objections she has received pursuant to the Electricity (Applications for Consent) Regulations 1990 (made under

paragraph 3(1) of Schedule 8 to the 1989 Act), (hereafter "the Applications Regulations"), together with all other material considerations, in order to determine whether it would nevertheless be appropriate to hold a public inquiry.

3.3 The Secretary of State received four objections under the Applications Regulations. The matters advanced by way of objection were: the release of further atmospheric emissions and their impact on neighbouring areas; that air quality should be monitored; visual intrusion; that waste heat should be utilised; noise disturbance to local residents; the need for the proposed station; the use of gas as the fuel; and the non-removal of a wharf after the construction of the Development has been completed.

3.4 The Secretary of State has considered carefully all the objections made.

Release of further emissions into the atmosphere

3.5 The Secretary of State is aware that the Development will require a licence from the Environment Agency under the Environmental Protection Act 1990 to vent emissions to the atmosphere. She notes that the Environment Agency will be required to set limits which will ensure that there should be no increase in emission levels sufficiently significant to damage the health of local residents.

Air quality should be monitored

3.6 The Secretary of State notes that Planning Condition (45) requires the Company to undertake monitoring and supply the information to the relevant planning authorities.

Visual intrusion

3.7 The Secretary of State notes that Planning Conditions (17) to (22) govern the layout and design of the Development; (28) to (32) ensure that the existing bank of trees on the western side of the Site of the Development is not removed; and (33) to (35) cover on-Site landscaping. She is also aware that the section 106 Agreement covers off-Site landscaping. The Secretary of State is therefore of the view that, as far as reasonably

practicable, these arrangements provide adequate controls over the final appearance of and visual intrusion resulting from the Development.

Utilisation of waste heat

3.8 The Secretary of State notes that Planning Condition (49) requires the Company to provide the necessary pipework to the boundary of the Site to allow neighbouring commercial interests to take advantage of waste heat. She also is aware that the section 106 Agreement stipulates that the take up of waste heat will be at reduced prices by comparison with the cost to the commercial interest of producing its own heating.

Noise disturbance

3.9 The Secretary of State notes that Planning Conditions (23) and (24) exercise control over noise levels during the construction phase of the Development; and (25) to (27) limit operational noise levels so as not to exceed existing background noise levels to an unacceptable degree and for such noise to have no tonal or impulse content.

No need for the station and use of gas as the fuel

3.10 Given that the station and use of gas has already been consented to, in March 1992 and the modest increase in capacity represented by the Application will enable the Company to take advantage of the improvements in technology which have taken place since the original consent was granted, the Secretary of State does not consider these objections justify refusal of consent to the Application.

Non-removal of the wharf after the construction of the Development

3.11 The Secretary of State notes that the Company has already obtained the necessary permissions to construct a wharf in order to bring in heavy machinery and plant during the construction phase of the Development, eg gas turbines, transformers etc.. She also notes that the Company is looking at the possibility of using road for the transport of abnormal loads but that there are problems with the weight limits of bridges in the area.

Conclusion

3.12 The Secretary of State has carefully considered the views of the relevant planning authorities, the comments of the objectors, the matters set out above and all other material considerations. She takes the view that it would not be appropriate to cause a public inquiry to be held into the Application.

IV. SECRETARY OF STATE'S CONSIDERATION OF POSSIBLE EFFECTS ON A EUROPEAN SITE

4.1 The Conservation (Natural Habitats,&c) Regulations 1994 (the 1994 Regulations) require the Secretary of State to consider whether the Development would be likely to have a significant effect on a European Site, as defined in the 1994 Regulations.

4.2 The Secretary of State is aware that there is a European Site within 6 km of the Development. She has also been informed by English Nature that there will be no impact on the nature conservation interest of the European Site. The Secretary of State does not therefore believe the Development is likely to have any significant effect on a European Site. She considers that no assessment pursuant to the 1994 Regulations is therefore necessary. She also concludes that there is therefore no reason for refusing section 36 consent on the grounds of any possible adverse effects on the integrity of a European Site.

