

## SCHEDULE 1

Article 3

### Authorised development

## PART 1

### Authorised development

#### **In North Lincolnshire**

A nationally significant infrastructure project comprising a generating station as defined in sections 14(1)(a) and 15 of the 2008 Act comprising—

*Work No. 1* — a combined cycle plant with a nominal gross electrical output of up to 470 MWe fuelled by gas and including—

- (a) one gas turbine within a turbine hall;
- (b) one steam turbine within a turbine hall;
- (c) one or two electricity generators and one or two transformers within a compound;
- (d) a heat recovery steam generator;
- (e) a main stack;
- (f) two banks of hybrid cooling towers, condenser equipment and auxiliary cooling equipment;
- (g) raw and fire water storage tanks;
- (h) a raw water treatment plan;
- (i) a demineralised water treatment facility;
- (j) gas insulated switchgear;
- (k) an administration building;
- (l) a workshop and warehouse building;
- (m) a materials storage facility;
- (n) a waste water treatment plant; and
- (o) a facility to enable steam-water pass-outs and/or hot-water pass-outs;

*Work No. 2a* — a gasification facility to enable the processing of solid fuels to produce syngas to supply to the gas turbine comprised in Work No. 1 including—

- (a) a gasifier;
- (b) a syngas treatment/conditioning facility;
- (c) acid gas removal equipment;
- (d) sulphur recovery and tailgas treatment equipment;
- (e) an electrical switching station;
- (f) an air separation unit;
- (g) nitrogen storage tanks;
- (h) oxygen storage tanks;
- (i) fuel milling/drying/preparation and supply equipment;
- (j) solid waste removal equipment and storage facilities;
- (k) a filter cake storage area; and

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (l) a biomass and/or limestone storage area;
  - Work No. 2b* — a flare stack with flares integral to the operation of Work No. 2a;
  - Work No. 2c* — a work comprising equipment to connect Work No. 2a and Work No. 2b;
  - Work No. 3a* — a work comprising a piled platform and equipment for the intake of cooling water required for the operation of Work No. 1;
  - Work No. 3b* — a work comprising pipes and associated infrastructure between Work No. 1 and Work No. 3a to transport cooling water to or from Work No. 1;
  - Work No. 3c* — a work comprising pipes for the discharge of used cooling water from Work No. 1 transported by Work No. 3b;
  - Work No. 4* — an access road running in a northerly direction from a junction with Haven Road to the southernmost point of Work No. 2a;
  - Work No. 5* — a railway siding running from a connection to the existing Killingholme Branch Line and then running in a south-westerly direction before running anti-clockwise to termination at a location on the south western boundary of Work No. 1 and a facility for the unloading of trains delivering solid fuel;
  - Work No. 6a* — facilities to enable the unloading of solid fuel from vessels moored at the existing wharf for transport to Work No. 7 by means of Work No. 6b;
  - Work No. 6b* — a pipe conveyor to transport solid fuel from Work No. 6a to Work No. 7;
  - Work No. 7* — a storage hall for the storage of solid fuel;
  - Work No. 8* — a new access road commencing at a junction with Haven Road and running in an easterly direction to the southernmost point of Work No. 1;
- and in connection with such works and to the extent that they do not otherwise form part of any such work, associated development whether or not shown on the plans referred to in the requirements including—
- (a) the removal or modification of the northern drainage pond;
  - (b) habitat creation;
  - (c) water supply works, foul drainage provision, surface water management systems, and culverting;
  - (d) pipes for steam pass outs and/or hot water pass outs within the Order limits;
  - (e) internal site roads and vehicle parking facilities;
  - (f) bunds, embankments, swales, landscaping and boundary treatments and fencing;
  - (g) the demolition of buildings and structures within the Order limits;
  - (h) the provision of footways; and
  - (i) lighting columns and lighting.

## PART 2

### Building heights

<i>(1)</i> <i>Building</i>	<i>(2)</i> <i>Height (metres) above ordnance datum</i>
heat recovery steam generator	40
turbine hall	35

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>Building</i>	<i>(2)</i> <i>Height (metres) above ordnance datum</i>
main stack	85
hybrid cooling tower (bank 1)	25
hybrid cooling tower (bank 2)	25
administration building	17
warehouse	25
water treatment plant	13
break tank	22
gas insulated switchgear building	17
covered fuel storage	40
biomass storage silos	50
limestone storage silos	50
gasifier, including fuel preparation facility	70
air separation unit	50
oxygen storage tank	25
nitrogen storage tank	25
acid gas removal	65
wastewater treatment plant	25
electrical switching station 1	25
electrical switching station 2	15
electrical switching station 3	15
flare stack	140

## PART 3

### Requirements

#### Interpretation

**1.** In this Part of this Schedule—

“Architectural Study” means the Architectural Study certified by the Secretary of State for the purposes of this Order;

“capture equipment” means the plant and equipment required to capture the target carbon dioxide and either—

- (a) identified as such in the current CCS proposal; or
- (b) installed on the designated site;

“CCS” means carbon capture and storage;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“CCS proposal” means a proposal for the capture, compression (should that be necessary) transport and storage of the target carbon dioxide, which identifies the proposed capture technology, compressor siting, transport route and storage location for the authorised development;

“CEMP” means the construction environmental management plan to be submitted and approved pursuant to requirement 15 below;

“current CCS proposal” means—

- (a) the CCS proposal including Work No. 2a and the other elements set out in the feasibility study certified by the Secretary of State for the purposes of this Order, and which has been assessed as technically feasible by the Secretary of State; or
- (b) where a revised CCS proposal has been identified under requirement 37(5), the proposal which has been most recently so identified;

“Design and Access Statement” means the document with that title certified by the Secretary of State for the purposes of this Order;

“designated site” means the land shown coloured buff on the works plans as the area where the undertaker proposes to locate capture equipment;

“operations area” means that part of the authorised development comprising parcel numbers 05/04, 05/05, 06/01, 07/03, 07/04, 07/05, 07/06, 08/01, 08/02 and 08/03 shown on the land plans and described in the book of reference; and

“target carbon dioxide” means as much of the carbon dioxide emitted by the first 300 MWe of the capacity of the authorised development when it is operating at full capacity as it is reasonably practicable to capture for the purposes of permanent storage, having regard to the state of the art in carbon capture and storage technology for the time being.

