

<p><b>Reference:</b> 19/01101/ELEC</p>	<p><b>Site:</b> Land at London Gateway The Manorway Stanford-le-Hope</p>
<p><b>Ward:</b> Corringham and Fobbing</p>	<p><b>Proposal:</b> Proposed variation of s36 (Electricity Act) consent and deemed planning permission for the construction and operation of an electricity generating station (known as Gateway Energy Centre) - proposed variation to: (a) amend the description of development to retain the permitted generating capacity of 1250MW but to allow, within Development Option (ii), for the incorporation of a Battery Energy Storage System (BESS) with a rated electrical output of up to 320MW; (b) allow a different and smaller area of land to be safeguarded for future carbon capture equipment should Development Option (ii) be progressed, compared to the larger area of land associated with Development Option (i); (c) further extend the time limit for commencement of the development to the end of 2023; and (d) better allow for a phased development of Gateway Energy Centre by including a new condition to require a phasing scheme to be submitted and approved and by varying other conditions to specify where relevant that certain conditions only apply to a specific phase and not to other phases and that under certain conditions the approval of details may be applied for and granted on a phase-by-phase basis.</p>

<b>Plan Number(s):</b>		
Reference	Name	Received
63114-PBP-0025	Red Line Boundary	17.07.19
2746D_DWD_001	Gateway Energy Centre – Site Location Plan	17.07.19

The application is also accompanied by:

- Covering letter
- Schedule 1 – Compliance with Regulation 3 of the 2013 Variation Regulations
- Schedule 2 – Proposed List of Consultees
- Original s36 consent and deemed planning permission granted 4 August 2011
- 2014 varied consent and deemed planning permission granted 18 November 2014

- 2016 varied consent and deemed planning permission granted 3 August 2016
- 2019 application proposed variation to the s36 consent and deemed planning permission – track change document
- 2019 application proposed variation to the s36 consent and deemed planning permission – clean version
- Gateway Energy Centre Environmental Statement Further Information Document (June 2019) including:
  - Gateway Energy Centre 2019 Updated Flood Risk Assessment (June 2019)
  - Gateway Energy Centre 2019 Transport Report Addendum (June 2019)
- Gateway Energy Centre Non-Technical Summary of the Environmental Statement Further Information Document
- Gateway Energy Centre Updated Carbon Capture Readiness (CCR) Feasibility Study (June 2019) including:
  - Carbon Capture Readiness ‘CCS Site for Development Option (i)’ Plan Ref. 1620002349-018-00004 Rev. P02; and
  - Carbon Capture Readiness ‘CCS Site for Development Option (ii)’ Plan Ref. 1620002349-018-00005 Rev. P02
- Draft Explanatory Memorandum (2019); and
- Historic documents relating to the previous Gateway Energy Centre variation applications and associate development

**Applicant:**  
Gateway Energy Centre Limited (GECL)

**Validated:**  
17 July 2019  
**Date of expiry:**  
30 September 2019

**Recommendation:** That Planning Committee agree that the content of paragraphs references 6.3 to 6.54 (below) comprise the consultation response to be provided by the relevant planning authority to the Department for Business, Energy & Industrial Strategy.

## 1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1.1 This report considers the issues raised by an application submitted by GECL to the Secretary of State (SoS) for Business, Enterprise & Industrial Strategy (BEIS – formerly the Department for Energy & Climate Change (DECC)) to vary an existing s36 (Electricity Act 1989) consent and associated deemed planning permission for the construction and operation of a proposed electricity generation station on part of the London Gateway logistics park site at The Manorway, Stanford-le-Hope.

- 1.2 s36(c) of the Electricity Act 1989 (inserted by s20 of the Growth and Infrastructure Act 2013) allows for the SoS to vary a s36 consent and the process for an applicant to seek a variation is set out in the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013. A guidance note (July 2013) accompanying the Regulations confirms that the SoS has the power to make “such variations as appear to be appropriate”. However, paragraph 26 of the guidance notes that the variation procedure is not intended as a way of authorising any change to a developer’s plans that would result in development that would be fundamentally different in character or scale from what is authorised by the existing consent.
- 1.3 The Council is defined as the ‘relevant planning authority’ and is required to be consulted by BEIS along with the following bodies:
- Natural England;
  - Historic England;
  - NATS (National Air Traffic Services);
  - Met Office
  - Defence Infrastructure Organisation;
  - Environment Agency;
  - Highways England;
  - Civil Aviation Authority; and
  - Health and Safety Executive.
- 1.4 A formal consultation was received from BEIS dated 22<sup>nd</sup> July 2019 requesting that any comments from the relevant planning authority are submitted no later than 30<sup>th</sup> September 2019. Paragraph 8 (1) of the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 states:
- 8(1) The appropriate authority (SoS) may cause a public inquiry to be held into a variation application if it considers it appropriate to do so having considered -*
- (a) any representations made about a variation application to the appropriate authority –*
- (i) which a relevant planning authority makes within two months of the date on which a copy of the application was served on it under regulation 5(2)(b); and*
  - (ii) which any other person makes on or before the date specified*

*in accordance with regulation 5(5)(b)(iii),  
where those representations are not withdrawn; and  
(b) all other material considerations.*

The SoS therefore has discretionary power to hold a public inquiry to consider a variation application and in considering whether to hold such an inquiry the SoS must consider any representations submitted by the relevant planning authority or any other person where those representations are not withdrawn.

- 1.5 Members of the Planning Committee will be aware that with the enactment of the Planning Act 2008 a different consenting regime for onshore electricity generating stations with a capacity of more than 50MW was introduced. Under this Act such proposals are defined as Nationally Significant Infrastructure Projects (NSIPs) where permission is granted via a Development Consent Order issued by the relevant SoS. However, as the GECL proposal was submitted before 1<sup>st</sup> March 2010 (when the requirement to submit applications for large energy projects to the Infrastructure Planning Committee - now the Planning Inspectorate came into force) the provisions of the Electricity Act 1989 apply.
- 1.6 By way of background, the s36 consent and deemed planning permission were originally granted in 2011 to authorise the construction and operation of a combined cycle gas turbine (CCGT) generating station. In November 2014 the Secretary of State granted a variation to the s36 consent to increase the capacity of the development from 900MW to 1250MW alongside minor amendments to the related deemed planning permission. More recently in August 2016 the Secretary of State granted a variation to the s36 consent to:
- a) allow for the construction and operation of either –
    - i) up to two Combined Cycle Gas Turbine (“CCGT”) units (including for each CCGT unit: a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment); or
    - ii) one CCGT unit (including a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment) and one or more Open Cycle Gas Turbine (“OCGT”) plants, with the OCGT units having a combined electrical output of less than 300MW (including for each OCGT unit: a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment)
  - b) extend the time limit for the commencement of the Development to allow a further 5 years from the date of the varied consent.
- 1.7 In summary, the current submission to the SoS seeks to further vary the s36 consent and deemed planning permission to:

- a) amend the description of development to retain the permitted generating capacity of 1250MW but to allow, within development option (ii), for the incorporation of a Battery Energy Storage System (BESS) with a rated electrical output of up to 320MW;
- b) allow a different and smaller area of land to be safeguarded for future carbon capture equipment should Development Option (ii) be progressed, compared to the larger area of land associated with development option (i);
- c) further extend the time limit for commencement of the development to the end of 2023; and
- d) better allow for a phased development of GEC by including a new condition to require a phasing scheme to be submitted and approved and by varying other conditions to specify where relevant that certain conditions only apply to a specific phase and not to other phases and that under certain conditions the approval of details may be applied for and granted on a phase-by-phase basis.

1.8 The proposals for amendments to the s36 consent and deemed planning permission are fully set out as track changes at Appendix 1 to this report.

1.9 For ease of reference, the technologies described in the proposals are briefly summarised below:

*Combine Cycle Gas Turbine (CCGT): comprises an assembly of heat engines working in-tandem from the same heat source to drive generators. After the first engine completes its cycle, the temperature still within the system is extracted and used by a second engine.*

*Open Cycle Gas Turbine (OCGT): comprises a free-standing engine in which compressed air is combusted to drive a turbine. Exhaust gases are not recirculated but are released into the atmosphere.*

*Battery Engine Storage System (BESS): comprises a group of batteries to store electrical energy. Technologies could include lithium-ion batteries stored within structures such as containers. The stored electrical energy can be supplied almost instantaneously to the grid at times of high demand.*

*Carbon Capture Readiness (CCR): the ability of a new large combustion plant of more than 300 MW capacity to incorporate or allocate space for the capture, transportation and storage of carbon emissions.*

*Carbon Capture and Storage (CCS): the process of capturing waste carbon dioxide transporting it to a storage site and depositing it where it will not enter*

*the atmosphere.*

1.10 Part 2 of the applicant's 2019 Environmental Statement Further Information Document provides a summary of the rationale for the elements of the variation application as follows.