V. SECRETARY OF STATE'S CONSIDERATION OF THE ENVIRONMENTAL INFORMATION

5.1 The Secretary of State is satisfied that the Environmental Statement is sufficient to allow her to make a determination on the Application.

5.2 The 1990 Regulations prohibit the Secretary of State granting section 36 consent unless she has first taken the environmental information, as defined in those Regulations, into consideration.

5.3 The Secretary of State has considered the environmental information carefully; in addition to the Environmental Statement, she has considered the comments made by the relevant planning authorities, those

designated as statutory consultees under regulation 4 of the 1990 Regulations and others.

5.5 Taking account of the way the adverse environmental effects will be modified and mitigated by measures the Company has undertaken to take or will be required to take under the Planning Conditions or by regulatory authorities, including the Environment Agency, the Secretary of State believes that any remaining adverse environmental effects will not be such that it would be appropriate to refuse section 36 consent for the Development.

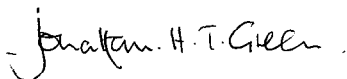
VI. SECRETARY OF STATE'S DECISION ON THE APPLICATION

6.1 The Secretary of State, having regard to the matters specified in paragraph 1(2) of Schedule 9 to the 1989 Act, has carefully considered the views of the relevant planning authorities, the environmental information and all other relevant matters, and has decided to consent to the Application pursuant to section 36, subject to a condition that, unless otherwise agreed with the Secretary of State, the Development shall be in accordance with the particulars submitted and to a condition as to time limits.

6.2 The Secretary of State believes that the Planning Conditions form a sufficient basis on which the Development might proceed. She has therefore decided to give a section 90 direction that planning permission be deemed to be granted subject to these 50 conditions.

6.3 I accordingly enclose the Secretary of State's consent under section 36 of the Electricity Act 1989 and a direction under section 90 of the Town and Country Planning Act 1990.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Jonathan H.T. Green'. The signature is fluid and cursive, with a large initial 'J'.

J H T Green
Director
Electricity Directorate
Department of Trade and Industry

DEPARTMENT OF TRADE AND INDUSTRY
ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING ACT 1990
CONSTRUCTION AND OPERATION OF A GENERATING STATION AT
SUTTON BRIDGE, LINCOLNSHIRE

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for Trade and Industry (the Secretary of State) hereby consents to the construction by Independent Power Generators Ltd (the Company), on the area outlined red on Fig 1.2, annexed hereto and duly endorsed on behalf of the Secretary of State, of a combined cycle gas turbine generating station at Sutton Bridge in the County of Lincolnshire (the Development), and to the operation of that generating station.

3. Subject to paragraph 3(1), the Development shall be of about 790 MW capacity and comprise:

- (a) two gas turbine and heat recovery steam generators
- (b) one steam turbine;
- (c) one bank of air cooled condensers;
- (d) ancillary plant and equipment; and
- (e) the necessary buildings (including administration buildings) and civil engineering works.

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

- (1) Except where otherwise required by virtue of the planning permission deemed to be granted by paragraph 4 or where the written permission of the Secretary of State has been given to any variation in design, construction or operation of the Development, the Development shall be

constructed and operated in accordance with the details contained in the Company's application of 16 December 1996.

- (2) The construction of the Development shall be begun before the expiry of five years from the date of this consent, or such longer period as the Secretary of State may hereafter direct.

4. The Secretary of State in exercise on 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" means British Standard 4142: 1990 - Method for rating industrial noise affecting mixed residential and industrial areas;

"Bank Holiday" means a day that is or is to be observed as a Bank Holiday or a holiday under the Banking and Financial Dealings Act 1971;

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

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

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

"the commissioning of the Development" means the date on which the Development first supplies electricity on a commercial basis to the transmission system of the National

Grid Company or directly to one of the Company's customers;

"the Company" means Independent Power Generators Ltd and its assigns and successors in title;

"the County Council" means the Lincolnshire County Council and its assigns and successors in title;

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

"the Development" means the combined cycle gas turbine generating station at Sutton Bridge in the County of Lincolnshire;

"District Council" means the South Holland District Council and its assigns and successors in title;

"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;

"English Nature" means the Nature Conservancy Council for England and its assigns and successors in title;

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

"exclusion area" means the area cross hatched blue on Figure 1.2, annexed hereto;

"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;

"new access facilities" means the road from the A17 Trunk Road into the Site;

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

"the RSPB" means the Royal Society for the Protection of Birds and its assigns and successors in title; and

"the Site" means the area of land outlined red on Figure 1.2, 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 site which is the area which is the subject of this planning permission.

