

# The Eggborough CCGT Project

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## The Eggborough CCGT (Generating Station) Order

Land at and in the vicinity of the Eggborough Power Station site,  
near Selby, North Yorkshire, DN14 0BS

### Demolition of the existing coal-fired power station

The Planning Act 2008

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**Applicant: Eggborough Power Limited**  
**Date: November 2017**

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## DOCUMENT HISTORY

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## GLOSSARY

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<b>ABBREVIATION</b>	<b>DESCRIPTION</b>
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EPL	Eggborough Power Limited
ExA	Examining Authority
ISH	Issue Specific Hearing
MW	megawatts
NG	National Grid
NSIP	Nationally Significant Infrastructure Project
PA 2008	The Planning Act 2008
PINS	Planning Inspectorate
SDC	Selby District Council
SoS	Secretary of State
the Applicant	Eggborough Power Limited
the Order	Eggborough CCGT (Generating Station) Order

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## 1.0 INTRODUCTION

- 1.1 This document (Document Ref. 9.7) has been prepared on behalf of Eggborough Power Limited ('EPL' or the 'Applicant') in respect of its application (the 'Application') for a Development Consent Order (a 'DCO') for the Eggborough CCGT Project (the 'Proposed Development'). The Application was submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy on 30 May 2017 and was accepted for examination on 27 June 2017.
- 1.2 The Proposed Development comprises the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 2,500 megawatts ('MW'), including electrical and water connections, a new gas supply pipeline and other associated development, on land at and in the vicinity of the existing Eggborough coal-fired power station, near Selby, North Yorkshire.
- 1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14 and 15(2) of The Planning Act 2008 (the 'PA 2008'). The DCO, if made by the SoS, would be known as the 'Eggborough CCGT (Generating Station) Order' (the 'Order').
- 1.4 At the Issue Specific Hearing ('ISH') on Environmental Matters held on 22 November 2017, the Examining Authority ('ExA') requested that the Applicant review the position in relation to the future demolition of the existing Eggborough coal-fired power station (the 'existing coal-fired power station') and consider inserting a new schedule within the draft DCO (Document Ref. 2.1), which requires a demolition scheme to be agreed with the relevant planning authority prior to commencement of the Proposed Development.
- 1.5 That request is set out as Action 6 in the 'Hearing Actions Points' document issued by the Planning Inspectorate ('PINS') following the ISH on Environmental Matters. Action 6 states:  
  
*"In relation to the existing power station, review the position with a view to inserting a Schedule into the DCO which requires a demolition scheme to be agreed prior to commencement of the CCGT."*
- 1.6 This document provides the Applicant's response to the ExA's request. The document has been submitted for Deadline 3 of the Examination.

## 2.0 APPLICANT'S APPROACH TO DEMOLITION OF THE EXISTING COAL-FIRED POWER STATION

- 2.1 The Applicant explained at the ISH on 22 November 2017 the reasons that the draft DCO does not contain provisions securing the demolition of the existing coal-fired power station. The Applicant recognises that the ExA may recommend to the Secretary of State that such provisions are included in the DCO and that the Secretary of State may agree with such a recommendation.
- 2.2 How the Applicant proposes to address the matter of the demolition of the existing coal-fired power station is set out below.

### Context

- 2.3 In considering proposals for the demolition of the existing coal-fired power station, the following matters should be noted:
- 2.3.1 The draft DCO contains an obligation on the undertaker (in the form of Requirement 4 at Schedule 2) to the effect that the Proposed Power Plant must not enter commercial use if the existing coal-fired power station has not ceased to generate electricity.
- 2.3.2 Demolition of the existing coal-fired power station does not require environmental assessment. EPL has obtained an Environmental Impact Assessment ('EIA') Screening Opinion (Ref. 2017/0003/SCN) from the relevant planning authority, Selby District Council ('SDC'), which confirms that the demolition activities are not EIA development.
- 2.3.3 Demolition of the existing coal-fired power station can therefore be undertaken using the permitted development rights set out at Part 11 of the GPDO 2015. However, the method of demolition and any proposed restoration of the site of the existing coal-fired power station may need prior approval from SDC under Part 11. EPL is applying to SDC for a determination as to whether its prior approval will be required.
- 2.3.4 EPL therefore does not need to apply for planning permission for demolition of the existing coal-fired power station.
- 2.3.5 Removal of the Flue Gas Desulphurisation units within the existing coal-fired power station is governed by conditions 53 and 54 of the consent granted under Section 36 of the Electricity Act 1989 which authorised their construction in 2001 (a copy of both the existing coal-fired power station's consent (dated 1961) and the Flue Gas Desulphurisation consent are provided at **Appendices 1 and 2**).
- 2.3.6 The National Grid ('NG') substation and the pylons and overhead cables associated with the NG transmission network are owned and operated by NG as part of the grid, and will remain in place to serve the Proposed Development.
- 2.3.7 For the avoidance of any doubt, whilst the Sports and Social Club is part of the existing coal-fired power station, EPL are not proposing that its demolition would be required through the mechanism explained below.