1.11 Rationale that GEC remains at up to 1250 MW output but shall include in Development Option (ii) a BESS with a rated electrical output of up to 320 MW (alongside the CCGT unit and the OCGT unit(s)):

*“Under Development Option (ii), a BESS will complement the proposed CCGT unit and OCGT unit(s) at the GEC site and will be able to provide essential support to the electricity system by storing and discharging energy, delivering significant benefits in meeting the UK’s ‘Energy Trilemma’ (the challenges of ensuring security of supply, decarbonising and containing costs).*

*In particular, in decarbonising and supporting the UK’s commitment to net zero-carbon emissions by 2050, the BESS will support the further integration of zero-carbon renewable energy technologies (such as solar PV and wind). The BESS will enable energy produced from renewable technologies during times of low demand and / or during favourable generation conditions to be stored and subsequently discharged during times of peak demand. The use of an energy storage system for this is essential because favourable generation conditions for renewable sources frequently do not coincide with periods of peak demand. Using solar PV as an example, the BESS will enable energy produced during the day to be stored and ‘time-shifted’, such that energy can be available during the period of peak evening demand.*

*To highlight the scale and ambition of the 2019 Variation Application, a 320 MW BESS with a 4-hour discharge capability (1.3 GWh) would be one of the largest in the world at the current time. In a UK context, recent statistics indicate that the UK currently has 3300 MW of operational storage capacity (including hydro projects), with 450 MW being operational large-scale (>1 MW) battery storage. Within this context, a BESS with a rated electrical output of up to 320 MW represents approximately 10% of total operational storage capacity and just over approximately 70% of operational large-scale battery storage capacity, and would be enough capacity to fully charge 32,000 electric vehicles.*

*Furthermore, whilst the average size of applications for large-scale battery storage continues to rise (from a 2016 average of 10 MW to a 2018 average of 27 MW), the scale of the 2019 Variation Application is such that it is over 10-times the average for such projects”.*

1.12 Rationale that the commencement of GEC shall take place no later than 31 December 2023 and to better allow for a phased development of GEC by varying conditions and include a new condition to specify and require, where

relevant, that:

- certain conditions only apply to a specific phase of the proposed development, and not to other phases;
- a scheme for the phasing of the works comprised in the proposed development be submitted and approved; and,
- under certain conditions, the approval of details may be applied for and granted on a phase-by-phase basis:

*“The rationale for the commencement deadline extension and phased development is to maximise the potential for GEC to secure a 15-year contract(s) in future Capacity Market Auctions and, in recognition of their differing economics, be able to participate as separate Capacity Market Units within the Capacity Market Auction, thereby maximising the potential to successfully secure a 15-year Capacity Market Award, and consequently secure financing of the relevant project(s).*

*At the time of writing the Capacity Market is suspended as a result of a recent judgement by the European Union Court of Justice. The European Commission is currently addressing the requirements of the judgement, which include whether the Capacity Market is compatible with State Aid rules. If the European Commission considers that the Capacity Market is compatible with the rules, it is possible with the Capacity Market may be reinstated in Q4 2019. On this basis, the current understanding is that the Capacity Market Auctions (or a similar mechanism) could be held early next year (2020) with both three year ahead (T-3) and four year ahead (T-4) auctions held. Subsequently, annual T-4 auctions would be held.*

*GEC has participated in four Capacity Market Auctions, under Development Option (i) as CCGT Capacity Market Units, and to date has not been successful in securing a Capacity Market Award.*

*Based on the current understanding, the commencement deadline extension would allow five opportunities for participation in the Capacity Market Auction (i.e. the 2020 T-3 (first delivery year 2022 – 2023), the 2020 T-4 (first delivery year 2023 – 2024), the 2021 T-4 (first delivery year 2024 – 2025), the 2022 T-4 (first delivery year 2025 – 2026) and the 2023 T-4 (first delivery year 2026 – 2027)).*

*By means of a comparison with similar developments, InterGen’s Spalding Energy Expansion project has participated in three Capacity Market Auctions with both CCGT Capacity Market Unit and OCGT Capacity Market Unit configurations. To date, only the OCGT Capacity Market Unit has been successful in securing a 15-year Capacity Market Award (in the 2016 T-4 (first delivery year 2020 – 2021))”.*

### 1.13 Rationale for variations regarding CCR:

*“The rationale for the variations regarding CCR and designated site is to allow GECL, at the time of notification to the Secretary of State and Thurrock Borough Council which one of the Development Options has been selected, to dispose of the CCS site associated with the Development Option not selected”.*

## **2.0 SITE DESCRIPTION**

- 2.1 The site is located on the eastern part of the London Gateway logistics park site (the former Shellhaven oil refinery site), to the south of The Manorway, north of the River Thames and generally to the east of Corringham and Stanford-le-Hope. The site comprises open unused land, open areas formerly used as construction compounds for the London Gateway Port development as well as areas currently used for car parking. The site boundary has been drawn to include the former Gate 3 access point and internal road from The Manorway. The recently constructed east-west estate road serving London Gateway logistics park, known as Ocean Boulevard, is close to the western side of the site.
- 2.2 The site is rectangular in shape though, as mentioned above, has been drawn to include access onto The Manorway. The area required for the permanent electricity generating station (c.11.3 hectares) measures approximately 280m x 390m. The application site also includes an L-shaped temporary construction laydown area to the north and west of the permanent site, which will be used during the construction of the generating station. This laydown area measures a maximum of 480m x 600m, with an area of 17.8 hectares.
- 2.3 The Manorway (A1014) generally runs east to west and forms the northern extent of the London Gateway site. The former Shellhaven site had three points of access onto The Manorway, referred to as Gates 1, 2 and 3. The application site is located approximately 400m to the south of Gate 3, the easternmost access point and the site boundary has been drawn to include the section of access road linking to this gate. However, the London Gateway development is now served by the new dual-carriageway access road which was completed in recent years. Operational traffic associated with London Gateway is required to use this new access road. Gates 1 and 2 are only available as emergency accesses although Gate 3 is available as a construction access. The Manorway is a single carriageway road east of Gate 2 but widens to a dual carriageway between Gate 2 and the junction with the A13. The Thameshaven branch railway line and sidings for London Gateway port run east to west through the southern part of the former refinery site and are located c.120m to the south of the application site. Beyond this railway line and sidings is the London Gateway container port.



- 2.4 To the east of the site, and to the east of the Gate 3 access road, is a further unused railway siding. Immediately east of this railway siding is the Shell UK Oil Products Ltd tank farm located c.130m to the east of the site. Parts of the application site are located within the inner, middle and outer consultation zones drawn around this hazardous storage use. To the east of the tank farm is the Coryton gas-fired electricity generating station which is approximately 600m to the east. To the west of the site is London Gateway logistics park site.
- 2.5 In the wider area surrounding the site, flat and low lying agricultural land lies to the north of The Manorway and to the west of the London Gateway site. Isolated residential properties at Oozedam Farm and Great Garlands Farm are the closest dwellings to the site and are located approximately 990m to the north east of the site and 2.2km to the west of the site respectively. The built-up areas of Corringham and Fobbing are located a minimum of 2.4km to the north-west of the site. As noted above, ground levels on the former refinery site and the adjacent Petroplus site are flat and low lying with typical elevations of 2 – 3m AOD. Therefore, the site is defined as within Flood Zone 3a, which is at a high risk of flooding (although it is protected by tidal defences). Ground levels rise to the north-west of the site, in the form of a distinct river terrace, with ground levels at Corringham and Fobbing between 20 – 30m AOD.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 Historically the site formed an undeveloped part Corringham Marshes but was developed after the Second World War for purposes associated with former Shellhaven oil refinery. The refinery use ceased in the late-1990s and buildings and structures associated with this use were subsequently cleared. The application site lies within the south-eastern corner of the site of the London Gateway commercial and logistics park, which was granted outline planning permission by the Secretary of State on 30<sup>th</sup> May 2007 (application reference 02/00084/OUT). In summary, this permission granted consent for up to c. 938,600 sq.m. of Class B8 (storage and distribution), Class B2 (general industry) and Class B1 (business) floorspace with associated development on a site area of c.268 hectares. Although this permission was technically implemented via the construction of a section of roadway, no buildings were constructed via this permission. In November 2013 the Council made the 'London Gateway Logistics Park Local Development Order (LDO) which grants permission for a development of c.830,000 sq.m. of Class B1, B2 and B8 development and associated development. Internal estate roads and drainage infrastructure serving the LDO site has been constructed, along with five large-scale commercial buildings with occupiers including UPS, Lidl, Made.com and Dixons Carphone. The area which is subject to the LDO excludes the site area

of GEC. The southern and eastern fringes of the application site are also positioned within the “limits of deviation” of a number of works which are authorised by the London Gateway Harbour Empowerment Order 2008 which permits the construction of the adjacent container port. These works are:

- Work No. 6 – road access into the port (within southern fringe of the site);
- Work No. 7 – a road from Gate 3 to the Thames Haven branch railway line (within eastern fringe of the site);
- Work No. 9 – double track railway north of the existing Thames Haven branch railway line (within southern fringe of the site);
- Work No. 10 – a railway consisting of loading, reception and shunting sidings (within southern fringe of the site);
- Work No. 23 – a bitumen product pipeline (within southern fringe of the site).

These works have been completed, although the Harbour Empowerment Order continues to have effect as not all of the consented berths have been constructed.

- 3.2 In March 2012 the former Thurrock Development Corporation granted full permission (ref. 11/50286/TTGFUL) for the construction of an underground gas pipeline, an above ground installation (AGI) and associated ancillary development. This development provides the infrastructure to link GEC to the national transmission system for gas via a new pipeline linking to an existing AGI located on the western side of Butts Lane, south of St. Clere’s golf course. This permission was technically implemented via the construction of a section of road to serve the new AGI, however the remainder of the approved development has not been progressed.
- 3.3 In February 2013 the Council granted full planning permission (ref. 12/01085/FUL) for a high voltage electrical connection between the GEC site and the existing National Grid substation located adjacent to the Coryton power station. This permission also included an extension to the National Grid substation to accommodate the new generating capacity from GEC.

#### **4.0 CONSULTATIONS AND REPRESENTATIONS**

- 4.1 As this is an application submitted by GEC to the SoS pursuant to the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 there is no requirement for the relevant planning authority to undertake any formal consultation or notification. Instead the applicant is required to include within their submission to the Department for Business, Energy & Industrial Strategy (BEIS - formerly DECC) a statement of what account has

been taken of views expressed by persons consulted by the applicant. The application includes, at part 5 of the 2019 Environmental Statement Further Information Document details of pre-submission consultations with stakeholders. This confirms that GECL consulted with the following bodies:

- BEIS;
- DP World (London Gateway);
- Environment Agency;
- Essex County Council (Historic Environment);
- Highways England;
- Natural England; and
- Thurrock Council

4.2 On submission of the application GEC also formally consulted the following statutory and non-statutory consultees:

- Thurrock Council;
- Environment Agency;
- Natural England;
- Historic England;
- NATS (National Air Traffic Services);
- Civil Aviation Authority;
- Ministry of Defence;
- Met Office;
- Health and Safety Executive;
- Highways England;
- National Grid;
- Castle Point Borough Council;
- Essex County Council (Archaeology);
- Medway Council;
- Buglife;
- Essex Wildlife Trust;
- Corringham & Fobbing Community Forum;
- Stanford Community Forum;
- Essex County Fire & Rescue Service;
- Essex Amphibian & Reptile Group;
- Essex Badger Protection Group;
- Essex Mammal Group;
- Essex Police;
- National Grid Property Ltd;
- RSPB;

- SPEAC;
- Essex & Suffolk Water;
- Thurrock Biodiversity Action Group;
- Thurrock Wildlife Society;
- Port of London Authority;
- DP World London Gateway;
- Thames Oilport;
- Thames Water;
- Network Rail;
- British Pipeline Agency; and
- Members of Parliament for the South Basildon & East Thurrock, Basildon & Billericay; Castle Point, Chatham & Aylesford and Thurrock constituencies.