#### **Time limits etc.**

2. The authorised development shall commence no later than the expiration of seven years beginning with the date that this Order comes into force.

#### **Development masterplan**

3.—(1) No part of the authorised development shall be carried out until there has been submitted to and approved by the relevant planning authority—

- (a) where the authorised development is to be constructed in a single phase, a masterplan in respect of the entire authorised development; or
- (b) where the authorised development is to be constructed in two or more phases, a masterplan for the relevant phase of the authorised development.

(2) The masterplan shall include—

- (a) in relation to a development to be constructed in a single phase, a plan illustrating the entire authorised development; or
- (b) where the authorised development is to be constructed in two or more phases—
  - (i) those elements of the authorised development which are to be developed as part of that phase; and
  - (ii) where it is the plan for the first phase, any elements or areas of the authorised development which are intended to be constructed at a later date;
- (c) an outline programme setting out the anticipated programme for construction of those elements of the authorised development comprised in the relevant masterplan;

- (d) a scheme identifying how the elements of the authorised development to be constructed will be governed by the following—
    - (i) the CEMP;
    - (ii) a travel plan for construction workers and a travel plan for operational workers which has been submitted to and approved by the relevant planning authority;;
    - (iii) a management plan for construction traffic addressing construction traffic, HGV movements and abnormal loads which has been submitted to and approved by the relevant planning authority; and
    - (iv) a management plan for operational transport which has been submitted to and approved by the relevant planning authority; and
  - (e) where the relevant masterplan is submitted under paragraph (1)(b) for the first phase of the authorised development—
    - (i) a phased landscaping masterplan in respect of all phases of the authorised development; and
    - (ii) a landscaping management plan in respect of land required for future phases of the authorised development, to control the use and maintenance of undeveloped land together with a scheme of monitoring.
- (3) Where two or more masterplans are to be produced in accordance with paragraph (1)(b), the masterplan for each phase must demonstrate accordance with the principles previously established in the previous phase or phases.
- (4) Where a masterplan has been submitted to and approved by the relevant planning authority for a particular phase of the authorised development—
- (a) the details to be submitted to the relevant planning authority to discharge any requirement may relate to that phase only, in order that the construction and/or operation of that phase may commence in accordance with the approved details; and
  - (b) construction of that phase shall not commence until the relevant part of any requirement has been discharged in relation to that phase.
- (5) The authorised development shall be carried out in accordance with the relevant approved masterplan.

### **Detailed design**

**4.—(1)** No works within the relevant phase of the authorised development may commence until details of the following, which must accord with requirement 5, have been submitted and approved by the relevant planning authority—

- (a) details of the siting, design, external appearance and dimensions of Work Nos. 1, 2a, 2b, 3b, 3c, 4, 6a, 6b and 7 comprised in the authorised development;
  - (b) details of the colour, materials, and surface finishes of Work Nos. 1, 2a, 2b, 4, and 7 comprised in the authorised development;
  - (c) details of Work No. 4 and any other vehicular circulation roads, parking, and hard standings comprised in the authorised development; and
  - (d) details of finished ground levels and heights of all permanent buildings and structures comprised in the authorised development which in respect of critical infrastructure, shall not be below 5.2 metres above ordnance datum.
- (2) The authorised development shall be carried out and maintained in accordance with the approved details.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

5.—(1) The authorised development shall be carried out in accordance with the principles contained in the Architectural Study and the Design and Access Statement (with the former taking precedence in the case of conflict) and in general accordance with the building envelopes shown on the elevations contained in the works plans, (subject always to article 3(5) and (6), Part 2 of this Schedule and paragraph 5(2) of this Part).

(2) This requirement is subject to the approvals required under requirement 4.

#### **Site road**

6. The site access road comprised in Work No. 4 must be completed prior to commencement of construction of Work Nos. 1, 2a, 2b, 2c, 3a, 3b, 5, 6, and 7.

#### **Provision of landscaping**

7.—(1) No part of the authorised development shall commence until a detailed landscaping scheme, associated working programme and long term management plan for the operations area which are consistent with the environmental statement has been submitted to and approved by the relevant planning authority.

(2) The landscaping scheme shall include details of—

(a) the location, number, species, size and planting density of proposed planting, including details of—

- (i) structure planting to be undertaken on the perimeter of the site;
- (ii) screen planting to reduce views of ground level operational activities;
- (iii) enhancement planting alongside ditches and water bodies; and
- (iv) amenity planting at site entrances;

(b) how the landscaping works comply with the objectives set out in the South Humber Bank Landscape Strategy contained in SPG5 Landscape Character Assessment and Guidelines;

(c) the specific standard to which the works will be undertaken which shall include a requirement that fill be placed to a depth of not less than 600 mm in areas specified in the scheme; and

(d) a timetable for the implementation of all hard and soft landscaping works.

(3) All planting undertaken pursuant to the landscaping scheme shall comprise—

- (a) native species that would also enhance biodiversity and connect habitats; and
- (b) stock of local origin, where available.

(4) The authorised development shall not commence until the screen planting referred to at Requirement 7(2)(a)(ii) above has been undertaken.

#### **Implementation and maintenance of landscaping**

8.—(1) All landscaping works shall be carried out in accordance with the detailed written landscaping scheme approved under requirement 7 and to the specified standard.

(2) Any tree or shrub planted as part of the approved detailed landscaping scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, shall be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority.

(3) If any boundary shrub or vegetation is the subject of localised clearance for the purpose of construction of the authorised development, replacement planting will be undertaken to replace the

extent of vegetation lost using locally occurring species to retain the existing vegetation pattern, unless otherwise approved by the relevant planning authority.

### **Highway works**

9.—(1) No part of the authorised development shall be carried out until details of the siting, design and layout of the highway works comprised in Work Nos. 4 and 8 have after consultation with the relevant planning authority and highway authority been submitted to and approved by the relevant planning authority.