- 2.4 The ExA has asked the Applicant to consider inserting a Schedule into the DCO which requires a demolition scheme to be agreed prior to commencement of the CCGT.
- 2.5 At the ISH on Environmental Matters on 22 November 2017, the Applicant explained that the Proposed Development and the demolition of the existing coal-fired power station are two distinct projects. The Applicant also outlined a number of implications for the delivery of the Proposed Development of requiring the demolition of the existing coal-fired power station. Taking into account those matters and having considered the ExA's suggestion of inserting a Schedule into the DCO which addresses this matter, the Applicant takes the view that it would be more appropriate to provide for the demolition of the existing coal-fired power station through a planning obligation.
- 2.6 Similarly, and in light of the commitments proposed below, the Applicant does not consider it is necessary for a demolition scheme to be agreed prior to commencement of the Proposed Development.

### **Proposed Planning Agreement**

- 2.7 The Applicant therefore proposes that certain obligations relating to the demolition of the existing coal-fired power station would be contained in a planning agreement, which would bind the site of the existing coal-fired power station.
- 2.8 Subject to the matters set out below, that agreement would provide that:
- 2.8.1 if prior approval is needed for demolition under Part 11 of the GPDO 2015, there would be an obligation to apply for it within 2 years of the Proposed Power Plant entering commercial operation; and
  - 2.8.2 demolition of the existing coal-fired power station would be completed within 5 years of receiving prior approval or, if that is not needed, within 7 years of first commercial operation of the Proposed Power Plant.
- 2.9 These periods reflect the timescales that may be required to carry out all the activities to give effect to the demolition of the existing coal-fired power station. The 2 year period allows time for prior approval submissions to be worked up, having first sought tenders from demolition contractors and appointed one of them, who will then need to design the complex decommissioning and demolition works in detail.
- 2.10 The 5 year period allows time for the full works of decommissioning and demolition to take place, including allowing for appropriate contingency to take account of the complex nature of the works – in particular, the presence of the adjacent Proposed Power Plant (either under construction or in operation) and the National Grid sub-station (in operation throughout) are likely to require very careful consideration and sequencing of demolition works.
- 2.11 Both periods run from the first commercial operation of the Proposed Power Plant as it is possible that the existing coal-fired power station could operate up to just prior to that point.
- 2.12 The agreement would provide for two exceptions to the scenarios set out above. If, after the date of the agreement, planning permission was obtained to retain or use any part of the existing coal-fired power station, then those parts would be exempt from the obligation to demolish. Similarly,

there would be no obligation to demolish any part of the existing coal-fired power station which is to be used for another purpose pursuant to permitted development rights.

2.13 The obligations in the agreement would be conditional on:

2.13.1 the DCO for the Proposed Power Plant being made;

2.13.2 the Secretary of State determining that the provisions above satisfy Regulation 122 of the Community Infrastructure Levy Regulations 2010; and

2.13.3 the Proposed Power Plant entering commercial operation.

2.14 The Applicant proposes to draft a planning agreement in accordance with the above principles to issue to the host Local Authorities for comment, and will provide an update to the ExA on these matters at subsequent examination deadlines.