4.3 The application has also been advertised via press notices placed in the London Gazette and Thurrock Gazette.

4.4 BEIS has received the following consultation responses which have been forwarded to the local planning authority for information:

4.5 CASTLE POINT BOROUGH COUNCIL:

No comment.

4.6 ENVIRONMENT AGENCY:

The Agency provide a detailed response to BEIS covering the issues of flood risk, flood risk activity permitting, contaminated land, environmental permitting, waste management and discharges to water. In response to the updated Flood Risk Assessment, the Agency agree that condition no. 41 could be varied as informed by the updated Assessment.

4.7 HISTORIC ENGLAND:

No comment.

4.8 HEALTH & SAFETY EXECUTIVE:

No comment.

4.9 MET OFFICE

No comment.

4.10 MINISTRY OF DEFENCE:

No comment.

4.11 NATS:

No comment.

4.12 PORT OF LONDON AUTHORITY:

No objection, subject to there being no amendment to condition no.15 of the deemed planning permission which requires an investigation into the use of river transport during the construction and decommissioning of the development.

4.13 A number of relevant internal departments have been consulted and replies received as follows:

4.14 ENVIRONMENTAL HEALTH:

No comments offered further to those already made in relation to the existing consent and deemed planning permission.

4.15 HIGHWAYS:

Note that existing conditions within the deemed planning permission address the preparation of a Construction Environment Management Plan and a Construction Transport Management Plan.

*(NB – the requirements to submit a CEMP and CTMP are unaffected by the proposed amendments which only seek to introduce a reference to phasing).*

4.16 FLOOD RISK MANAGER:

No objection as there is no substantial change to the built development proposed and therefore no changes to the previously approved drainage strategy.

4.17 EMERGENCY PLANNING:

As the site is located within Flood Zone 3a (High Risk) a flood warning and

evacuation plan will be required for the construction and operational phases of the development.

*(NB – proposed condition no.41A of the deemed planning consent addresses this issue).*

## **5.0 POLICY CONTEXT**

### **5.1 National Policy Statements (NPS)**

As noted above the TGP was consented under the Electricity Act 1989 as the proposal was submitted prior to the provisions of the Planning Act 2008 coming into force. Proposals for onshore generating stations with a capacity of more than 50mW submitted after 1<sup>st</sup> March 2010 qualify as NSIPs where consent is obtained via a DCO. The Planning Act 2008 requires that applications for a DCO are determined by the SoS in accordance with relevant National Policy Statements (NPS). Although the existing consent and current submission were not considered under the Planning Act 2008, the following NPS are nevertheless relevant to the consideration of the application.

#### **5.2 Overarching National Policy Statement for Energy (EN-1)**

Identifies a general need for new electricity infrastructure projects including the role of fossil fuel electricity generation. Paragraph 3.6.2 of EN-1 states that, inter-alia, gas will continue to play an important role in the electricity sector – providing vital flexibility to support an increasing amount of low-carbon generation and to maintain security of supply. Part 4 of EN-1 covers assessment principles for considering NSIP proposals which include criteria for good design, the consideration of combined heat and power (CHP), Carbon Capture and Storage (CCS) and Carbon Capture Readiness (CCR). Finally, part 5 addresses generic impacts including air quality, traffic and transport impacts.

#### **5.3 National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)**

Confirms that fossil fuel generating stations play a vital role in providing reliable electricity supplies and a secure and diverse energy mix as the UK makes the transition to a low carbon economy. Part 2 of EN-2 refers to the factors influencing site selection by developers and the Government's policy criteria for fossil fuel generating stations, including CHP and CCR. EN-2 also sets out the Government's policy on the impacts of generating stations comprising air

emissions, landscape and visual, noise and vibration and water quality and resources.

## **5.4 National Planning Guidance**

### National Planning Policy Framework (NPPF)

The revised NPPF was published on 24<sup>th</sup> July 2018 (and subsequently updated with minor amendments on 19<sup>th</sup> February 2019). The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions.

The following headings and content of the NPPF are relevant to the consideration of the current proposals:

6. Building a strong, competitive economy;
9. Promoting sustainable transport;
12. Achieving well-designed places; and
14. Meeting the challenge of climate change, flooding and coastal change.

## **5.5 Planning Policy Guidance (NPPG)**

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to this application include:

- Air quality;
- Climate change;
- Design;
- Environmental Impact Assessment;
- Flood risk and coastal change;
- Healthy and safe communities;
- Land affected by contamination;
- Natural environment;
- Noise;
- Travel Plans, Transport Assessments and Statements; and

- Use of planning conditions.

## 5.6 Development Plan

### Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (as amended) in 2015. The following Core Strategy policies in particular apply to the proposals:

Overarching Sustainable Development Policy:

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock).

Spatial Policies:

- CSSP3 (Infrastructure)

Thematic Policies:

- CSTP13 (Emergency Services and Utilities)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP15 (Transport in Greater Thurrock)
- CSTP16 (National and Regional Transport Networks)
- CSTP17 (Strategic Freight Movement and Access to Ports)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD3 (Tall Buildings)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD11 (Freight Movement)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)



### Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. The Council consulted on an Issues and Options (Stage 2 Spatial Options and Sites). The responses are being reviewed to inform the Local Plan.

### Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

## **6.0 ASSESSMENT**

- 6.1 As set out above, this application is submitted to the SoS for consideration and decision, although the Council as the relevant planning authority is invited by BEIS to submit its views. The purpose of this report is to provide the Committee with an appraisal of the proposed variation to the s36 consent and deemed planning permission in order to inform a consultation response to BEIS. Also as confirmed above, before determining the application the SoS may cause a discretionary public inquiry to be held if it is deemed appropriate to do so having considered the representations received and all other material considerations.
- 6.2 The structure of the assessment below sets out the variations applied for (with reference to the track-changes at Appendix 1) and a suggested response.

Proposed Variation of s36 (Electricity Act 1989) Consent
--

- 6.3 Paragraph 1: Proposed addition of a reference to the incorporation of a Battery Energy Storage System (BESS).

**Response:** No objection – the proposed addition of this technology will not affect the proposed total capacity of the generating station (up to 1250 MW). The HM Government and OFGEM document titled “Upgrading Our Energy System Smart Systems and Flexibility Plan July 2017” refers inter-alia to the potential of energy storage.

- 6.4 Paragraph 2 (a) (i) and (a) (ii): proposed insertion of the terms “Development Option (i)” and “Development Option (ii)” respectively.

**Response:** No objection to these proposed changes which are intended to provide clarity in subsequent references to the Development Options

- 6.5 Paragraph 2 (a) (ii) (1): proposed addition of a rated electrical output for the CCGT unit.

**Response:** No objection – the applicant’s justification and explanation for this proposed change refers to the extent of the CCS site required for Development Option (ii).

- 6.6 Paragraph 2 (a) (ii) (3): proposed addition of a BESS alongside a rated electrical output of the BESS.

**Response:** No objection – the proposed change confirms the introduction of a BESS with an associated electrical output.

- 6.7 Paragraph 3: proposal that only the CCGT shall be designed to have the ability for extracting steam from the electricity generating cycle.

**Response:** No objection – it is only the CCGT which has a steam cycle associated with its operation.

- 6.8 Paragraph 4 (1): proposed addition of reference to the 2019 variation application.

**Response:** No objection – the proposed change reflects the current submission.

- 6.9 Paragraph 4 (1A): proposed reference to “Development Option” rather than “gas turbine technology option” and “technology” rather than “gas turbine technology”.

**Response:** No objection – the proposed amendment is consistent with proposed amendments to 2 (a) (i) and 2 (a) (ii).

- 6.10 Paragraph 4 (2): proposed commencement of Development not later than 31.12.2023

**Response:** No objection – extensions to the time period for commencement have already been accepted.

- 6.11 Paragraph 4 (3): proposed clarification that the associated definitions apply to the CCGT unit(s) only.

**Response:** No objection – the proposed amendment provides clarity that the requirements apply only to the CCGT unit(s).

- 6.12 Paragraph 4 (3) (a): proposed clarification that “capture equipment” applies to the CCGT unit(s).

**Response:** No objection – the proposed amendment provides clarification.

- 6.13 Paragraph 4 (3) (b): proposed clarification that “CCS proposal” applies to the CCGT unit(s).

**Response:** No objection – the proposed amendment provides clarification.

- 6.14 Paragraph 4 (3) (d): proposed amendment to ensure that each Development Option is associated with a specific CCS site and that following notification only one CCS site is retained as a designated site.

**Response:** No objection – the proposed amendment provides clarification that only one CCS site is retained following notification of the Development Option.

- 6.15 Paragraph 4 (3) (e): proposed reference to the submitted 2019 Updated CCR Feasibility Study.

**Response:** No objection – the addition reflects the latest submission.

- 6.16 Paragraph 4 (3) (f): proposed clarification that carbon dioxide emissions subject to the “CCS proposal” relate to the CCGT unit(s) only.

**Response:** No objection – the proposed amendment provides clarity that the requirement relates to the CCGT unit(s) only.

- 6.17 Paragraph 4 (4): proposed clarification that “designated site” requirements apply to the CCGT unit(s) only.

**Response:** No objection – the proposed amendment provides clarity that the requirements apply only to the CCGT unit(s).