(2) The approved Works shall be carried out in accordance with the approved details.

### **Fencing and other means of site perimeter enclosure**

10.—(1) No part of the authorised development shall be carried out until written details of all proposed permanent or temporary fences, hoardings, walls or other means of enclosure of the operations area has been submitted to and approved by the relevant planning authority.

(2) All construction sites shall remain securely fenced at all times during construction of the authorised development in accordance with the approved scheme.

(3) All temporary fencing shall be removed on completion of construction of the authorised development.

### **Construction surface water drainage**

11.—(1) No part of the authorised development shall be carried out until a written scheme to deal with the disposal of surface and foul water drainage during construction (the “Construction Drainage Scheme”) has been submitted to and approved by the relevant planning authority, in consultation with the Environment Agency and North East Lindsey Drainage Board.

(2) The Construction Drainage Scheme shall provide for—

- (a) the treatment of contaminated surface water and installation of oil and grit interceptors through which surface water must pass;
- (b) measures for the control and treatment of leachate to prevent it from entering any watercourse, underground strata or adjoining land;
- (c) the continued operation of existing drainage systems during construction of the authorised development;
- (d) measures to ensure that no water runs off from stock piles into drainage ditches or watercourses;
- (e) the disposal of water used during dewatering activities;
- (f) use of temporary drainage routes and pumping equipment; and
- (g) a monitoring system for the purposes of monitoring the approved measures.

(3) Unless otherwise approved by the relevant planning authority, the scheme shall be implemented in accordance with the approved details and an approved programme.

### **Operational surface and foul water drainage**

12.—(1) No part of the authorised development shall commence until a written scheme to deal with the details of the surface water drainage system, the oily water drainage system, the waste water treatment plant system and the sewage system (together the “operational drainage scheme”) has been submitted to and approved by the relevant planning authority.

(2) The operational drainage scheme shall provide for—

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (a) the specification for the waste water treatment plant comprised in the authorised development;
  - (b) surface water that has the potential for oil contamination to be passed through oil interceptors/filters prior to discharge;
  - (c) a method of disposal of waste water during washing of the compressors and heat recovery steam generator tubes;
  - (d) the optimisation of the use of biocides to ensure the least amount of such substances is required for the authorised development;
  - (e) a rain water harvesting system to be included in the authorised development;
  - (f) the discharge of all aqueous effluents via the drainage system comprised in the authorised development;
  - (g) the treatment of all pre-treated effluents from the gasification island by the waste water treatment plant comprised in the authorised development;
  - (h) a system to collect run-off from stock piles prior to discharge to the surface water drainage system; and
  - (i) a monitoring system for the purpose of monitoring the approved measures.
- (3) Unless otherwise agreed by the relevant planning authority, the scheme shall be implemented in accordance with the approved details prior to operation of the authorised development.

### **Contamination and groundwater**

**13.**—(1) No part of the authorised development shall be carried out until details of a comprehensive contaminated land investigation has been submitted to and approved by the relevant planning authority and until the scope of works approved therein have been implemented.

(2) Unless otherwise approved by the relevant planning, the assessment shall include a site investigation to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters, including a risk assessment that—

- (a) adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use; and
- (b) where the risk assessment identifies any unacceptable risk or risks, provides a detailed remediation strategy to deal with land contamination or pollution of controlled waters affecting the site and two full copies of the site investigation and findings shall be forwarded to the relevant planning authority.

(3) Where paragraph (2)(b) applies, no works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the relevant planning authority, and remediation of the site shall be carried out in accordance with the approved remediation strategy unless otherwise approved by the relevant planning authority.

(4) No occupation of any part of the authorised development shall take place until two copies of a verification report (“Verification Report”) demonstrating completion of works set out in the approved written scheme and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority.

(5) The Verification Report shall include—

- (a) results of sampling and monitoring carried out in accordance with the written scheme required under paragraph (1), to demonstrate that the site remediation criteria have been met;



- (b) a plan (a “Long-term Monitoring and Maintenance Plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Report, which shall be implemented as approved.

(6) If during development, contamination not previously considered is identified then the relevant planning authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed with the relevant planning authority.

### **Archaeology**

**14.**—(1) No part of the authorised development shall be carried out until a detailed and appropriate mitigation strategy, to ensure that all archaeological assets encountered before and during construction in the south western area of the operations area are adequately recorded, has been submitted to and approved by the relevant planning authority; the strategy shall include provision—

- (a) for further exploratory trenching if the relevant planning authority considers it necessary; and
- (b) for further remains discovered following approval of the strategy.

(2) The strategy must include provision for site investigation and post investigation assessment, to be completed in accordance with the details approved, and the results of those assessments shall be provided to the relevant planning authority for analysis, publication and archive deposition.

(3) Any analysis, reporting, publication or archiving required as part of the mitigation strategy in the written scheme for archaeological investigation shall be deposited with the North Lincolnshire Historic Environment Record, within a reasonable period to be agreed with the relevant planning authority.

### **CEMP**

**15.**—(1) No part of the authorised development shall be carried out until a CEMP, substantially in accordance with the outline Construction Environmental Management Plan certified by the Secretary of State for the purposes of this Order, has been submitted to and approved by the relevant planning authority.

(2) All construction work shall be carried out in accordance with the approved CEMP unless otherwise approved by the relevant planning authority.

### **Storage of liquids on site**

**16.**—(1) No part of the authorised development shall be brought into use until a written scheme to deal with handling and onsite storage of process chemicals, cleaning substances, fuels, and oils and lubricants on site has been submitted to and approved by the relevant planning authority.