## **APPENDIX 1 - 1961 POWER STATION CONSENT**



MINISTRY OF POWERELECTRICITY (SUPPLY) ACTS, 1882 TO 1936ELECTRICITY ACTS 1947 AND 1957TOWN AND COUNTRY PLANNING ACT, 1947CENTRAL ELECTRICITY GENERATING BOARDEGGBOROUGH GENERATING STATION

In pursuance of the provisions of Section 2 of the Electric Lighting Act, 1909, as amended by Section 57 of, and Part I of the Fourth Schedule to, the Electricity Act, 1947, and Part II of the Fourth Schedule to the Electricity Act, 1957, the Minister of Power (hereinafter called "the Minister") hereby consents subject as hereinafter provided to the construction by the Central Electricity Generating Board (hereinafter called "the Board") of a generating station to be known as the Eggborough Generating Station (hereinafter called "the station") on a site having an area of approximately 390 acres situate in the rural districts of Osgoldcross and Selby in the West Riding of Yorkshire as shown coloured pink on the Drawing No. GEN/1/2/4468 duly endorsed and attached hereto which said station shall comprise:-

- (a) Generator plant having an electrical output of about 2,000 MW;
- (b) coal fired boiler units;
- (c) eight reinforced concrete cooling towers; and
- (d) the necessary ancillary plant, buildings and civil engineering works.

This Consent is given subject to the following terms and conditions:-

- (1) The station shall be constructed in accordance with:-
  - (a) the technical and other particulars submitted with the Board's letter of the 7th April, 1961; and
  - (b) such further particulars, plans and drawings as may be required from the Board by the Minister and approved by him.

/(2)

- (2) The technical particulars and other documents referred to in paragraph 1 shall not be departed from to any material extent without the approval of the Minister.
- (3) In the event of the Minister's approval being required in accordance with paragraph 1(b) hereof (in any case where the documents referred to therein show material difference from those in paragraph 1(a)), or paragraph 2 hereof, the Board shall give such notices as the Minister may direct to persons affected.
- (4) The station shall be so constructed as to avoid, as far as may be reasonably practicable, noise and vibration in the operation thereof.
- (5) The lay-out of the station shall be designed so as to permit of the installation of such plant as may be reasonably practicable for the prevention of the discharge of sulphur and its compounds into the atmosphere, and the Board shall, if so required at any time by the Minister, install such plant.
- (6) Obstructions lights shall be placed on the chimneys to the requirements of the Air Ministry and the Ministry of Aviation.

In pursuance of the provisions of Section 35(1) of the Town and Country Planning Act, 1947, the Minister hereby directs that permission for the aforesaid development shall be deemed to be granted under Part III of that Act (Osgoldcross Rural District Council's Planning Reference No. OG/1178 and Selby Rural District Council's Planning Reference No. SR/82) subject to the following conditions:-


1. Layout plans and elevations and a description of the materials to be used on the external faces of the buildings, and proposals for the landscaping of the site, shall be submitted to the local planning authority. In the event of any disagreement with any such proposals submitted the matter shall be determined jointly by the Minister of Housing and Local Government and the Minister of Power. The /station

station shall be erected and completed in accordance with the layout plans and elevations agreed with the local planning authority or, in the absence of such agreement, as determined by the Minister of Housing and Local Government and the Minister of Power.

2. Before the station comes into operation the Board shall submit to the local planning authority for such approval as may be necessary proposed arrangements for the disposal of ash.

3. Nothing in these conditions shall be deemed to authorise the Board to close any public right of way and the Board shall discuss the provision of satisfactory alternative rights of way with the local planning authority.

Dated this *eighteenth* day of *October* 1961.



An Assistant Secretary to the  
Ministry of Power.

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**APPENDIX 2 - 2001 FLUE GAS DESULPHURISATION CONSENT**



Mr M S Borthwick  
FGD Project Manager  
Eggborough Power Ltd  
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Energy Policy and Consents  
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Enquiries: 0171 215 5000  
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Yr ref: MSB/PC/sw  
Our ref: GDBC/001/003

10 December 2001

Dear Sir

ELECTRICITY ACT 1989  
TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION FOR CONSENT TO EXTEND THE EGGBOROUGH COAL-  
FIRED GENERATING STATION BY THE INSTALLATION OF FLUE GAS  
DESULPHURISATION PLANT

#### 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 20 September 2000, by Eggborough Power Limited ("the Company"), for the consent of the Secretary of State under section 36 the Electricity Act 1989 ("section 36 consent") to extend the Eggborough coal-fired generating station in the District of Selby by the installation of flue gas desulphurisation plant ("the Development"), and for a direction under 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 Works (Environmental Impact Assessment) (England and Wales)

**dti**

Department of Trade and Industry



Regulations 2000 ("the 2000 Regulations") the Company also submitted on 20 September 2000 a document, entitled "Eggborough Power Station - Installation of Flue Gas Desulphurisation", describing the Development and give an analysis of its environmental implications.