- 6.18 Paragraph 4 (5) (a): proposed clarification that reporting requirements apply to the CCGT unit(s) only.

**Response:** No objection – the proposed amendment provides clarity that the requirements apply only to the CCGT unit(s).

- 6.19 Paragraph 4 (11) (b): proposed clarification that condition nos. (3) to (10) shall cease effect on decommissioning of the CCGT unit(s) only.

**Response:** No objection – the proposed amendment provides clarity.

Proposed Variation of Deemed Planning Permission
--

- 6.20 Paragraph 1 (Definitions) – BS4142: proposed amendment to refer to latest version of the BS document.

**Response:** No objection – the amendment refers to the up-to-date British Standard document.

- 6.21 Paragraph 1 (Definitions): – additional definition “the commencement of each phase of the Development”.

**Response:** No objection – the amendment allows for the phasing of the Development.

- 6.22 Paragraph 1 (Definitions): – additional definition “the commissioning of each phase of the Development”.

**Response:** No objection – the amendment allows for the phasing of the Development.

- 6.23 Paragraph 1 (Definitions): proposed revised definition of “Development” to reflect the Development Options”.

**Response:** No objection – the amendment reflects the latest proposal.

- 6.24 Paragraph 1 (Definitions): – additional definition “Environmental Statement”.

**Response:** No objection – the additional reference adds clarity.

- 6.25 Paragraph 1 (Definitions): – amended definition of the “LPA” to delete reference to the former TTGDC.

**Response:** No objection – the proposed amendment adds clarity.

- 6.26 Paragraph 1 (Definitions): – proposed removal of definition for “main Development”.

**Response:** No objection – this definition is no longer relevant.

- 6.27 Condition no. 3 (Time Limits): proposed amendment that commencement of the Development shall be no later than 31<sup>st</sup> December 2023.

**Response:** No objection – extensions to the time period are considered to be acceptable given the nature of use and surrounding pattern of development, existing and proposed.

- 6.28 Condition no. 3A (Phasing): - proposed new condition to accommodate phasing of the Development and replace former condition nos. 8 (vii) and 12 (relating to phasing).

**Response:** No objection – the proposed new condition adds clarity in requiring the submission and approval of a scheme for the phasing of works comprised in the Development.

- 6.29 Condition nos. 4 – 7 (Dust and Dirt Suppression): - proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA to condition nos. 4 and 6.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.30 Condition nos. 8 – 10 (Layout and Design): - proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA to condition no. 8.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.31 Condition no. 11 (Layout and Design): – proposed amendment to date of the Institution of Lighting Engineers technical document.

**Response:** No objection – the proposed amendment reflects the most up-to-date guidance document.

- 6.32 Condition no. 12 (Layout and Design): – proposed deletion of this condition which requires the development to proceed in accordance with the layout and design scheme.

**Response:** No objection – replaced by new wording within condition no. 8.

- 6.33 Condition no. 13 (Travel Plan): - proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.34 Condition no. 14 (Monitoring of Traffic Movements): - proposed references to phases of the Development, replacement of “Highways Agency” with “Highways England” and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA. Reference to “Highways England” provides an update.

- 6.35 Condition nos. 15 and 16 (Use of Water for the Delivery of Materials and Plant): - proposed references to phases of the Development and replacement of “Highways Agency” with “Highways England”.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. The terminology which refers to “Highways England” is the update for this condition.

- 6.36 Condition nos. 17 and 18 (Use of Rail for the Delivery of Materials and Plant): - proposed references to phases of the Development and replacement of “Highways Agency” with “Highways England”.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. The terminology which refers to “Highways England” is the update for this condition.

- 6.37 Condition nos. 23 and 24 (Construction and Outage Heavy Commercial Vehicle

Traffic): - proposed references to phases of the Development, replacement of “Highways Agency” with “Highways England” and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. . Reference to “Highways England” provides an update. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.38 Condition no. 24A (Construction and Outage Heavy Commercial Vehicle Traffic): proposed addition of the word “environmental” in relation to new or materially different effects and addition of reference to the Environmental Statement.

**Response:** No objection – the proposed amendment provides clarity.

- 6.39 Condition no. 25 (Construction and Construction Noise): proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.40 Condition no. 29A (Construction and Construction Noise): proposed addition of the word “environmental” in relation to new or materially different effects and addition of reference to the Environmental Statement.

**Response:** No objection – the proposed amendment provides clarity.

- 6.41 Condition no. 30 (Operational Noise): proposed references to phases of the Development.

**Response:** No objection – the proposed amendments better accommodate phasing of the development.

- 6.42 Condition no. 34 (SuDS): proposed references to phases of the Development, replacement of “Environment Agency” with “Local Lead Flood Authority” and reference to the updated FRA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development and provide further clarity.

6.43 Condition nos. 35 and 36 (Prevention of Contamination of Watercourses): proposed references to phases of the Development.

**Response:** No objection – the proposed amendments better accommodate phasing of the development.

6.44 Condition no. 41 (Flood Risk): proposed reference to the updated FRA.

**Response:** No objection – the proposed amendment provides clarity.

6.45 Condition no. 41A (Flood Risk): proposed new condition to require, prior to the commencement of each phase of Development, the submission and approval of a scheme of flood resilience and flood evacuation measures.

**Response:** No objection – the proposed condition will ensure that the relevant phase of the Development would remain operation and safe in the event of a flood.

6.46 Condition nos. 42, 43 and 44 (Archaeology): proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

6.47 Condition nos. 45, 46, 47 and 48 (Contamination): proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

6.48 Condition nos. 50, 51 52 and 53 (Landscaping): proposed references to phases of the Development and insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – the proposed amendments better accommodate phasing of the development. Condition no. 60 (Immaterial Changes to



Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.49 Condition no. 54 (Biodiversity Enhancement Measures): proposed insertion of “unless otherwise agreed” in writing by the LPA.

**Response:** No objection – Condition no. 60 (Immaterial Changes to Conditions by LPA) provides the context within which changes can be agreed by the LPA.

- 6.50 Condition no. 55 (Air Pollution Monitoring): proposed references to phases of the Development.

**Response:** No objection – the proposed amendments better accommodate phasing of the development.

- 6.51 Condition nos. 56 and 57 (Decommissioning Management Plan for the Site): proposed references to phases of the Development.

**Response:** No objection – the proposed amendments better accommodate phasing of the development.

- 6.52 Condition nos. 58 and 59 (Use of Waste Heat): proposed clarification that requirements for the use of waste will apply to the proposed CCGT unit(s) only.

**Response:** No objection – the proposed amendment provides clarity that the requirements apply only to the CCGT unit(s).

- 6.53 Condition no. 61 (Environmental Statement): proposed reference to the current application.

**Response:** No objection – the proposed amendment provides clarity.

- 6.54 Condition no. 62 (Notification Regarding Development Option): proposed new condition requiring GECL to notify the SoS and LPA which Development Option has been selected prior to commencement.

**Response:** No objection – the proposed new condition would add clarity.

## 7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 7.1 The purpose of this report is to provide the SoS (BEIS) with the Council’s views on an application to amend the s36 (Electricity Act) consent and deemed planning permission for the Gateway Energy Centre facility. In summary, the

proposed amendments:

- change the description of development to allow, within development option (ii), for the incorporation of a Battery Energy Storage System (BESS) with a rated electrical output of up to 320MW, whilst retaining the overall capacity of 1,250MW;
- allow a different and smaller area of land to be safeguarded for future carbon capture equipment should Development Option (ii) be progressed, compared to the larger area of land associated with Development Option (i);
- extend the time limit for commencement of the development to the end of 2023; and
- better allow for a phased development of the generating station by including a new condition to require a phasing scheme to be submitted and approved and by varying other conditions to specify the submission and approval of details on a phase by phase basis

7.2 A number of minor amendments are also proposed in order to update previously submitted supporting information or provide further clarity and precision. As set out above, the proposals do not raise any significant planning issues and it is recommended that 'no objections' are raised by the local planning authority.

## 8.0 RECOMMENDATION

8.1 That Planning Committee agree that the content of paragraphs references 6.3 to 6.54 (above) comprise the consultation response to be provided by the relevant planning authority to the Department for BEIS.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

**Appendix 1**

Proposed amendments to s36 Consent and Deemed Planning Permission – track changes to the ‘clean’ version of the 2016 decision (new text in **bold** – deleted text ~~struck through~~)

Our ref: 01.08.10.04/462C

VARIATION OF CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT  
1989

**DIRECTION UNDER SECTION 90(2ZA) OF THE TOWN AND COUNTRY  
PLANNING ACT 1990  
TO VARY THE CONDITIONS OF THE DEEMED PLANNING PERMISSION**

CONSTRUCTION AND OPERATION OF A GAS FIRED ELECTRICITY  
GENERATING STATION (**INCORPORATING A BATTERY ENERGY STORAGE  
SYSTEM**) OF UP TO 1250 MW  
AT THE MANORWAY, STANFORD-LE-HOPE, ESSEX

~~COMPRISING EITHER:~~

~~(i) UP TO TWO COMBINED CYCLE GAS TURBINE UNIT(S) OR~~

~~(ii) ONE COMBINED CYCLE GAS TURBINE UNIT WITH OPEN CYCLE GAS  
TURBINE UNIT(S)~~

The Secretary of State in exercise of the powers conferred on him by section 36C of the Electricity Act 1989 **and section 90(2ZA) of the Town and Country Planning Act 1990** hereby varies the consent **and deemed planning permission** granted for ~~the gas fired~~ **an** electricity generating station **of up to 1250 MW** at The Manorway, Stanford-le-Hope, ~~in the County of Essex~~ in accordance with the variations shown in **underlined**, italic text **marked with a superscript of “3”** in the Annex.