(2) The scheme shall provide for—

- (a) the storage of any process chemicals, fuels (not being natural gas for combustion in Work No. 1 or syngas or solid fuels for combustion in Work No. 2a), oils or lubricants within an impermeable bund with a minimum capacity of 110% of the capacity of the relevant container or where the bund is for multiple containers a capacity of 110% of the largest container or 25% of all container capacities and the location of all taps, filler pipes, pumping equipment, vents and sight glasses will be located within the bund;
- (b) procedures for handling and storage of process chemicals, cleaning substances, fuels (not being natural gas for combustion in Work No. 1 or syngas or solid fuels for combustion in Work No. 2a), oils and liquids;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (c) details of the alarms to be installed to any sumps that will be used in connection with storage areas, to alert in the case of any overflow of the storage areas; and
  - (d) the protocol to be followed in the event of a spillage of liquids to which this requirement applies.
- (3) Liquids shall be stored in accordance with the approved scheme.

**Control of noise during construction**

17. During construction of the authorised development, the noise level as a result of the construction at any residential location shall not exceed 51dB LAeq, 1 hour unless otherwise approved by the relevant planning authority.

18. No part of the authorised development shall be carried out until a written scheme providing for the monitoring of noise generated during the construction of the authorised development has been submitted to and approved by the relevant planning authority; the scheme shall specify—

- (a) the locations at which noise will be monitored;
- (b) the method of noise measurement (which shall accord with BS 5228 or, an equivalent successor standard or other agreed noise measurement methodology appropriate to the circumstances); and
- (c) the frequency of submission of data to the relevant planning authority.

19.—(1) Prior to commencement of construction Work No. 1 or Work No. 2a or Work No. 2b an acoustic design report must be submitted in relation to the construction of the relevant work and approved by the relevant planning authority.

- (2) The report must detail—
- (a) the noise control measures that are proposed to be included in the design of the relevant Work;
  - (b) the noise attenuation measures for the turbine and filter ventilation apertures and outlet ducts between the gas turbine and heat recovery steam generator;
  - (c) acoustic attenuation measures for internal plant and equipment;
  - (d) the control measures for noise of an impulsive or tonal nature; and
  - (e) the enclosure of unit transformers and generator transformers.

(3) The measures must be installed in accordance with the approved scheme prior to commencement of operation of the relevant Work and retained and maintained afterwards in accordance with the manufacturers’ specifications unless otherwise approved by the relevant planning authority.

**Control of noise during operation**

20.—(1) Operating of the authorised development shall not be commenced until a scheme has been submitted to the relevant planning authority and approved with the objective that the rating level, as defined in BS4142:1997, of noise emitted from the authorised development following commissioning shall not exceed the noise levels listed in the following table except in the case of an emergency, or unless otherwise approved by the relevant planning authority.

<i>Location</i>	<i>Daytime (07:00-23:00)</i> <i>dB<sub>L</sub>Aeq 1 hour</i>	<i>Night-time (23:00-07:00)</i> <i>dB<sub>L</sub>Aeq 5 minutes</i>
Any existing residential location	35	35

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) Compliance with the above limits will be deemed to be achieved through compliance with the limits set out in the table which follows paragraph 1.2.1 of document the North Killingholme Power Project: Outline Operational Noise Compliance Methodology (January 2014) and a programme of Attended Noise Monitoring and periodic site noise audits and equipment condition reviews.

(3) The monitoring of noise pursuant to this requirement shall be compliant with the requirements of ISO 1996 Part 2 (2007).

**21.**—(1) No part of the authorised development shall be brought into use until a written scheme providing for the monitoring of noise generated during the operation of the authorised development has been submitted to and approved by the relevant planning authority.

(2) The scheme shall provide for monitoring at the locations shown on Figure 4 of the North Killingholme Power Project: Outline Operational Noise Compliance Methodology (January 2014) and the method of noise measurement (which shall accord with BS 4142, an equivalent successor standard or other agreed noise measurement methodology appropriate to the circumstances). The scheme shall be implemented to establish baseline noise conditions.

(3) The scheme shall be subject to periodic reviews to establish the frequency of noise monitoring and the need for continued monitoring, and throughout the operational lifetime of the development the monitoring programme shall be reviewed—

- (a) following any change in plant, equipment or working practices likely to affect noise conditions, such change to be notified in writing to the relevant planning authority; or
- (b) following a written request by the relevant planning authority in relation to a noise related complaint, and

any such review shall be submitted to the relevant planning authority for its approval within 4 weeks of the notification or request.

**22.** In any case where the noise levels specified in requirement 20 or otherwise agreed by the relevant planning authority are exceeded because of an emergency, notification must be given to the relevant planning authority and local residents of the reasons for and anticipated duration of any such exceedences.

**23.**—(1) Operation of the authorised development shall not be commenced until a scheme has been submitted to the relevant planning authority in consultation with Natural England and approved with the objective that the rating level, as defined in BS4142:1997, of noise from the authorised development following commissioning, recorded at the stated locations, shall not exceed the noise levels listed in the following table except in the case of an emergency, or unless otherwise approved by the relevant planning authority.

<i>Location</i>	<i>Rating Level <math>dB_{L_{Aeq}} 1 \text{ hour}</math></i>
NSR8	53
NSR9	47

(2) Compliance with the above limits shall be deemed to be achieved through compliance with a programme of attended noise monitoring and periodic site noise audits and equipment condition reviews via the written scheme to be agreed pursuant to requirement 21 above.

(3) The monitoring of noise pursuant to this requirement shall be compliant with the requirements of ISO 1996 Part 2 (2007).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Construction hours**

**24.**—(1) Construction or demolition work shall not take place other than between 0700 and 1900 hours Monday to Saturday, and shall not take place at all on Sundays or public holidays, unless otherwise approved by the relevant planning authority or in case of emergency.

(2) If work is proposed outside of the construction work hours referred to in paragraph (1) then the undertaker will submit risk assessments and method statements to the relevant planning authority and will advise local residents by posting the information on its website.

### **Piling**

**25.**—(1) No piling activities for the construction of the authorised development may commence until a piling method statement describing the measures to be taken to protect the North Killingholme Haven Pits Site of Special Scientific Interest and the Humber Estuary Special Protection Area which is consistent with the environmental statement has been submitted to and approved by the relevant planning authority.

(2) Piling shall be carried out in accordance with the approved method statement unless otherwise approved by the relevant planning authority.