1.3 The Selby District Council and the North Yorkshire County Council ("the relevant planning authorities") entered into discussions with the Company over terms on which it would be content for the Development to proceed. As a result of these discussions 55 conditions ("the Planning Conditions") to be attached to any section 90 direction were agreed between the Company and the relevant planning authorities.

1.4 In view of the successful conclusion of these discussions the relevant planning authorities have not maintained any objection to the Application provided that the Planning Conditions are imposed should the Secretary of State be minded to grant section 36 consent and give a section 90 direction in respect of the Development.

## 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 she may give.

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

3.1 As stated in paragraph 1.4 above, the relevant planning authority has not maintained any objection 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 Act, however, requires the Secretary of State to consider all objections that she has received pursuant to the Electricity (Applications for Consent) Regulations 1990 (made under paragraph 3(1) of Schedule 8), ("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 no objections under the Applications Regulations and there is therefore no need to consider whether she should exercise her discretion to hold a public inquiry into the Application.

#### Conclusion

3.4 The Secretary of State has concluded that no public inquiry should 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 are seven European Sites or candidate European Sites within a radius of 15km of the development. She has been informed by English Nature that the impact of the Development will have no significant effects on sites of nature conservation interest. The Secretary of State therefore believes that the Development is not likely to have a significant effect on a European Site and that therefore, no assessment pursuant to the 1994 Regulations is necessary. Accordingly she concludes that there is no reason for refusing section 36 consent on the grounds of 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 from granting section 36 consent unless she has first taken into consideration the environmental information, as defined in those Regulations.

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 6 of the 1990 Regulations and others.



5.4 Taking account the extent to which any adverse environmental effects will be modified and mitigated by measures the Company has agreed to take or will be required to take either 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.

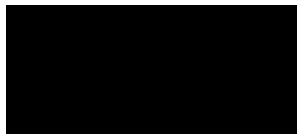
#### VI. SECRETARY OF STATE'S DECISION ON THE APPLICATION

6.1 The Secretary of State, having had 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 grant consent for the Development pursuant to section 36, subject to: (i) a condition that the Development shall be in accordance with the particulars submitted, and (ii) a condition as to time within which the Development must commence.

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 issue a section 90 direction that planning permission be deemed to be granted subject to the Planning Conditions.

7.3 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 solid black rectangular box redacting the signature of Nigel Peace.

NIGEL PEACE  
Director  
Energy Regulation

DEPARTMENT OF TRADE AND INDUSTRY  
ELECTRICITY ACT 1989  
TOWN AND COUNTRY PLANNING ACT 1990  
EXTENSION TO THE EGGBOROUGH COAL FIRED GENERATING STATION  
BY THE CONSTRUCTION AND OPERATION OF FLUE GAS  
DESULPHURISATION PLANT

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 extension by Eggborough Power Limited (the Company), of the Eggborough coal-fired generating station in the District of Selbly by the addition of flue gas desulphurisation plant (the Development), on the area of land outlined black on SITE PLAN: EPS/DTI/001, annexed hereto and duly endorsed on behalf of the Secretary of State, and to the operation of that flue gas desulphurisation plant.

2. The Development shall comprise:

- (a) a limestone/gypsum chemical plant comprising two units for the removal of sulphur dioxide gas from combustion gases;
- (b) ancillary and auxiliary plant and equipment; and
- (c) the necessary buildings (including administration offices) and civil engineering works including relocation as necessary of existing plant.

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 20 September 2000.
- (2) The commencement of the Development shall not be later than five years from the date of the

"the Development" means the retrofitting of flue gas desulphurisation plant to two units of the Eggborough coal-fired generating station in the County of North Yorkshire;

"emergency" means circumstances in which there is reasonable cause for apprehending imminent injury to persons, serious damage to property, danger of serious pollution to the environment, substantial interference with the supply of raw materials or production of gypsum or pulverised fuel ash or with their movement from the Site for a substantial period of time and in the event that there might otherwise be an interruption to the supply of electricity from the Eggborough power station;

"English Nature" means English Nature and its successors;

"Environment Agency" means the Environment Agency and its successors;

"Heavy Commercial Vehicle" has the meaning given by section 138 of the Road Traffic Regulation Act 1984;

"Laydown Areas" means the areas of land coloured grey and mauve on Figure 2.3, hereby attached;

"the main Development" means the construction work commencing with the placing of the first concrete for the main plant foundations of the Development;

"National Park" means land designated as such pursuant to an order made under section 7 of the National Parks and Access to the Countryside Act 1949;

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

"owned land" means the area of land outlined pink on SITE PLAN: EPS/DTI/001;

"purchasing company" means any limited or public limited company registered in the United Kingdom which contracts to purchase

consent, or such longer period as the Secretary of State may hereafter direct in writing.