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 Facilities

- (4) The commencement of the main Development shall not take place until there has been submitted to and approved in writing by the District Council, the County Council and the Minister for Transport a scheme for the construction of the new access facilities. The scheme shall indicate the layout, design and a programme of works for the

construction of the new access facilities. The new access facilities shall be constructed in accordance with the approved scheme.

- (5) All heavy commercial vehicles associated with the construction and operation of the Development shall be routed via the new access facilities.

Reason: For the safety of traffic and pedestrians and so as to preserve the free flow and safe movement of traffic on the A17 Trunk Road.

Suppression of Dust and Dirt

- (6) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the District Council a scheme for the provision of wheel cleansing facilities for heavy commercial vehicles and any other vehicle which has an operating weight exceeding three tonnes. Such approved facilities shall be installed in accordance with a timescale to be approved in writing by the District Council and shall be maintained throughout the period of the construction of the Development.
- (7) All heavy commercial vehicles and any other vehicle which has an operating weight exceeding three tonnes associated with the construction of the Development, shall on each occasion prior to leaving the Site pass through the wheel cleansing facilities provided pursuant to Condition (6).
- (8) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the District 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 District Council.

- (9) All heavy commercial vehicles carrying bulk materials into and out of the Site during the construction of the Development shall be covered so as to prevent exposure of such materials to the air.
- (10) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the District Council a programme for the monitoring of dust generated during the construction of the Development. The programme shall specify the locations at which dust will be monitored and shall make provision for dust measurements to be taken by the Company at such locations as soon as possible following requests by the District Council and such measurements shall be given to the District Council as soon as they are available.

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

Construction

- (11) All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228, Parts 1 and 4: 1984 and Part 4: 1992.
- (12) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the District Council a scheme for the programme of construction. Such scheme shall include details of construction methods, plant and equipment, Site layout and noise control measures. The measures approved in the scheme shall be employed throughout the period of construction unless any variation

has been approved in writing by the District Council.

- (13) No heavy commercial vehicles, plant machinery or 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 Friday	0700 - 1900 hours
Saturday	0700 - 1700 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 Minister for Transport;
 - (ii) the movement is associated with an emergency on the Site; or
 - (iii) the movement is with the prior written approval of the District Council.
- (14) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the District Council a scheme for impact piling, or other means of, pile driving, including methods and duration. The approved scheme shall be adhered to throughout the period of the construction of the Development, unless any variation has been approved in writing by the District Council.
- (15) No pile driving approved pursuant to Condition (14) 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	0800 - 1700 hours
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unless associated with an emergency or with the prior written approval of the District Council.

- (16) In any instance where a time limitation referred to in Conditions (13) and (15) is exceeded because of an emergency the Company shall within 2 working days provide the District Council with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.

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

Layout and Design

- (17) The commencement of the main Development shall not take place until there has been submitted to and approved in writing by and deposited with the District Council a scheme which shall include:
- (i) the siting, design, external appearance and dimensions of all buildings and structures which are to be retained following the commissioning of the Development;
 - (ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;
 - (iii) details of vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site;
 - (iv) details of the areas on the Site which are to be used for the permanent open storage of materials and the manner by which such areas will be screened from view;
 - (v) provision to ensure that all contractors' plant storage, working areas, vehicle parking and ancillary

buildings and structures are confined to a specific area of the Site; and

(vi) phasing of works included in the scheme.