### **Construction of Work Nos. 6a and 6b**

**26.**—(1) No construction of Work Nos. 6a and 6b shall be carried out until a strategy to mitigate effects from construction of those works on the North Killingholme Haven Pits has been submitted to and approved by the relevant planning authority, in consultation with Natural England.

(2) The strategy shall include—

- (a) details of a construction programme to ensure that piling construction activities are carried out only from January to March in any calendar year;
- (b) details of the measures to be taken to screen construction activities from the North Killingholme Haven Pits, including—
  - (i) the construction of a hoarding along the southern boundary of the route of the construction works to reduce noise and visual disturbance to birds in the North Killingholme Haven Pits; and
  - (ii) where possible, the retention of the existing hedgerow located between the southern boundary of the order limits and the North Killingholme Haven Pits; and
- (c) details of directional construction lighting to minimise light spill to the North Killingholme Haven Pits.

(3) Construction of Work Nos. 6a and 6b shall be carried out in accordance with the approved strategy.

### **Combined heat and power**

**27.** A facility shall be provided and maintained within Work No. 1 to enable steam pass-outs and/or hot water pass-outs and reserve space for the provision of water pressurisation, heating and pumping systems for off-site users of process or space heating and its later connection to such systems.

**28.**—(1) Prior to the operation of Work No. 1, a review of potential opportunities for the use of heat from the authorised development must be submitted to and approved by the relevant planning authority.

(2) The review shall provide for the on-going monitoring and full exploration of potential opportunities to use heat from the authorised development as part of a good quality CHP scheme in accordance with the principles set out in the CHPQA Standard Issue 3, and for the provision of subsequent reviews of such opportunities as necessary.

(3) Where viable opportunities for the use of heat are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to and approved by the relevant planning authority; any plant and pipework installed up to the Order limits to enable the use of heat shall be installed in accordance with the agreed details.

(4) In this requirement, ‘CHPQA Standard Issue 3’ refers to the document of that name prepared by the Department for Environment, Food and Rural Affairs and published in January 2009, and the reference to a ‘good quality CHP scheme’ should be interpreted in accordance with that document.

### **Control of dust emissions during operation**

**29.**—(1) No part of Work No. 2a, 2b, 2c, 5, 6a, 6b, or 7 shall be operated until a written scheme for the management and mitigation of dust emissions from solid fuels during operation of the authorised development substantially in accordance with the Outline Coal Dust Management Plan dated January 2014 has been submitted to and approved by the relevant planning authority (such approval not to be unreasonably withheld).

(2) The approved scheme shall provide for—

- (a) details of the plant comprised in Work No. 6a for the unloading of solid fuels from barges;
- (b) the detailed design of the pipe conveyor comprised in Work No. 6b;
- (c) measures to provide for the minimisation of dust emissions from railway wagons transporting solid fuel to the authorised development;
- (d) the detailed design of any facility comprised in Work No. 5 for the unloading of trains delivering solid fuels;
- (e) measures to control the management of emissions of dust from any of the activities to which sub-paragraphs (a)(d) relate; and
- (f) types of railway wagon which may be used for the delivery of solid fuel to the authorised development.

(3) Operation of the authorised development shall be carried out in accordance with the approved scheme.

### **Construction and security lighting scheme**

**30.**—(1) No part of the authorised development shall be carried out until a detailed written construction and security lighting scheme which is consistent with the environmental statement has been prepared in consultation with an experienced bat worker and has been submitted to and approved by the relevant planning authority.

(2) The construction and security lighting scheme shall provide for—

- (a) the avoidance of indirect light spill to the north and west of the authorised development including the use of fencing to minimise light spill;
- (b) the minimisation of light spill, including the use of directional lighting and positioning of lights, baffles, cowls and hoods; and
- (c) measures to ensure that any such lighting will be directional and sensitive to the North Killingholme Haven Pits section of the Humber Estuary Special Protection Area and in relation to the bat mitigation strategy set out at requirement 32.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(3) Construction of the authorised development must be carried out in accordance with the approved scheme unless otherwise approved by the relevant planning authority.

### **Permanent lighting scheme**

**31.**—(1) No part of the authorised development shall commence until a detailed written permanent lighting scheme which is consistent with the environmental statement has been prepared in consultation with an experienced bat worker and submitted to and approved by the relevant planning authority.

(2) The permanent lighting scheme shall provide for—

- (a) details of how the lighting design will reduce trespass, glare and spillage;
- (b) measures to ensure that the use of lighting will be restricted to the minimum periods required;
- (c) details of how, where possible, operational lighting will be designed to minimise impacts on relevant ecological receptors as described in the environmental statement; and
- (d) details of aviation warning lights for the flare tower.

(3) The scheme shall be implemented as approved, unless otherwise approved by the relevant planning authority.

### **Bat mitigation strategy**

**32.**—(1) No part of the authorised development shall be carried out and, in particular, no demolition shall take place, until a written strategy for the mitigation of the impacts of the authorised development on bats, as outlined in the environmental statement, has been submitted to and approved by the relevant planning authority.

(2) The strategy shall provide for—

- (a) the details of a vegetative corridor of 20 metres width along the eastern and north-eastern edge of the operations area as shown in the figures forming part of the environmental statement, to provide a continuous corridor for bat commuting and foraging;
- (b) the details of the planting scheme along the corridor to include a range of species to increase invertebrate density and abundance, trees of appropriate species and height to be planted along the western edge of the corridor to provide a visual barrier to the operations area, and the interspersing of scrub habitat within the corridor with trees and open grassland to avoid straight lines of vegetation;
- (c) the retention and enhancement of the wet drain along the south-western boundary of the site with planting including night scented, night flowering and nectar rich species;
- (d) the measures to be taken to minimise any gaps in the corridor on its route crossing the Killingholme Branch Line, Clough Lane and the route of the fuel conveyor;
- (e) measures to be incorporated into the construction and operational lighting schemes under requirements 30 and 31 to ensure that the corridor is minimised as a dark environment suitable for bats;
- (f) the retention and enhancement with planting of the existing vegetative strip along the western boundary of the operations area;
- (g) a programme for carrying out the details of the approved scheme; and
- (h) details of the management of the corridor for the construction period of the authorised development and the operation of the authorised development.