~~3 August 2016~~

**Insert date of variation consent**

~~Giles Scott~~**Name**  
Head of Energy Infrastructure Planning & Coal Liabilities  
Department for Business, Energy and Industrial Strategy

Our ref: 01.08.10.04/462C

DEPARTMENT OF ENERGY AND CLIMATE CHANGE  
CONSTRUCTION AND OPERATION OF A GAS FIRED ELECTRICITY  
GENERATING STATION (**INCORPORATING A BATTERY ENERGY STORAGE  
SYSTEM) OF UP TO 1250 MW**  
AT THE MANORWAY,  
STANFORD-LE-HOPE, ESSEX

COMPRISING EITHER:

(i) UP TO TWO COMBINED CYCLE GAS TURBINE UNIT(S) OR

(ii) ONE COMBINED CYCLE GAS TURBINE UNIT **OF UP TO 630 MW,**  
~~WITH OPEN CYCLE GAS TURBINE UNIT(S) OF LESS THAN 300 MW AND A~~  
**BATTERY ENERGY STORAGE SYSTEM OF UP TO 320 MW**

CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for Energy and Climate Change (“the Secretary of State”) hereby consents to the construction, on the area of land outlined red on FIGURE 63114-PBP-0025, attached hereto, of a gas fired electricity generating station (**incorporating a Battery Energy Storage System (“BESS”)**) at The Manorway, Stanford-le-Hope in the County of Essex (“the Development”), and to the operation of that generating station. This consent is granted to Gateway Energy Centre Limited, its assigns and successors (“the Company”).
2. The Development shall be up to 1250 MW capacity and comprise:
  - (a) Either:
    - (i) **Development Option (i), comprising:**

Up to two Combined Cycle Gas Turbine (“CCGT”) units (including for each CCGT unit: a gas turbine; a heat recovery steam generator; steam turbine plant; and, associated equipment); or,
    - (ii) **Development Option (ii), comprising:**
      - (1) One CCGT unit **with a rated electrical output of up to 630 MW** (including: a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment), ~~and~~

(2) one or more Open Cycle Gas Turbine (“OCGT”) units with the OCGT units having a combined rated electrical output of less than 300 MW<sup>2</sup> (including for each OCGT unit: a gas turbine; and, associated equipment) **and**

<sup>2</sup> 300MW refers to the OCGT(s) not the CCGT and the OCGT(s)

**(3) a BESS with a rated electrical output of up to 320 MW (including: batteries; associated enclosures; control and protection systems; temperature control systems; and power conversion systems).**

- (b) air cooled condensers and auxiliary cooling;
  - (c) gas receiving facility;
  - (d) one or more electrical switchyards;
  - (e) ancillary plant and equipment; and
  - (f) the necessary buildings (including administration offices) and civil engineering works.
3. The ~~Development~~ **CCGT unit(s)** shall be designed so as to have the capability for extracting steam from the electricity generating cycle.
4. This consent is granted subject to the following conditions:
- (1) The Development shall be constructed and operated in accordance with the details contained in paragraph 2 of this consent and the application dated 26 February 2010 as varied by the application dated 12 August 2014 and 25 February 2016 **and 24 June 2019**, subject to any minor changes which may be approved by the LPA pursuant to the requirements of deemed planning permission.
  - (1A) The Company shall notify the Secretary of State and Thurrock **Borough** Council (as the relevant planning authority) which one of the ~~gas turbine technology~~ **Development** ~~e~~Options in paragraph 2(a) of this consent has been selected prior to commencement of the Development and provide details of the capacity of each ~~gas turbine~~ technology to be used.
  - (2) The commencement of the Development shall **take place** not be later than

~~five years from 3 August 2016~~ **31 December 2023.**

(3) The following definitions apply **to the CCGT unit(s)** for the purposes of Conditions (4) to (10). **The following definitions, and conditions (4) to (10), do not apply to the OCGT unit(s) or the BESS:**

(a) “capture equipment” means the plant and equipment required to capture the target carbon dioxide **emitted by the CCGT unit(s)** and identified as such in the current CCS proposal;

(b) “CCS proposal” means a proposal for the capture, transport and storage of the target carbon dioxide **emitted by the CCGT unit(s)**, which identifies the proposed technology, transport route and storage location;

(c) “current CCS proposal” means:

(i) the CCS proposal set out in the Feasibility Study and assessed in accordance with the guidance entitled “Carbon Capture Readiness (CCR) A guidance note for Section 36 Electricity Act 1989 consent applications<sup>3</sup>; or

<sup>3</sup>[http://www.decc.gov.uk/Media/viewfile.ashx?FilePath=What%20we%20do\UK%20energy%20supply\Development%20consents%20and%20planning%20reform\electricity\1\\_20091106164611\\_e\\_@@\\_ccrguidance.pdf&filetype=4](http://www.decc.gov.uk/Media/viewfile.ashx?FilePath=What%20we%20do\UK%20energy%20supply\Development%20consents%20and%20planning%20reform\electricity\1_20091106164611_e_@@_ccrguidance.pdf&filetype=4)

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

(d) ~~“designated site” means the land hatched yellow on FIGURE 3-B, annexed hereto,~~ **“CCS site for Development Option (i) and “CCS for Development Option (ii) means the areas of land cross-hatched green on Figure 1620002349-018-00004 (P02) and Figure 1620002349-018-00005 (P02) respectively, annexed hereto, allocated to the Development Options in paragraph 2(a) of this consent respectively as the area where the Company proposes to locate the capture equipment;**

**“designated site” means, following notification to the Secretary of State and Thurrock Borough Council (as the relevant planning authority) which one of the Development Options in paragraph 2(a) of this consent has been selected, the CCS site for the Development Option so notified;**

- (e) “Feasibility Study” means the documents entitled Gateway Energy Centre CCR Feasibility Study and dated February 2010, the “Gateway Energy Centre Updated CCR Feasibility Study” dated July 2014, and “~~the~~ **The Assessment of the CCR Compliance of the Proposed Gateway Energy Centre Report dated July 2014**” and “**Gateway Energy Centre 2019 Updated CCR Feasibility Study**” dated June 2019;
- (f) “target carbon dioxide” means as much carbon dioxide emitted by the ~~Development~~ **CCGT unit(s)** when it is operating at full capacity as it is reasonably practicable to capture for the purposes of permanent storage, having regard to the state of the art in carbon capture and storage technology; and
- (g) “the report” means the report to be submitted in accordance with Condition (5)
- (4) Until such time as the ~~Development~~ **CCGT unit(s)** is decommissioned, the Company shall not, without the written consent of the Secretary of State:
- (a) dispose of any interest in the designated site; or
- (b) except for use as a laydown area during the construction of the Development and ending at the commissioning of the Development, do any other thing or allow any other thing to be done or to occur, which may reasonably be expected to diminish the Company’s ability, within two years of such occurrence, to prepare the designated site for the installation and operation of the capture equipment.
- (5) The Company shall make a report to the Secretary of State:
- (a) on or before the date on which three months have passed from the commissioning of the ~~Development~~ **CCGT unit(s)**; and
- (b) within one month of the second anniversary, and each subsequent even-numbered anniversary, of that date.
- (6) The report shall provide evidence that the Company has complied with Condition (4):
- (a) in the case of the first report, since this consent was granted; and
- (b) in the case of any subsequent report, since the making of the previous

report and explain how the Company expects to continue to comply with Condition (4) over the next two years.

- (7) The report shall state whether the Company considers that some or all of the technology referred to in the current CCS proposals will not work, and explain the reasons for any such conclusion.
- (8) The report shall identify any other impediment of which the Company is aware, as a result of which it considers that any aspect of what is proposed in the current CCS proposals is likely or certain not to be technically feasible.
- (9) Reports which identify such an impediment shall state, with reasons, whether the Company considers it technically feasible to overcome the impediment (referred to in Condition 4(8) above) by adopting revised CCS proposals, and, if so, include such proposals.
- (10) The report shall state, with reasons, whether the Company has decided to seek any additional regulatory clearances, or to modify any existing regulatory clearances, in respect of its current CCS proposals in the period referred to in Condition (6)(a) or (b), as appropriate.
- (11) Conditions (3) to (10) shall cease to have effect as soon as any of the following events occurs:
  - (a) the capture equipment is installed; or
  - (b) the ~~Development~~ **CCGT unit(s)** is decommissioned; or
  - (c) the Secretary of State's consent not to install capture equipment has been obtained in writing.



DIRECTION TO DEEM PLANNING PERMISSION TO BE GRANTED UNDER  
SECTION 90 OF THE TOWN AND COUNTRY PLANNING ACT 1990

CONSTRUCTION AND OPERATION OF A GAS FIRED ELECTRICITY  
GENERATING STATION (**INCORPORATING A BATTERY ENERGY STORAGE  
SYSTEM**) OF UP TO 1250 MW  
AT THE MANORWAY, STANFORD-LE-HOPE, ESSEX

COMPRISING EITHER:

(i) UP TO TWO COMBINED CYCLE GAS TURBINE UNIT (S);

OR

(ii) ONE COMBINED CYCLE GAS TURBINE UNIT **OF UP TO 630 MW**, WITH  
OPEN CYCLE GAS TURBINE UNIT(S) **OF LESS THAN 300 MW AND A BATTERY  
ENERGY STORAGE SYSTEM OF UP TO 320 MW**

5. The Secretary of State in exercise of the powers conferred on him by section 90(2) of the Town and Country Planning Act 1990 hereby directs that planning permission for the Development be deemed to be granted subject to the following conditions:

Definitions

(1) In these Conditions unless the context otherwise requires –

"BS 4142 ~~1997~~**2014**" means British Standard 4142: ~~1997~~**2014** - Method for rating **and assessing** industrial noise ~~affecting mixed residential and industrial areas~~ **and commercial sound**;

"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;

"CEEQUAL" means the assessment and awards scheme for improving sustainability in civil engineering and the public realm (<http://www.ceequal.co.uk/index.html>);

"CHPQA Standard issue 3" means the CHPQA Standard document issued in January 2009 which sets out the definitions, criteria and methodologies for the operation of the UK's CHP Quality Assurance (CHPQA) programme;

“the commencement of the Development” means the date on which work on the Development agreed with the LPA shall be taken to be begun in accordance with section 56 of the Town and Country Planning Act 1990, as amended;