- (18) No temporary building or structure is to be erected or used during the period of construction of the Development until its siting, design and external appearance have been approved in writing by the District Council.
- (19) The car parking areas which are to be retained on a permanent basis pursuant to Condition (17)(iii) shall be for the sole use of the Company's staff and visitors unless otherwise approved in writing by the District Council.
- (20) All permanent roads provided pursuant to Condition (17)(iii) shall be surfaced with concrete and/or bitumen macadam to a specification to be approved in writing by the District Council and shall be constructed prior to the commissioning of the Development unless otherwise approved in writing by the District Council. Such approved roads shall be maintained to the satisfaction of the District Council for the duration of the operation of the Development.
- (21) The commissioning of the Development shall not take place until there has been submitted to and approved in writing by the District Council a scheme for the removal from the Site of all temporary buildings, structures and ancillary works connected with the construction of the Development. Such scheme shall include details of the land to be reinstated and the timing and phasing of the removal. The measures approved in the scheme shall be employed throughout the period of removal unless any variation has been approved in writing by the District Council.

- (22) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the District Council details for fencing the boundaries of the Site. The approved fencing shall be erected prior to the commencement of the main Development and shall be maintained during the operation of the Development to the satisfaction of the District Council.

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

Noise

- (23) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the District Council a programme for the monitoring of noise generated during the construction of the Development. The programme shall specify the locations from which noise will be monitored, the method of noise monitoring and the maximum permissible levels of noise at each such monitoring location. The programme shall make provision for such noise measurements to be undertaken by the Company as soon as possible following requests by the District Council and such measurements shall be given to the District Council as soon as they are available. At such monitoring locations noise levels during construction operations shall not exceed the levels specified in the approved programme, except in an emergency.
- (24) The commissioning of the Development shall not take place until there has been submitted to and approved in writing by the District Council a programme for the monitoring of noise generated by the operation of the Development. The programme shall specify the locations from which noise will be monitored, the method of noise measurement (which shall be in accordance

with BS 4142) and the maximum permissible levels of noise at each such location. The programme shall make provision for such noise measurements to be taken by the Company as soon as possible following requests by the District Council and such measurements shall be given to the District Council as soon as they are available. At such monitoring locations noise levels shall not exceed the levels specified in the approved programme, except in an emergency.

- (25) Notwithstanding any noise measurement and noise measurement location approved by the District Council pursuant to Condition (24) the noise contribution generated by the operation of the Development, measured as a Leq level, shall not be greater than 3 dB(A) above existing night-time background noise levels, when assessed in accordance with BS 4142 at the following properties

Gibbons Farm
King John Bank
Sluice Keepers Cottage
Herons Path Bungalow
Peterspoint Farm

The noise shall exhibit no tonal or impulse content at these locations in any weather conditions. The above noise levels limitation shall be adhered to at all times except in an emergency or with the prior written approval of the District Council.

- (26) In any instance where a noise level approved pursuant to Condition (24) or a noise limitation referred to in Condition (25) is exceeded because of an emergency the Company shall within 2 working days provide the District Council with a written statement detailing the nature of the emergency and the reason why the noise level and/or limitation could not be observed. If the emergency period is expected to be for more than twenty four hours then the Company shall inform those residents affected by the

effects of the emergency of the reasons for the emergency and the expected duration.

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

So far as is reasonably practicable, any such operation

- (a) shall take place between the hours of 09.00 and 17.00; and
- (b) shall not take place on any Saturday, Sunday or Bank Holiday.

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

Exclusion Area

- (28) No works shall take place within the boundary of the exclusion area.
- (29) The commencement of the Development shall not take place until the boundary of the exclusion area has been clearly marked out to the satisfaction of the District Council.
- (30) The Company shall erect fencing or other means of marking at a distance of no less than five metres from the outside edge of the canopy of the trees in the exclusion area.
- (31) There shall be no vehicular movements within the boundary of the exclusion area unless such movements are associated with landscaping and creative conservation works and watercourse maintenance unless otherwise approved in writing by the District Council.
- (32) Within six months of the completion of the construction of the Development the Company

shall remove the fencing or other means of marking referred to in Condition (30) unless the District Council gives written approval for its or their retention in whole or in part.

Reason: To protect the bank of mature trees on the Site.

Landscaping

- (33) The commissioning of the Development shall not take place until a scheme of landscaping and creative conservation, in accordance with Figure 6.5, annexed hereto, has been submitted to and approved in writing by the District Council, in consultation with English Nature.
- (34) The scheme referred to in Condition (33) shall include details of the following matters:
- (i) planting;
 - (ii) management of existing and new planted areas;
 - (iii) details of the height, type, size and species of the shrubs and trees to be planted; and
 - (iv) phasing of works included in the scheme.
- (35) The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works specified in Condition (34)(iv) 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 (33). 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 District Council.