(3) No part of the authorised development shall be carried out until the approved bat mitigation strategy has been implemented and the construction and operation of the authorised development

shall not be carried out except in accordance with the approved strategy unless otherwise agreed by the relevant planning authority.

(4) No demolition work shall take place until a written strategy for surveys to adequately inform a decision as to whether a European Protected Species Licence is required, has been submitted to and approved by Natural England.

### **Water vole mitigation strategy**

**33.**—(1) No part of the authorised development shall be carried out until a written strategy for the mitigation of the impacts of the authorised development on water voles, as outlined in the environmental statement, has been submitted to and approved by the relevant planning authority.

(2) The strategy shall provide for—

- (a) details of a programme to survey for the presence of water voles and the location of any water vole burrows in ditches 2B and 3B as shown in the figures forming part of the environmental statement;
- (b) the measures to be taken to address the protection of water voles where these are discovered in locations other than those assessed in the environmental statement including habitat manipulation and displacement methodologies;
- (c) the design and location of a box culvert to be installed beneath the southern access road comprised in Work No. 8;
- (d) the methodology for reporting the results of any surveys required under the scheme to the relevant planning authority, and the steps to be taken to obtain approval for measures to be taken to protect any water voles or water vole burrows that are discovered as part of those surveys;
- (e) enhancement planting to be carried out along ditch 3B, to include species that will not grow so as to over-shade and/or choke the ditch, and measures for a programme of scrub control to reduce shading of the ditch, and measures to ensure that water levels are maintained at an appropriate level for the maintenance of water vole habitat;
- (f) the creation of replacement habitat, which must wherever practicable be within the operations area, to include measures such as the extension of ditch 3B and the creation of additional wet ditches. New habitat will be designed so as to provide structurally suitable conditions for burrows, and appropriate food plants;
- (g) details of the management of any measures to be carried out as part of the water vole mitigation strategy, and

the construction of the authorised development shall not commence until the water vole surveys required under the strategy to be submitted under this paragraph have been carried out and the relevant planning authority has approved any measures to be taken to protect water voles as identified in the strategy.

(3) No construction works for the access road comprised in Work No. 8 shall be commenced until a box culvert is installed according to the specification agreed under the vole mitigation strategy.

(4) The approved water vole mitigation strategy and any measures thereunder shall be implemented and maintained during construction and operation of the development unless otherwise approved by the relevant planning authority.

### **Other ecological matters**

**34.**—(1) No works shall be carried out to remove or modify the northern water body shown in the figures forming part of the environmental statement until details of measures to enhance the ecological value of the southern water body shown in those figures have been submitted to

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

and approved by the relevant planning authority and have been carried out in accordance with that approval.

(2) The measures shall include enhancement of riparian vegetation using appropriate native species, scrub clearance around the margins of the pond to reduce shading and encroachment, and the planting of areas of grassy bank and reeds to enhance habitat and species diversity.

**35.**—(1) No part of the authorised development comprised in Works 2a or 5 shall be carried out until a strategy for the establishment of appropriate ecological mitigation in parcels 05/02 and 07/01 as shown on the land plans and described in the book of reference and measures for the relocation of species has been submitted to and approved by the relevant planning authority.

(2) The approved measures shall be implemented prior to construction of any part of the authorised development.

## CCS

**36.** Until the permanent cessation of commercial operation of the authorised development, the undertaker shall not, without the written consent of the Secretary of State—

- (a) dispose of any interest in land which includes the area to be occupied by Work Nos. 2a, 2b, and 2c except by way of a lease having a term of less than 2 years or which is otherwise determinable within 2 years by the undertaker for the purpose of installing the capture equipment; or
- (b) do any other thing, or allow any other thing to be done or to occur, which may reasonably be expected to diminish the ability, within the 2 years following such act or occurrence or thereafter, to install and operate the capture equipment on the designated site.

**37.**—(1) The undertaker shall make a report (“monitoring report”) to the Secretary of State—

- (a) on or before the date three months from the date upon which electricity is first exported by the authorised development; and
- (b) within one month of the second anniversary, and each subsequent even-numbered anniversary, of that date.

(2) The monitoring report shall provide evidence that the undertaker has complied with requirement 36—

- (a) in the case of the first monitoring report, since this Order was made; and
- (b) in the case of any subsequent report, since the making of the previous monitoring report, and explain how the undertaker expects to continue to comply with requirement 36 over the ensuing two years.

(3) Each monitoring report shall state whether the undertaker considers that some or all of the technology referred to in the current CCS proposals from time to time will not work, and explain the reasons for any such conclusion.

(4) Each monitoring report shall identify any other impediment of which the undertaker is aware from time to time 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.

(5) Any monitoring reports which identify such an impediment shall state, with reasons, whether the undertaker considers it technically feasible to overcome the impediment by adopting revised or alternative CCS proposals, and, if so, shall include such proposals.

(6) Each monitoring report shall state, with reasons, whether the undertaker has decided to seek any additional consents, permissions, orders or licences, or to modify any existing consents, permissions, orders or licences, in respect of the current CCS proposals in the period referred to in paragraph (2) as appropriate.



(7) This requirement shall cease to have effect if the capture equipment is installed, or the authorised development ceases operation permanently or the requirement to submit such a report is removed from law and/or policy.

**38.—**(1) The generating station comprised in Work No. 1 shall not operate using gas supplied by Work No. 2a unless—

- (a) the fuel used to supply the gas comprises biomass only; or
- (b) the Secretary of State has given in consent in writing to the plant being so operated and—
  - (i) capture equipment is installed on the designated site;
  - (ii) the Secretary of State has either—
    - (aa) provided pursuant to any enactment that some or all of the emissions from the authorised development are not to be treated as emissions from fossil fuel; or
    - (bb) otherwise issued a direction pursuant to any enactment that the emissions duty of the undertaker is modified or suspended; or
  - (iii) an exemption period under section 58 of the Energy Act 2013<sup>(1)</sup> is applicable to the CCS claim (or any part of it) serving the authorised development.