4. The Secretary of State in exercise of the powers conferred on her 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" means British Standard 4142: 1997 - 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;

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

"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 comes into operation;

"the Company" means Eggborough Power Limited and its assigns and successors;

"the Council" means the Selby District Council and its successors;

"the County Council" means the North Yorkshire County Council and its successors;

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

commercial grade de-sulpho gypsum produced as a result of the operation of the Development;

"regional park" means land designated as such by a direction under section 262C of the Town and Country Planning (Scotland) Act 1967 as confirmed by the Secretary of State for Scotland; and

"the Site" means the area of land outlined black on SITE PLAN: EPS/DTI/001, 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 permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990.

#### Heavy Commercial Vehicle Movements

- (4) No Heavy Commercial Vehicle or any other vehicle which has an operating weight greater than three tonnes associated with the construction of the Development shall enter or leave the Site at any time on any, Saturday, Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday 0700 - 1900

unless such movement -

- (a) is an abnormal load;
- (b) is associated with an emergency; or

- (c) is carried out with the prior written approval of the Council and County Council.
- (5) In any instance where the time limitation referred to in Condition (4) is exceeded because of an emergency the Company shall as soon as possible provide the Council and the County Council with a written statement, as soon as reasonably possible and, in any event, within 2 working days, detailing the nature of the emergency and the reason why the traffic limitation and/or the time limitation could not be observed.

Reason: In the interest of highway safety

Suppression of Dust and Dirt

- (6) 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 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 Council and shall be maintained throughout the period of the construction of the Development unless any variation has been approved in writing by the Council.
- (7) All Heavy Commercial Vehicles and any other vehicle which has an operating weight exceeding three tonnes associated with the construction of the Development leaving the Site, other than those vehicles exclusively using tarmac roads, shall on each occasion, prior to leaving, 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, approved in writing by, and deposited with, the Council a scheme of measures 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 Council.

- (9) No bulk materials brought to the Site for use in or as a result of the operation of the Development shall be stored in the open and all gantries, conveyors and other means of transport used to handle bulk materials within the Site shall be enclosed so as to prevent the emission of dust and effective means shall be employed to remove dust discharged from bulk silos.
- (10) All Heavy Commercial Vehicles carrying bulk materials into and out of the Site shall be sheeted or otherwise enclosed so as to prevent the exposure of bulk materials to the atmosphere.
- (11) The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the County Council a scheme for a programme to clear up any dirt or other material emanating from the Development which may be deposited on the public highway during the period of the construction and operation of the Development.

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

#### Layout and Design

- (12) 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 indicate:
  - (i) details of vehicular circulation roads, parking, hardstandings, loading and unloading facilities and turning facilities required during the construction of the Development;
  - (ii) details of any facilities required on the Site for the storage of materials



required for the construction of the Development;

- (iii) details of any perimeter fencing and gates required during the period of the construction of the Development;
  - (iv) details of artificial lighting required during the period of the construction of the Development; and
  - (v) details of any additional facilities required on the Site for the transportation of materials for the construction of the Development; and
  - (vi) phasing of works included in the scheme.
- (13) The commencement of the main 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) 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 any additional facilities required on the Site for the storage of materials required for the operation of the Development;
  - (v) details of artificial lighting required during the operation of the Development;
  - (vi) details of all permanent fencing and gates required on the Site;



- (vii) details of rail infrastructure on the Site;
  - (viii) details of any additional facilities required on the Site for the transportation of materials for the construction of the Development; and
  - (ix) phasing of works included in the scheme.
- (14) The Development shall proceed only in accordance with the schemes referred to in Conditions (12) and (13) subject to any variation as may be approved in writing by the Council.
- (15) 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 scheme for the removal 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 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 Council.
- (16) Notwithstanding the terms of Condition (15) the Company shall, subject to the prior written approval of the Council, be permitted to retain those buildings which may be required for future use by the Company.

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

#### Construction

- (17) All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228, Parts 1 and 2: 1997 and Part 4: 1992; Noise and Vibration Control on Construction and Open Sites.