**“the commencement of each phase of the Development” means the date on which a specified phase of the Development shall be taken to be begun in accordance with section 56 of the Town and Country Planning Act 1990, as amended;**

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

**“the commissioning of each phase of the Development” means the date on which, following completion of testing of the specified phase of the Development, such phase first supplied electricity on a commercial basis;**

"the Company" means Gateway Energy Centre Limited and its assigns and successors;

“the Development” means a gas fired electricity generating station **(incorporating a Battery Energy Storage System (“BESS”))** of up to 1250 MW at The Manorway, Stanford-le-Hope, Essex, comprising either;

**(i) Development Option (i), comprising:**

Up to two Combined Cycle Gas Turbine (“CCGT”) unit(s) (including for each CCGT unit: a gas turbine; a heat recovery steam generator; steam turbine plant; and, associated equipment); or:

**(ii) Development Option (ii), comprising:**

(1) one CCGT unit **with a rated electrical output of up to 630 MW** (including: a gas turbine; a heat recovery steam generator; steam turbine plant; and associated equipment), ~~and~~

(2) one or more Open Cycle Gas Turbine (“OCGT”) units with the OCGT units having a combined rated electrical output of less than 300 MW<sup>4</sup> (including for each OCGT unit: a gas turbine; and, associated equipment); **and**

<sup>4</sup> 300MW refers to the OCGT(s) not the CCGT and the OCGT(s)

**(3) a BESS with a rated electrical output of up to 320 MW (including: batteries; associated enclosures; control and protection systems; temperature control systems; and, power conversion systems)**

"emergency" means circumstances in which there is reasonable cause for apprehending imminent injury to persons, serious damage to property or danger of serious pollution to the environment;

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

**"Environmental Statement" means the documents titled "Gateway Energy Centre Environmental Statement" dated February 2010, "Gateway Energy Centre Environmental Statement Further Information Document" dated December 2010, "Gateway Energy Centre Environmental Statement Further Information Document" dated August 2014, "Gateway Energy Centre Environmental Statement Further Information Document" dated February 2016 and "Gateway Energy Centre 2019 Environmental Statement Further Information Document" dated June 2019;**

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

"Highways England" means the Executive Agency of the Department for Transport responsible for operating, maintaining and improving the strategic road network in England and its successors;

~~"the LPA" means Thurrock Council and/or Thurrock Thames Gateway Development Corporation, as applicable, and their successors;~~

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

"Natural England" means Natural England and its successors;

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

“outage” means major maintenance, modification and rehabilitation programmes which involve the delivery and/or removal of material to and from the Site;

“Permitted Preliminary Works” means:

- (i) erection of signage;
- (ii) installation and diversion of utility services within the Site;
- (iii) surveys and geotechnical surveys;
- (iv) decontamination measures approved pursuant to Condition (45);
- (v) temporary fencing of the Site;
- (vi) provision of wheel cleansing facilities required pursuant to Condition (4);
- (vii) construction of a new access road;
- (viii) preparation of contractors’ laydown area(s) within the Site;
- (ix) installation of contractors’ accommodation within the Site; and
- (x) provision for temporary contractors’ facilities necessary for (i) to (ix) above within the Site;

"the Site" means the area of land outlined red on FIGURE 63114-PBP-0025, annexed **attached** hereto; and

“SuDS” means a sustainable drainage system comprising all treatment and drainage systems including any pipework, swales, reed beds, ponds, filter trenches, attenuation tanks and detention basins.

### The Site

- (2) The construction of the Development shall only take place within the Site.

Reason: To ensure that no construction takes place beyond the boundary of the area this is the subject of this planning permission.

### Time Limits and Phasing of the Development

- (3) The commencement of the Development shall take place ~~before the expiry of five years from 3 August 2016~~ **not later than 31 December 2023.**
- (3A) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until a scheme for the phasing of the works comprised in the Development has been submitted to and approved in writing by the LPA. The Development shall only proceed in accordance with the scheme approved unless otherwise agreed in writing by the LPA.**

Reason: **Condition (3) is** ~~To~~ to strike a balance between the time it may take to put in place the necessary pre-commencement measures required **for the Development**, including for example – tendering, obtaining the necessary financing, design of the proposal (including its layout and main plant foundations); and minimising the impact of any period of uncertainty for those who may be affected pending the decision to begin construction works. **Condition (3A) is to better allow for the Development to be commenced in phases.**

#### Suppression of Dust and Dirt

- (4) Except for the Permitted Preliminary Works, the commencement of ~~any~~ **each** phase of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a scheme for the provision of wheel cleansing facilities for heavy commercial vehicles and any mobile plant which has an operating weight exceeding three tonnes **associated with the construction of the specified phase of the Development.** Such approved facilities shall be installed in accordance with a timescale to be approved in writing by the LPA and shall be maintained throughout the period of the construction of the **specified phase of the** Development ~~except in so far as any variation of the scheme has been approved~~ **unless otherwise agreed** in writing by the LPA.
- (5) All heavy commercial vehicles and any mobile plant which has an operating weight exceeding three tonnes associated with the construction of the **specified phase of the** Development leaving the Site, other than those vehicles exclusively using tarmacadam or concrete roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities provided pursuant to Condition (4).
- (6) Except for the Permitted Preliminary Works, the commencement **of each phase** of the Development shall not take place until there has been

submitted to, approved in writing by, and deposited with the LPA a scheme employing all reasonable measures for the suppression of dust during the period of the construction **of the specified phase** of the Development. The measures approved in the scheme shall be employed throughout the period of construction **of the specified phase of the Development** ~~except in so far as any variation to it has been approved~~ **unless otherwise agreed** in writing by the LPA.

- (7) All open bodied heavy commercial vehicles carrying dry loose aggregate, cement or soil into and/or out of the Site shall be sheeted.

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

#### Layout and Design

- (8) Except for the Permitted Preliminary Works, the commencement **of each phase** of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a scheme which shall include provisions for:
- (i) details of the siting, design, external appearance and dimensions of all new or modified buildings and structures which are to be retained following the commissioning of the **specified phase of the Development**;
  - (ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;
  - (iii) details of vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site **associated with the specified phase of the Development**;
  - (iv) details of ground levels and heights of all permanent buildings and structures together with cross-sections through the Site **associated with the specified phase of the Development** showing existing and proposed ground levels;
  - (v) details of all new or modified permanent fencing and gates required on the Site **associated with the specified phase of the Development**;
  - (vi) details of artificial lighting required during the operation of the

**specified phase of the Development.; and**

~~(vii) phasing of works included in the scheme.~~

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

- (9) **For each phase of the Development** ~~the~~ scheme approved pursuant to Condition (8) shall follow the principles set out within section 3 of the document entitled "Gateway Energy Centre Environmental Statement Revised Design and Access Statement December 2010".
- (10) Notwithstanding any details approved by the LPA pursuant to Condition (8), and subject to due consideration of cost, constructability and safe maintenance and operation at the detailed design stage, **each phase of the Development** shall be constructed to achieve a CEEQUAL rating of "very good", or such standards that may replace CEEQUAL in whole or in part prior to the commencement of the **specified phase of the Development** providing that such changes are no more onerous on the costs of constructing the **specified phase of the Development**.
- (11) The use of columns for artificial lighting shall not exceed the obtrusive light limitations of sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Obtrusive Light: GNO1 2005~~11~~**11**", nor shall such lighting be arranged so that danger or inconvenience is caused to users of the nearby public highways.
- ~~(12) The Development shall proceed only in accordance with the scheme approved pursuant to Condition (8) except in so far as any variation to it has been approved in writing by the LPA.~~

Reasons: Condition (8) is to enable the ~~Council~~**LPA** to exercise reasonable and proper control over the design and appearance of the Development. Condition (9) is for the Development to be designed to a high standard and blend in with neighbouring developments. Condition (10) is ensure that the environmental sustainability of the development is maximised. Condition (11) is to reduce light pollution and disturbance to ecological interests and highway safety.

Travel Plan

- (13) **Except for the Permitted Preliminary Works**, the commencement of **each phase of the Development** shall not take place until a Travel Plan **associated with the specified phase of the Development** has been submitted to and approved in writing by the LPA. Such Plan shall include the following provisions:
- (i) provisions for pedestrian and cycle access to the Site **associated with the specified phase of the Development**;
  - (ii) the planning of working practice to minimise peak travel flows;
  - (iii) the appointment of a co-ordinator responsible for the implementation and review of the Travel Plan;
  - (iv) discussions with a public transport provider for the provision of public transport to and from the Site **associated with the specified phase of the Development** during the construction of the **specified phase of the Development** and during **any associated** outages;
  - (v) travel arrangements for persons employed during the construction of the **specified phase of the Development** and during **any associated** outages;
  - (vi) the Travel Plan to be reviewed on a monthly basis during construction **of the specified phase of the Development** and on an annual basis during operation **of the specified phase of the Development**, unless otherwise agreed in writing with the LPA;
  - (vii) any amendments to the Travel Plan (whether or not following a periodic review pursuant to (vi) above) shall not be implemented without the written agreement of the LPA;
  - (viii) details of incentives to personnel to encourage them to reduce the use of single occupancy cars as the means of getting to and from the Site **associated with the specified phase of the Development** during the construction **of the specified phase** of the Development and during **any associated** outages; and
  - (ix) details of how on-Site parking will be managed and monitored during the construction **of the specified phase** of the Development and during **any associated** outages.

The approved Travel Plan shall be implemented when personnel are first



on Site **associated with the specified phase of the Development** and shall remain in force throughout the period of the operation **of the specified phase** of the ~~d~~Development or any earlier period as may be ~~approved~~ **agreed** in writing by the LPA.

Reason: To encourage the use of sustainable transport methods.