(2) Where the capture equipment referred to in this requirement comprises alternative technology to that comprised in Work No. 2a (such as post-combustion carbon capture) the generating station comprised in Work No. 1 shall not operate except where it is fuelled wholly or principally by natural gas.

(3) Work No. 2a shall not be operated as allowed by paragraph (1)(b)(i) unless—

- (a) the onshore and offshore pipelines, and other apparatus required to connect the authorised development to a site or sites for the storage of captured carbon have been constructed;
- (b) a licence for the use of the site or sites for the storage of captured carbon is in place; and
- (c) an environmental permit has been granted for the operation of the authorised development with gas supplied by Work No. 2a which incorporates conditions relating to the operation of the CCS chain,

provided that where and for so long as an environmental permit authorises operation without compliance with sub-paragraph (a) or (b), those sub-paragraphs shall not apply.

### **Fire water**

**39.—**(1) No part of the authorised development shall be operated until scheme for the storage and handling of fire water has been submitted to and approved by the relevant planning authority.

(2) The scheme shall include details of—

- (a) the location and design of the dedicated fire water tank within the operations area; and
- (b) the kerb to be constructed around the operations area to retain spent fire water on-site prior to on-site treatment and/or removal.

(3) The approved scheme shall be implemented prior to operation of Work No. 1.

### **Drainage pond**

**40.—**(1) No works shall be carried out to remove or modify the northernmost pond in the operations area until details of the works to be carried out and a method statement for the carrying out of such works, to be prepared in consultation with C.RO Ports Killingholme Limited, the

---

(1) 2013 c.32.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Environment Agency and North East Lindsey Drainage Board, have been submitted to and approved by the relevant planning authority.

(2) The method statement shall detail protective works which will be carried out to ensure that no contaminants are mobilised by the works. The method statement shall also detail how the works will be carried out to ensure that there will be no detrimental effect on the performance of existing flood attenuation and thereafter once any modified pond is operational. The works shall be carried out in accordance with the approved details.

### **Site waste management plan**

**41.**—(1) No part of the authorised development shall be constructed until a plan for the management and disposal of waste produced as a result of the construction of the authorised development has been submitted to and approved by the relevant planning authority. The construction of the authorised development shall be carried out in accordance with the approved details.

(2) No part of the authorised development shall be operated until a plan for the management and disposal of waste produced as a result of the operation of the authorised development has been submitted to and approved by the relevant planning authority. The authorised development shall be operated in accordance with the approved details.

### **Biomass fuel sustainability**

**42.**—(1) Biomass fuel shall not be used in the gasifier comprised in the authorised development unless it complies with the applicable mandatory sustainability criteria.

(2) In this requirement—

“applicable mandatory sustainability criteria” means—

- (a) the mandatory sustainability criteria which the undertaker must comply with from time to time as a condition of eligibility of the authorised development for financial assistance under a relevant assistance regime; or
- (b) if financial assistance has been granted under a relevant assistance scheme in respect of the authorised development for a limited period of time and that period has elapsed so that the authorised development is no longer eligible for financial assistance under any relevant assistance regime, those criteria by compliance with which the operation of the authorised development was most recently eligible for such assistance,

and biomass fuel shall be taken to comply with the applicable mandatory sustainability criteria if, at that time, the undertaker has reason to believe that they comply with the applicable mandatory sustainability criteria;

“biomass fuel” means fuel, excluding material which is, or is derived directly or indirectly from animal matter, which qualifies as ‘biomass’ under—

- (a) article 4 of the Renewables Obligation Order 2009(2) (as amended from time to time by other subsequent legislation relevant to power generation);
- (b) such provisions of a relevant assistance regime incorporating applicable mandatory sustainability criteria as define biomass for the purposes of that regime from time to time;

“mandatory sustainability criteria” means criteria relating to the sustainability of biomass for energy use (other than biofuels and bioliquids) which are prescribed in a relevant assistance regime; and

---

(2) [S.I. 2009/785](#).

“relevant assistance regime” means the provisions of any legislation or other legally binding arrangements established or approved by Government under or by virtue of which the generation of electricity from biomass fuel on a commercial basis qualifies for financial assistance by reason of the burning of biomass fuel which comply with prescribed sustainability criteria.

### **Decommissioning**

**43.**—(1) Within 12 months of the authorised development ceasing to be used for the purposes of generating electricity a site closure and restoration plan for the demolition and removal of the authorised development shall be submitted for approval by the relevant planning authority (such approval not to be unreasonably withheld).

(2) The scheme must include and be consistent with the principles set out in the environmental statement and also—

- (a) details of all structures and buildings to be demolished;
- (b) consideration of the effects of leaving below-ground structures permanently in situ together with details of consultations undertaken to consider the need to remove any or all such structures;
- (c) details of the means of removal of the materials resulting from decommissioning works and measures for the control of dust and noise;
- (d) phasing of the demolition and removal works;
- (e) details of the restoration works to restore the operations area to a condition agreed with the relevant planning authority;
- (f) details of the restoration works and their phasing;
- (g) details of the temporary lighting scheme (if any) proposed to be used during decommissioning works;
- (h) details of any remediation works required to remove contaminants from the operations area together with details of how such contaminants will be safely disposed of; and
- (i) details of how any mitigation measures to be implemented for the protection of ornithology and ecology during construction of the authorised development would be implemented during the decommissioning phase.

(3) The demolition and removal of the authorised development must be carried out fully in accordance with the approved scheme.

### **Requirements for written approval, etc.**

**44.**—(1) Where under any of the above requirements the approval or agreement of the relevant planning authority or any other party is required, that approval or agreement must be provided in writing. Thereafter the matter approved shall be carried out in accordance with the approved or agreed details as they subsist from time to time.

(2) Where under any of the above requirements a written scheme is required it shall be accompanied by such illustrations as are necessary and appropriate in the circumstances.