- (18) No construction work associated with the Development shall take place on the Site at any time on any Saturday, Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday            0700 - 1900

unless such work -

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the Council; or
- (c) such works do not cause existing ambient background noise levels to be exceeded.

- (19) Should impact pile driving be used for the construction of the Development then no such piling shall take place on the Site on any Saturday, Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday            0900 - 1800 hours

unless such pile driving -

- (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 or noise limitation referred to in Conditions (18) or (19) is exceeded because of an emergency the Company shall as soon as reasonably possible and, in any event, within 2 working days, provide the Council with a written statement detailing the nature of the emergency and the reason why the time or noise limitation could not be observed.

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

### Construction Noise

- (21) 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 programme for the monitoring of noise generated during the construction of the Development. The programme shall specify the measurement locations for which noise will be monitored and the maximum permissible levels at each such monitoring position. The programme shall make provision for such noise measurements to be taken 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 monitoring locations, noise levels during construction operations shall not exceed the levels specified in the approved programme, unless otherwise approved in writing by the Council or in an emergency.
- (22) In any instance where a noise level approved pursuant to Condition (21) is exceeded because of an emergency the Company shall as soon as possible and, in any event, within 2 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.

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

### 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 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 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.

- (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 event, within 2 working days, provide the 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 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.

#### Noise Complaints Procedure

- (25) In any instance where a local resident has cause to make a 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 shall be made as soon as reasonably practicable and, in any event, within 7 working days, 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.

Land Restoration, Landscaping and Creative Conservation

- (26) 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 of soil stripping and storage.
- (27) The scheme of soil stripping and storage referred to in Condition (26) shall include details of the following matters:
- (i) the depths and volumes of soil and subsoil to be stripped;
  - (ii) the areas, contours and gradients of storage of soil and subsoil stripped in accordance with (i) above;
  - (iii) management of stored soils; and
  - (iv) the programme of works.
- (28) No soil or subsoil shall be stripped or stored except in accordance with the scheme approved under Condition (27) unless any variation is approved in writing by the Council.
- (29) All soil and subsoil stripped and stored in accordance with the scheme approved under Condition (27) shall be used for restoration works on the Site or such other land as shall have received the prior written approval of the Council and no soil or subsoil shall otherwise be removed from the Site.
- (30) The commencement of the main Development shall not take place until a scheme of landscaping and creative conservation for the Site and Owned Land has been submitted to, approved in writing by, and deposited with, the Council, in consultation with English Nature.
- (31) The scheme referred to in Condition (30) shall deal with the treatment of any environmentally sensitive areas 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) a survey of all trees and hedgerows on the Site indicating those measures necessary for their protection;
  - (ii) proposals for mounding and planting;
  - (iii) management of existing and new planted areas;
  - (iv) restoration of areas affected by construction works;
  - (v) details of grass seed mix for areas of the Site to be restored to grassland;
  - (vi) details of the height, type, size and species of the shrubs and trees to be planted;
  - (vii) details of the measures to be taken to create new flora and fauna habitats and of the management of such new habitats;
  - (viii) phasing of works included in the scheme.
- (32) The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works specified in Condition (31)(viii) 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 (30). 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 the proper landscaping of the Site.

## Prevention of Contamination of Watercourses

- (33) The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the County Council, in consultation with the Environment Agency, a scheme showing the method and working of sustainable drainage facilities on the Site. Such facilities shall be put in place in accordance with the approved scheme.
- (34) The scheme referred to in Condition (33) 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 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;
  - (iii) provision for trapped gullies in car parks, hardstandings and roadways;
  - (iv) measures to ensure that all foul sewage must drain 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.
- (35) 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.
- (36) 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 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.

- (37) All containers in the bunded compound referred to in Condition (36) 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 containers.
- (38) The facilities required for the purposes of Condition (36) 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.

#### Source and Delivery of Limestone

- (39) No limestone extracted from land in a National Park or regional park shall be used in the operation of the Development.
- (40) Except in an emergency, no Heavy Commercial Vehicle shall be used for delivering limestone to the Site for use in the operation of the Development.

Reason: To protect National Parks and regional parks and to ensure that no damage is done to the local environment due to HCV traffic.