#### Monitoring of Traffic Movements

- (14) Except for the Permitted Preliminary Works, the commencement **of each phase** of the Development shall not take place until a scheme for monitoring and reporting vehicular traffic movements associated with the construction and operation **of the specified phase** of the Development and any **associated** outages, has been submitted to and approved in writing by the LPA, in consultation with the Highways England and Local Highways Authority. The approved scheme shall include the details and measures identified in the document ~~entitled~~ "Gateway Energy Centre Transport Report December 2010" and "Gateway Energy Centre Transport Report Addendum January 2016" **and "Gateway Energy Centre 2019 Transport Report Addendum" dated June 2019** and be adhered to throughout the period of the construction and operation **of the specified phase** of the Development and any **associated** outages, ~~except in so far as any variation has been approved~~ **unless otherwise agreed** in writing by the LPA, in consultation with the Highways England and the Local Highways Authority.

Reason: To encourage the use of sustainable transport methods.

#### Use of Water for the Delivery of Materials and Plant

- (15) Except for the Permitted Preliminary Works, the construction **of each phase** of the Development shall not take place until the Company has carried out an investigation as to whether direct or near direct access to the River Thames can be utilised for the transportation of materials and plant (such as bulk loose cement and aggregates, and abnormal and indivisible loads) associated with the construction and decommissioning **of the specified phase** of the Development. The results of the investigation shall be submitted to, approved in writing by, and deposited with the LPA.
- (16) In the event that the results of the investigation approved pursuant to Condition (15) conclude that it is viable and economic, then the material and plant identified shall be not be transported to the Site **associated with the specified phase of the Development** via public roads, unless otherwise agreed in writing by the LPA, in consultation with the Highways

England.

Reason: To alleviate the impact of heavy commercial traffic on the arterial and local road networks if transportation by water is a viable option.

#### Use of Rail for the Delivery of Materials and Plant

- (17) Except for the Permitted Preliminary Works, the construction **of each phase** of the Development shall not take place until the Company has carried out an investigation as to whether the rail network can be utilised for the transportation of materials and plant (such as bulk loose cement, aggregates and steel) associated with the construction and decommissioning **of the specified phase** of the Development. The results of the investigation shall be submitted to, approved in writing by, and deposited with the LPA.
- (18) In the event that the results of the investigation approved pursuant to Condition (17) concludes that it is viable and economic, then the material and plant identified shall be not be transported to the Site **associated with the specified phase of the Development** via public roads, unless otherwise agreed in writing by the LPA, in consultation with the Highways England.

Reason: To alleviate the impact of heavy commercial traffic on the arterial and local road networks if transportation via the rail network is a viable option.

#### Construction and Outage Heavy Commercial Vehicle Traffic

- (19) condition deleted
- (20) No heavy commercial vehicle traffic shall enter or leave the Site on any Saturday during December and the first week in January.
- (21) Without prejudice to the restrictions specified in Condition (20) no heavy commercial vehicles associated with the construction of the Development or an outage shall enter or leave the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Saturday     1000 – 1600

unless such movement:

- (a) is associated with an emergency; or
  - (b) **if** entering the Site originates in the administrative area of the LPA; or
  - (c) **if** leaving the Site has its final destination in the administrative area of the LPA; or
  - (d) is with the prior written approval of the LPA; or
  - (e) is an abnormal or indivisible load authorised by the Highways England pursuant to the Road Vehicles (Authorisation of Special Types) (General) Order 2003.
- (22) Without prejudice to the restrictions specified in Conditions (20) and (21) no traffic associated with the construction of the Development or an outage shall enter or leave the Site on any Sunday or Bank Holiday or on any other day during the following hours:
- |                  |                                    |
|------------------|------------------------------------|
| Monday to Friday | 0700 – 0900 and 1700 – <b>1800</b> |
| Saturday         | 0700 – 0800 and 1700 – 1800        |
- unless such movement:
- (a) is associated with an emergency; or
  - (b) **if** entering the Site originates in the administrative area of the LPA; or
  - (c) **if** leaving the Site has its final destination in the administrative area of the LPA; or
  - (d) is with the prior written approval of the LPA.
- (23) Except for the Permitted Preliminary Works, the commencement **of each phase** of the Development shall not take place until a Transport Management Plan has been submitted to, approved in writing by, and deposited with the LPA, in consultation with the Highways England and the Local Highways Authority. The approved plan shall include the measures detailed in section 14 of the document entitled “Gateway Energy Centre Transport Report December 2010” ~~and~~, **as amended by section 11 of the document titled “Gateway Energy Centre Transport Report Addendum January 2016” and section 8 of the document titled “Gateway Energy Centre 2019 Transport Report Addendum” dated June 2019**, to be adhered to throughout the period of the construction **of the specified**

**phase** of the Development and any **associated** outages until such time as the **specified phase of the** Development is decommissioned, ~~except in so far as any variation to the plan has been approved~~ **unless otherwise agreed** in writing by the LPA, in consultation with the Highways England and the Local Highways Authority.

- (24) Except for the Permitted Preliminary Works, the commencement **of each phase** of the Development shall not take place until a scheme detailing the route(s) which traffic would take to and from the Site **associated with the specified phase of the development** has been submitted to, approved in writing by, and deposited with the LPA, in consultation with the Highways England and the Local Highways Authority. The approved scheme shall include provision for notices of any route(s) approved to be displayed at the Site entrance and exit and notified to drivers. The approved scheme shall be adhered to throughout the period of the construction **of the specified phase** of the Development and any **associated** outages until such time as the **specified phase of the** Development is decommissioned, ~~except in so far as any variation to the scheme has been approved~~ **unless otherwise agreed** in writing by the LPA, in consultation with the Highways England and the Local Highways Authority or the traffic movement originates in the administrative area of the LPA.

- (24A) Where the words 'is with the prior written approval of the LPA' appear in Conditions (21) and (22), such approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the LPA that the approval is unlikely to give rise to any materially new or materially different **environmental** effects from **those assessed in the Environmental Statement and arising from** traffic entering or leaving the site on the days and hours specified in those Conditions.

Reason: To ensure the safe and efficient use of the strategic road network and local roads.

#### Construction and Construction Noise

- (25) Except for the Permitted Preliminary Works, the commencement **of each phase** of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a Construction Environmental Management Plan. The Construction Environmental Management Plan shall include details of how noise, airborne pollutants, vibration, smoke, and odour from construction work **associated with the specified phase of the Development** will be controlled and mitigated. The Construction Environmental Management

Plan will utilise the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)). The construction of the Development shall be completed in accordance with the approved Plan ~~except in so far as any variation to the plan has been approved~~ **unless otherwise agreed** in writing by the LPA.

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

Monday to Saturday 0700 – 1900

unless such work –

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

- (27) Without prejudice to the restriction specified in Condition (26) no impact piling shall take place on the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday 09.00 – 18.00

Saturday 09.00 – 13.00

unless such work –

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the LPA.

- (28) In any instance where a time limitation referred to in Conditions (26) and (27) is not adhered to, the Company shall as soon as possible notify the LPA and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.

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

- (29A) Where the words ‘is carried out with the prior written approval of the LPA’

appear in Conditions (26) and (27), such approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the LPA that the approval is unlikely to give rise to any materially new or materially different **environmental effects from those assessed in the Environmental Statement and arising** from work undertaken on the days and hours specified in those Conditions.

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

### Operational Noise

- (30) The commissioning **of each phase** of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA a programme for the monitoring and control of noise generated by the normal commercial operation **of the specified phase** of the Development. The programme shall specify the locations from which noise will be monitored, the method of noise measurement (which shall be in accordance with BS 4142 ~~1997~~**2014**) and the maximum permissible levels of noise at each such monitoring location. The programme shall make provision for such noise measurements to be taken by the Company as soon as possible following requests by the LPA and such measurements shall be given to the LPA as soon as they are available. At the approved measurement locations noise levels during the operation **of the specified phase** of the Development shall not exceed the levels specified in the approved programme, except in so far as any variation to the programme has been approved in writing by the LPA or in an emergency. Such noise shall exhibit no tonal or impulse content at these locations in any weather conditions.
- (31) In any instance where a noise level approved pursuant to Condition (30) is exceeded because of an emergency the Company shall as soon as possible, and in any case within two working days, provide the LPA with a written statement detailing the nature of the emergency and the reason why the noise level could not be observed. If the emergency period is expected to be for more than twenty-four hours then the Company shall inform those residents and businesses affected by the emergency of the reasons for the emergency and the expected duration.
- (32) Except in an emergency, the Company shall give at least 24 hours prior notice in writing to the LPA of any proposed operation of emergency pressure relief valves or similar equipment. So far as is reasonably practicable any such operation should take place between the hours of

09.00 and 17.00 hours and on a day other than a Saturday, Sunday, Bank Holiday or public holiday.

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

#### Noise Complaints Procedure

- (33) If a local resident or local business complains direct to the Company or the Company has been notified in writing by the LPA of any complaint about noise generated by the construction and/or operation of the Development the Company shall carry out investigations to establish the justification, or otherwise, of the complaint, the likely cause and possible remedial measures. A written report to the complainant, copied to the LPA, shall be made as soon as reasonably practicable following the investigation and/or remedial work. The Company shall keep all such reports in an appropriate file and such file shall be made available to the LPA 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.

#### SuDS

- (34) Except for the Permitted Preliminary Works, the commencement of **each phase** of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA, in consultation with the ~~Environment Agency~~ **Local Lead Flood Authority**, a scheme for SuDS. Such SuDS shall include the details and measures contained in the document entitled "Gateway Energy Centre Supplementary Flood Risk Assessment December 2010" ~~and identified on FRA FIGURE 1 of that document~~ **as amended by the document titled "Gateway Energy Centre 2019 Updated Flood Risk Assessment" dated June 2019**, and be put in place in accordance with the approved scheme.

Reason: To ensure that a sustainable drainage system is put in place.

#### Prevention of Contamination of Watercourses

- (35) Except for the Permitted Preliminary Works, the commencement of **each phase** of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA, in

consultation with the Environment Agency, a scheme showing the method and working of drainage facilities on the Site **associated with the specified phase of the Development**. Such facilities shall be put in place in accordance with the approved scheme.