Reason: To ensure proper landscaping for the Development.

Prevention of Contamination of Watercourses

- (36) No work associated with the Development shall take place in a strip of land nine metres from the landward toe of the flood embankment on both sides of the River Nene and the ground levels in this area must not be raised and this area must be kept clear of all buildings, structures, fencing and trees unless otherwise agreed in writing by the Environment Agency.
- (37) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the District Council, in consultation with the Environment Agency, a scheme showing the method and working of drainage facilities on the Site.
- (38) The scheme referred to in Condition (37) shall include:
 - (i) provision for the drainage system to be laid out in a manner so as to avoid the possibility of contaminated drainage entering the surface water drainage system or watercourse;
 - (ii) provision so as to ensure that there is no interruption to the surface water drainage system of the surrounding land as a result of the operations on the Site;
 - (iii) provision so as to ensure that all existing drainage systems continue to operate and that riparian owners upstream and downstream of the Site are not adversely affected; and

- (iv) provision for trapped gullies in car parks, hardstandings and roadways.
- (39) The facilities approved pursuant to Condition (38) shall be put in place prior to the commencement of the main Development.
- (40) 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
- (41) All facilities required for the storage of hydrocarbons, process chemicals or similar liquids required during the construction of the Development must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.
- (42) All bunded areas for containers referred to in Condition (41) containing acids, alkalis or sulphides in addition to being contained in suitable facilities will have appropriate protective lining applied to the inner walls of the bund.
- (43) The facilities required pursuant to Condition (41) shall be built prior to the commencement of the main Development.

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

Atmospheric Emissions

- (44) All data relating to emissions into the air 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 public register, shall be supplied by the Company, as soon as possible after the data become available to the District Council, the County Council, English Nature and the RSPB 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 Councils are given access to information required for the exercise of their functions and English Nature and the RSPB are informed because of the special status of the Wash.

Air Pollution Monitoring

(45) The commissioning of the Development shall not take place until there has been submitted to, and approved in writing by:

- (a) the District Council;
- (b) the County Council; and
- (c) English Nature, in consultation with the RSPB,

schemes for the monitoring of air pollution in their areas with which each such body respectively is concerned. Each scheme shall include the 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 12 months prior to the commissioning of the Development and for the final measurement to be taken not more than 24 months after the commissioning of the Development. The Company shall supply full details of the measurements obtained in accordance with the schemes to the District Council, the County Council and English Nature, as appropriate, as soon as possible after they become available.

Reason: To ensure that the Councils and English Nature are kept informed on a regular and programmed basis about the changes in the level of air pollution at locations within their areas.

Fuel

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

Reason: To ensure that gas is not delivered to the Development by road.

Local Community Liaison Committee

- (47) The Company shall establish a Local Liaison Committee and will arrange for it to meet on a regular basis during construction and operation of the Development for the exchange of information between the Company and local interests affected by the construction and/or operation of the Development. The Company shall invite the District Council, the County Council, the local parish councils and relevant local interest groups to nominate representatives to join the Local Community Liaison Committee.

Reason: To ensure that local interest groups are kept informed and given an opportunity to comment on the progress of the Development.

Archaeology

- (48) The Company shall before commencement of the main Development afford reasonable access to any person nominated by the County Council to observe the excavations and record items of interest and finds, provided that no such access for this purpose delays or 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 main Development begins.

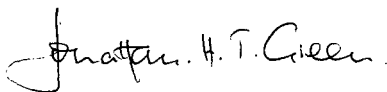
Use of Low Waste Heat

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

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

Default of Agreement

- (50) Where any matter is required to be agreed by the District Council and/or the County Council and/or 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. Any matter under Condition (4) requiring to be determined pursuant to this Condition shall be determined jointly by the Secretary of State for Trade and Industry and the Minister for Transport.



Date: 20 May 1997

J H T Green
Director
Electricity Directorate
Department of Trade and Industry