### **Amendments to approved details**

**45.** With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved by the relevant planning authority the approved details shall be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Flood warning and evacuation plan**

46. No part of the authorised development shall come into operation until details of a flood warning and evacuation plan has been submitted to and approved by the relevant planning authority. The authorised development shall only be occupied and operated in accordance with the approved flood warning and evacuation plan.

### **Aerodrome safeguarding**

47. No part of the authorised development shall commence until an Aerodrome Safeguarding Report (to include information required by the Defence Geographic Centre to chart the site for civil aviation purposes) has been submitted to and approved by the relevant planning authority and any mitigation measures for the protection of aviation interests identified in that report shall thereafter be implemented.

### **Train speed at North Killingholme Haven Pits**

48.—(1) No solid fuel for the purposes of the authorised development shall be received by rail until a scheme comprising or governing the manner of operation of trains serving the authorised development which limits the speed of those trains upon that part of the Killingholme Branch Line adjacent to North Killingholme Haven Pits, as shown on drawing 64042B-DCO-48, to 10 km/h, or other noise attenuation measures, with at least the same sound attenuation, to address the effects of those trains upon the North Killingholme Haven Pits, has been submitted to and approved by the relevant planning authority in consultation with Natural England. The scheme approved under this requirement shall incorporate provisions for noise monitoring.

(2) The approved measures shall be implemented in relation to trains serving the authorised development.

(3) This requirement shall not apply where the Killingholme Loop, or a scheme having similar effect, has been constructed to provide a connection between the existing Killingholme Branch Line and the Barton-upon-Humber to Habrough railway line, which would allow or require higher speeds.

(4) The scheme approved under this requirement shall not fetter the powers of Network Rail with respect to operation of the railway in any way, nor impose any obligation upon Network Rail to impose or procure speed limits upon its railway network or request any other network and/or physical change.

### **Acoustic hoarding**

49.—(1) No part of the authorised development shall be carried out until details of an acoustic hoarding on the northern and western boundaries of the operations area have been submitted to the relevant planning authority and approved.

(2) The acoustic hoarding shall be—

(a) at least 5 metres in height; and

(b) designed in consultation with an acoustics specialist to provide maximum noise attenuation for the benefit of avian receptors to the north and west of the operations area.

(3) The acoustic hoarding shall be erected and maintained during any works of construction for the authorised development.

### **Visual attenuation of train movements**

50.—(1) Unless otherwise approved by the relevant planning authority in consultation with Natural England, no trains shall serve the authorised development until a scheme of planting, to be carried out adjacent to and both north and south of the Killingholme Branch Railway Line as it passes

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

North Killingholme Haven Pits as shown on drawing 64042B-DCO-48, has been submitted to and approved by the relevant planning authority in consultation with Natural England and Network Rail.

- (2) The approved scheme shall—
- (a) make provision for planting or other measures to close gaps in existing vegetation adjacent to the railway line;
  - (b) include details of the species and location of any proposed planting;
  - (c) provide for sufficient visual screening of train movements on the railway line from protected avian receptors at North Killingholme Haven Pits when fully grown;
  - (d) make provision for circumstances where planting is removed, dies or becomes seriously damaged or diseased after planting, or maintenance in the case of other measures adopted for this purpose;
  - (e) provide for use of native species of local origin to be used in planting where available and practicable; and
  - (f) set out when following planting solid fuel will be delivered by rail to the authorised development and such alternative measures as are necessary in the event that planting is not fully or sufficiently grown at such time as solid fuel deliveries are intended to commence by rail to the authorised development.

(3) The operation of the authorised development shall not be served by rail except where the approved scheme has been carried out or alternative measures authorised under one or both of paragraph (2)(a) and (2)(f) of this requirement are in place provided that where such measures include a permanent hoarding, or sufficient alternative, having the same visual attenuation effect, no planting scheme shall be required.

(4) This requirement shall not apply where the Killingholme Loop, or a scheme having similar effect, has been constructed to provide a connection between the existing Killingholme Branch Line and the Barton-upon-Humber to Habrough railway line.

### **Control of construction noise at North Killingholme Haven Pits**

**51.**—(1) Construction of Work Nos. 6a and 6b adjacent to the North Killingholme Haven Pits, as shown on drawing 64042B-DCO-48, shall not take place except in accordance with a scheme that has been submitted to and approved by the relevant planning authority in consultation with Natural England in advance of such works.

(2) The approved scheme shall address the period outside the months January to March (January to March inclusive being the only months in which piling may occur) and shall have the objective that the rating level of construction noise from the construction of Work Nos. 6a and 6b adjacent to the North Killingholme Haven Pits shall not exceed both the LAeq rating level and the mean L<sub>Amax</sub> rating level as listed in the following table in any 12 hour period except in case of emergency or unless otherwise as approved by the relevant planning authority, in consultation with Natural England.

<i>Location</i>	<i>Rating dB, LAeq, 12 hour</i>	<i>Level</i>	<i>Rating dB, LAmax (mean)</i>	<i>Level</i>
NSR A, North of Haven Road	56		75	

(see Drawing Reference 64042B-Natural England-01)

(3) Compliance with the above limits shall be deemed to be achieved through compliance with a programme of attended noise monitoring and periodic site noise audits and equipment condition reviews pursuant to the approved scheme.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(4) The monitoring of noise pursuant to this requirement shall be compliant with the requirements of ISO 1996 Part 2 (2007).

(5) The mean LA<sub>max</sub> will be calculated as the logarithmic average of LA<sub>max</sub> values recorded at NSR A using a Class A integrating sound level meter, with a 15-minute sampling period, operating continuously throughout the entire construction day. In processing the recorded data to calculate the mean LA<sub>max</sub>, the dataset over the course of the construction day could show “sampling periods of no construction activity”. These “sampling periods of no construction activity” will not be included in the mean LA<sub>max</sub> calculation.

#### **Changes approved by the relevant planning authority**

52. Where the words ‘unless otherwise approved by the relevant planning authority’ appear in these requirements, any such approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of that authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.