#### Removal of De-sulpho Gypsum

- (41) No Heavy Commercial Vehicle shall be used for carrying gypsum from the Site unless the purchasing company does not possess plant which is connected to a rail head or in an emergency.
- (42) The commissioning of the Development shall not take place until the Company secures in



discussion with the County Council off-site disposal facilities, including the necessary statutory consents and waste disposal licences, to meet its disposal requirements for gypsum, other by-products or wastes produced by the operation of the Development for the first five years from the commissioning of the Development and for each five year period thereafter. A list of the disposal facilities together with proof of availability shall be provided to the County Council prior to the commissioning of the Development.

- (43) Prior to the expiry of three months after the commissioning of the Development and on each anniversary thereafter the Company shall provide the County Council with written details of the following:
- (i) amounts and the tonnages moved by road and rail of gypsum disposed of commercially and to the disposal facilities referred to in Condition (42);
  - (ii) amounts of other by-products or wastes disposed of to the disposal facilities referred to in Condition (42);
  - (iii) estimated capacity available at each disposal facility for future disposal of those materials indicated in (i) and (ii) above; and
  - (iv) anticipated disposal requirements of those materials indicated in Condition (42) for the following five year period.
- (44) The Company shall at all times following the five year period referred to in Condition (42) have available permitted disposal capacity for those materials indicated in Condition (43) for the following five year period.

Reason: To ensure that that all gypsum and other by-products and wastes produced by the operation of the Development which cannot be sold commercially shall be disposed of in a proper fashion and one which does least damage to the environment.

### Contaminated Waste

- (45) 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 for the treatment of any contaminated waste found on the Site and details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring.
- (46) Contaminated material arising from the construction of the Development shall be treated on the Site in accordance with the scheme approved pursuant to Condition (45) or shall be disposed of to licensed disposal facilities.

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

### Local Liaison Committee

- (47) Prior to the commencement of the Development the Company shall establish a local liaison committee made up of representatives of the Company, the Council, the County Council, the Environment Agency, English Nature and other relevant interest groups. During the construction period representatives from the main contractors for the Development shall join the local liaison committee. The Company shall provide a full secretariat service and supply an appropriate venue.
- (48) The local liaison committee referred to in Condition (47) shall provide a consultative forum in which an exchange of information and views can take place to consider the effects and problems the Development may have both during construction and operation and to consider future plans and technical changes upon which the Company should consult. The local liaison committee shall meet on a regular basis and at least once a month during the construction of the Development and at least once a year during the operation of the Development unless

otherwise agreed in writing between the Company, the Council and the County Council.

- (49) The Company shall nominate a representative of the Company as an Environmental Officer and such an officer will act as a point of contact for those members of the liaison committee referred to in Condition (47) for all matters associated with the construction of the Development.

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

#### Protection of Grass Snakes

- (50) 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 English Nature, a scheme for the protection of grass snakes found on the Site or Owned Land.

Reason: For the protection of grass snakes which are protected under the Wildlife and Countryside Act 1981.

#### Recreational Facilities

- (51) No work associated with the preparation of the Laydown Areas shall take place until the Company has re-located the football pitch and installed the necessary changing rooms to an area in the Owned Land to the written satisfaction of the Council, in consultation with the local football team.
- (52) Upon completion of the construction of the Development and the removal of all materials from the Laydown Areas then the Company can, with the prior written approval of the Council, in consultation with the local football team, reinstate the football pitch and associated changing rooms at their original location.

Reason: To ensure that the local community does not lose existing recreational facilities because of the Development.

Cessation of works and restoration of the Site


- (53) Within six months of the Site ceasing to be used to produce electricity the Company shall submit to the Council, for approval in writing, a scheme for the demolition and removal of the Development from the Site and the restoration of the Site.
- (54) The scheme referred to in Condition (53) 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) details of the restoration works; and
  - (v) the phasing of the restoration works.