(36) The scheme referred to in Condition (35) shall include:

- (i) measures to ensure that no leachate or any contaminated surface water from the part of the Site ~~relevant to the particular phase~~ **associated with the specified phase of the Development** shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;
- (ii) provision for trapped gullies in car parks, hardstandings and roadways;
- (iii) measures to ensure that all foul sewage drains to an approved foul sewerage and/or sewage disposal system, or be removed to an off-Site licensed facility for treatment;
- (iv) provisions to distinguish between temporary and permanent parts of the works; and
- (v) phasing of works **included in the scheme**.

(37) 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.

(38) All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the Development must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.

(39) All bunded compound(s) referred to in Condition (38) containing acids, alkalis or sulphides in addition to being contained in suitable facilities shall have appropriate protective lining applied to the inner walls of the bunds.



- (40) Any storage facility to which Conditions (38) or (39) refer shall be completed in accordance with the requirements of those Conditions before being brought into use.

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

### Flood Risk

- (41) The Development shall be carried out in accordance with the details and measures contained in the document entitled "Gateway Energy Centre Supplementary Flood Risk Assessment December 2010", **as amended by the document titled "Gateway Energy Centre 2019 Updated Flood Risk Assessment" dated June 2019** and shall include for the provision of safe route(s) into and out of the Site and for any place of refuge for Site staff or visitors to be provided at a minimum of 3.7 metres AOD, the details of which shall be submitted to and approved in writing by the LPA.

- (41A) The commencement of each phase of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA, details of the flood resilience and flood evacuation measures for the specified phase of the Development.**

Reason: To ensure there is no increase in the risk of flooding, both at the Site and to third parties, as result of the Development, and to accord with ~~Planning Policy Statement 25 "Development and Flood Risk"~~**Practice Guidance "Flood Risk and Coastal Change"**.

### Archaeology

- (42) The commencement **of each phase** of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the LPA, a scheme of archaeological investigation and an associated implementation programme.

- (43) The scheme approved pursuant to Condition (42) shall provide for:
- (i) archaeological field evaluation works in accordance with a specification and written timetable approved by the LPA;
  - (ii) archaeological field evaluation works to be completed and reported on prior to finds of national importance being evaluated and, where practicable, preserved in situ; and

(iii) phasing of works **included in the scheme**.

(44) Any further investigations and recording of such finds as are considered necessary by the LPA shall be undertaken prior to the construction of ~~any part of the specified phase of~~ the Development on that part of the Site where such finds are identified, ~~and in the case of finds of national importance~~ in accordance with the phasing of works approved pursuant to Condition (43)(iii), ~~except in so far as approved~~ **unless otherwise agreed** in writing by the LPA.

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

### Contamination

(45) The commencement ~~of each phase~~ of the ~~d~~Development shall not take place until a scheme to deal with the risks associated with contamination of the Site **associated with the specified phase of the Development** has been submitted to, approved in writing by, and deposited with the LPA. The scheme shall include details of the following matters:

- (a) a preliminary risk assessment identifying:
- all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the ~~s~~**Site associated with the specified phase of the Development** indicating sources, pathways and receptors; **and**
  - potentially unacceptable risks arising from contamination at the ~~s~~**Site associated with the specified phase of the Development;**
- (b) a site investigation scheme based on (a) to provide information for an **risk assessment of the risk to covering** all receptors that may be affected, including those off-Site; and
- (c) the results of the Site ~~i~~nvestigation and risk assessment pursuant to (b) and a method statement based on those results giving full details of the remediation measures required, how they are to be undertaken and the timing of the remediation measures; and

- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- (46) The measures approved pursuant to Condition (45) shall be adhered to ~~except in so far as any variation to them has been approved~~ **unless otherwise agreed** in writing by the LPA.
- (47) Prior to commencement of ~~the main~~ **each phase of the** Development, a verification report demonstrating completion of the works set out in the approved remediation strategy pursuant to Condition (45)(c) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the Site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the LPA.
- (48) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the LPA in accordance with that plan. On completion of the monitoring programme a final report demonstrating that all long-term Site remediation criteria **(for the Site associated with the specified phase of the Development)** have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the LPA. In the event that the verification report to be submitted pursuant to Condition (47) indicates that the remediation was not effective the Company shall submit a programme of contingency action for approval in writing by the LPA.
- (49) In the event that contamination is found at any time when carrying out the approved development that was not previously identified under Condition (45), work on that part of the Site shall cease immediately and shall be reported in writing to the LPA. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy in respect of such contamination must be undertaken and submitted to and approved in writing with the LPA prior to the resumption of work on that part of the Site.

Reason: To ensure that contamination is controlled and not allowed to cause harm to the health of human beings nor impact on the integrity of environmentally sensitive areas nor pose a risk to controlled waters.

### Landscaping

- (50) Except for Permitted Preliminary Works the commencement of **each phase of the** Development shall not take place until a scheme of landscaping, which shall take into account sections 11 and 12 of the document entitled "Gateway Energy Centre Environmental Statement Volume 1 February 2010" has been submitted to and approved in writing by the LPA
- (51) The scheme referred to in Condition (50) shall deal with the general provision of screening, shrub and tree planting and grassed areas and means of integrating **the specified phase of** the Development with the surrounding landscape and shall include details of the following matters:
- (i) planting (which should be mainly of locally native species, ideally with a local provenance);
  - (ii) management of existing and new planted areas including protection of existing planting during construction **of the specified phase of the Development;**
  - (iii) restoration of areas affected by construction works;
  - (iv) details of grass seed mix for areas of the Site **associated with the specified phase of the Development** to be restored to grassland;
  - (v) details of the height, type, size and species of the shrubs and trees to be planted; and
  - (vi) phasing of works included in the scheme.
- (52) The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works ~~referred~~ **approved pursuant to** in Condition (51)(vi) and no later than the appropriate planting or sowing season following the completion of the construction **of the specified phase** of the Development and shall be carried out in accordance with the scheme approved ~~under~~ **pursuant to** Condition (50), ~~unless any variation has been approved~~ **unless otherwise agreed** in writing by the LPA. 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~~ **agreed** in writing by the LPA.

- (53) Upon completion of the scheme of landscaping approved pursuant to Condition (50) a schedule of landscape maintenance and/or a landscape management plan shall be submitted for approval in writing by the LPA. The measures contained in the approved schedule and/or plan shall be adhered to throughout the operation **of the specified phase** of the Development ~~subject to any variation that has been approved~~ **unless otherwise agreed** in writing by the LPA.

Reason: To ensure proper landscaping for the Development.

#### Biodiversity Enhancement Measures

- (54) The commencement of the Development shall not take place until a scheme of Environmental Enhancement Measures (incorporating a management plan), which shall take into account section 12 of the document entitled "Gateway Energy Centre Environmental Statement Further Information Document December 2010, has been submitted to and approved in writing by the LPA, in consultation with Natural England and the Environment Agency. The approved measures shall be adhered to in accordance with the approved scheme ~~except in so far as any variation to them has been approved~~ **unless otherwise agreed** in writing by the LPA, in consultation with Natural England and the Environment Agency.

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

#### Air Pollution Monitoring

- (55) The commissioning **of each phase** of the Development shall not take place until there has been submitted to, approved in writing by and deposited with the LPA a scheme for the monitoring of nitrogen oxide (NOx) in the area. The scheme shall include the measurement location or locations from which air pollution will be monitored, the equipment and methods to be used and the frequency of measurement. The scheme shall provide for the first measurement to be taken not less than 24 months prior to the commissioning **of the specified phase** of the Development and for the final measurement to be taken not more than 24 months after **the specified phase of** the Development is commissioned. The Company shall work with the LPA, supplying full details of the measurements obtained in accordance with the scheme, as soon as possible after they become available, and ensure that such monitoring is integrated within the LPA's air quality strategy. In addition, the Company shall support the annual modelling for the air quality review and assessment process whilst the **specified phase**

**of the** Development is in operation.

Reason. In the interest of air quality.

#### Decommissioning Management Plan for the Site

(56) Within 6 months of ~~the~~ **a specified phase of the** Development ceasing to be used for the purposes of electricity generation the Company shall submit to the LPA, for approval in writing, a scheme for the demolition **of the specified phase** of the Development.

(57) The scheme referred to in Condition (56) 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 **works included in the scheme**;
- (iv) details of any proposed 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.

#### Use of Waste Heat

(58) The commissioning of the ~~Development~~ **CCGT unit(s)** shall not take place until sufficient plant and pipework has been installed to facilitate the future supply of heat to the boundary of the Site under Condition (59) at a later date if opportunities to do so are identified pursuant to Condition (59).

Reason: To ensure that waste heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.

(59) Prior to the commissioning of the ~~Development~~ **CCGT unit(s)**, an updated CHP Feasibility Review assessing potential opportunities for the use of heat from the ~~Development~~ **CCGT unit(s)** shall be submitted to, approved in writing by, and deposited with, the LPA. This shall provide for the ongoing monitoring and full exploration of potential opportunities to use heat from

the ~~Development~~ **CCGT unit(s)** as part of a Good Quality CHP scheme (as defined in the CHPQA Standard issue 3), and for the provision of subsequent reviews of such opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to, approved in writing by, and deposited with, the LPA. Any plant and pipework installed to the boundary of the Site to enable the use of heat shall be installed in accordance with the approved details.

Reason: To ensure that waste heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.

#### Immaterial Changes to Conditions by the Council

- (60) Where the words, “unless otherwise agreed in writing by the Council” or “with the prior written approval of the Council” appear, such agreement or approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the Council that the agreement or approval is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the ~~e~~**Environmental Statement**.

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

#### Environmental Statement

- (61) The environmental effects of the Development must not exceed those assessed in the Environmental Statement.

Reason: To ensure that the ~~d~~**Development** consented has no greater environmental impact than that considered in the original application dated 26 February 2010, as varied by the applications dated 12 August 2014 and 25 February 2016 **and 24 June 2019**.

#### Notification regarding Development Option

- (62) **The Company shall notify the Secretary of State and Thurrock Borough Council (as the relevant planning authority) which one of the Development Options has been selected prior to commencement of the Development and provide details of the capacity of each technology to be used.**

**Reason: To ensure enforceability.**