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

Default of Agreement

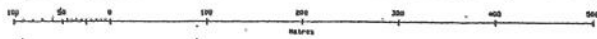
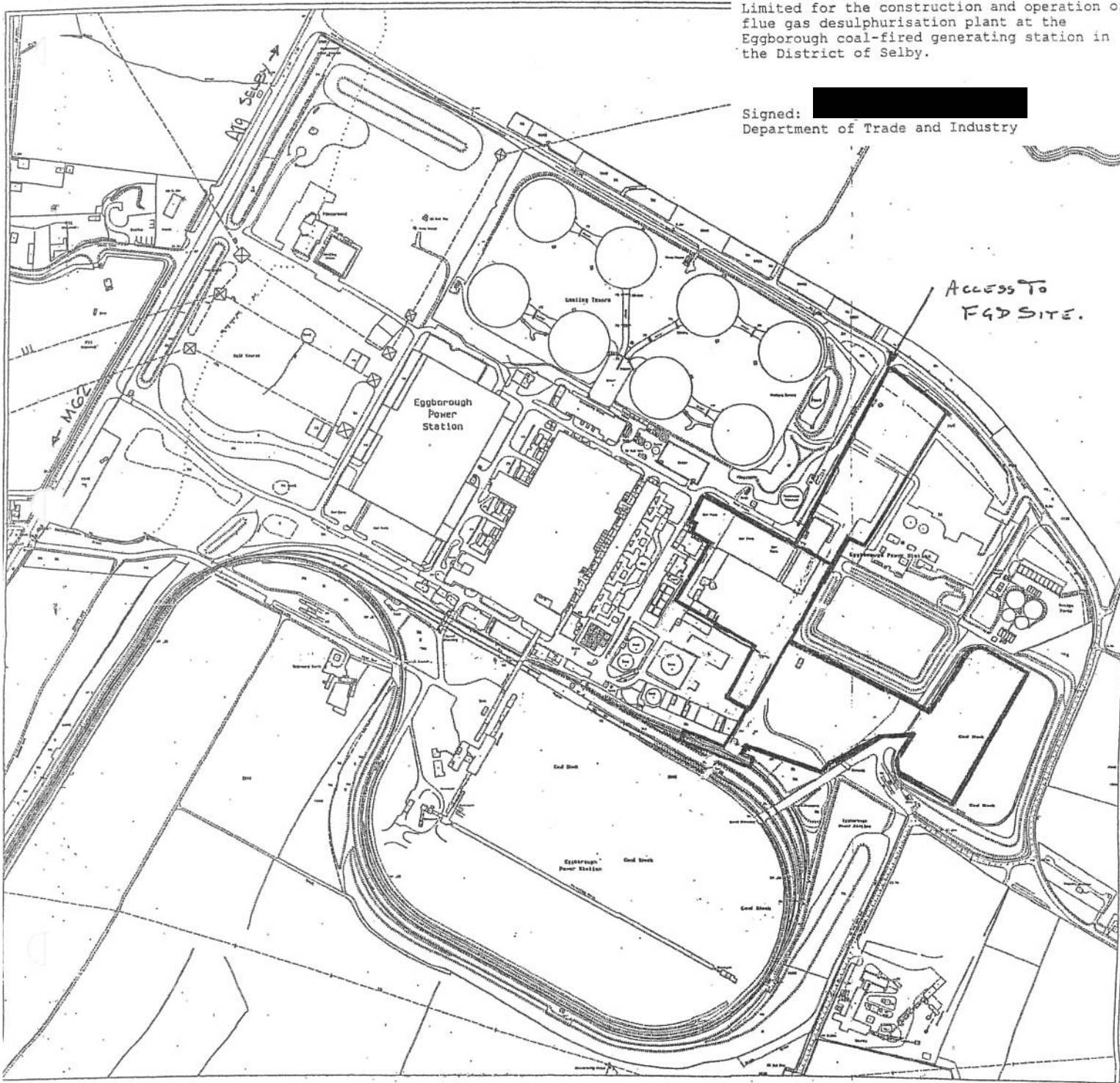
- (55) Where any matter is required to be agreed or approved by the Council or the County Council under any of the foregoing Conditions that matter shall in default of agreement or approval be determined by the Secretary of State for Trade and Industry.

Date: 10 December 2001

  
Nigel Peace  
Director  
Electricity Regulation  
Department of Trade and Industry

Certified to be SITE PLAN: EPS/DTI/001 referred to in the consent dated 10 December 2001 given by the Secretary of State for Trade and Industry to Eggborough Power Limited for the construction and operation of flue gas desulphurisation plant at the Eggborough coal-fired generating station in the District of Selby.

Signed: [Redacted]  
Department of Trade and Industry



Scale 1: 2750

SITE PLAN

POWER STATION SITE BOUNDARY

EGGBOROUGH	DRAWN / DATE	SITE PLAN
	CREATED / DATE	
	CHECKED / DATE	
	SCALE	
18 October 2000		Scale 1:2750.
		EPS/DTI/001