

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

CONSTRUCTION AND OPERATION OF A GAS FIRED ELECTRICITY GENERATING STATION OF UP TO 1800MW COMPRISING EITHER (I) A COMBINED CYCLE GAS TURBINE (CCGT) OR (II) A COMBINED CYCLE GAS TURBINE AND OPEN CYCLE GAS TURBINE (OCGT) AT DAMHEAD CREEK, HOO PENINSULA, KENT
~~CONSTRUCTION AND OPERATION OF A COMBINED CYCLE GAS TURBINE ELECTRICITY GENERATING STATION AT DAMHEAD CREEK, HOO PENINSULA, KENT~~

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 coloured grey on the General Arrangement Plan (~~Figure 5-2015~~ Figure 4b 2016) attached hereto, of either
(a) a combined cycle gas turbine generating station, or
(b) a combined cycle gas turbine generating station with open cycle gas turbine generating station,
~~combined cycle gas turbine generating station~~
at Damhead Creek, Hoo Peninsula in the County of Kent ("the Development"), and to the operation of that generating station. This consent is granted to ScottishPower (DCL) Limited, its assigns and successors ("the Company").
2. The Development shall be up to 1800 MW capacity at ISO conditions and comprise:
 - (a) one or more gas turbines;
 - (b) one or more steam turbines;
 - (c) one or more heat recovery steam generators;
 - (d) air cooled condensers;
 - (e) a 400kV electrical switchyard;
 - (f) ancillary plant and equipment; and
 - (g) the necessary buildings (including administration offices) and civil engineering works.
3. The combined cycle gas turbine generating station ~~Development~~ shall be designed so as to have the capability for extracting heat or 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 18 June 2009 as varied by the application dated 7 February 2014, the application dated 18 May 2015 and the application dated 5 February 2016, subject to any minor changes which may be approved by the Council pursuant to the requirements of deemed planning permission.
 - (2) The commencement of the Development shall not be later than seven years from 25 January 2011.
 - (3) The following definitions apply for the purposes of Conditions (4) to (10):
 - (a) "capture equipment" means the plant and equipment required to capture the target carbon dioxide 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, 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 applications¹; or
 - (ii) if a revised CCS proposal has been identified under Condition (9), the proposal which has most recently so identified;
 - (d) "designated site" means the land coloured orange and purple on Figure ~~4b5~~ 4b5, the General Arrangement Plan (~~2015~~ 2016), annexed hereto, as the area where the Company proposes to locate the capture equipment;

(e) "Feasibility Study" means the document entitled DAMHEAD CREEK 2 CONSOLIDATED CCR FEASIBILITY STUDY and dated May 2010 supplemented by the document entitled "DAMHEAD CREEK 2 POWER STATION UPDATED CCR FEASIBILITY NOTE" dated January 2014 and by the document entitled "TECHNICAL BRIEFING NOTE ON REVISED CCR FOOTPRINT FOR DAMHEAD CREEK 2" ~~and~~ dated 18th May 2015 and by the document entitled "DAMHEAD CREEK POWER STATION CARBON CAPTURE READY (CCR REPORT) dated February 2016;

(f) "target carbon dioxide" means as much carbon dioxide emitted by the 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; and
(g) "the report" means the report to be submitted in accordance with Condition (5).

(4) Until such time as the Development 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; 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 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 is decommissioned.

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 OF UP TO 1800MW COMPRISING EITHER (I) A COMBINED CYCLE GAS TURBINE (CCGT) OR (II) A COMBINED CYCLE GAS TURBINE AND OPEN CYCLE GAS TURBINE (OCGT) AT DAMHEAD CREEK, HOO PENINSULA, KENT
~~CONSTRUCTION AND OPERATION OF A 1800 MW COMBINED CYCLE GAS TURBINE ELECTRICITY GENERATING STATION AT DAMHEAD CREEK, HOO PENINSULA, KENT~~

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

Definitions

1. In these Conditions unless the context otherwise requires -

"BS 4142 2014" means British Standard 4142: 2014 - Methods for rating and assessing industrial 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;

"CHPQA Standard issue 5" means the CHPQA Standard document issued in November 2013 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 the Development shall be taken to be initiated in accordance with section 56 of the Town and Country Planning Act 1990, as amended;

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

"the Company" means ScottishPower (DCL) Limited and its assigns and successors;

"the Construction Traffic Access Route" means a route identified in accordance with condition (18)(a);

"the Council" means Medway Council and its successors;

"creative conservation" means the establishment of areas which are capable of sustaining locally indigenous species of flora and fauna as well as habitat such as those outlined in the local biodiversity action plan or its equivalent from the UK Biodiversity Action Plan;

"the Development" means either

(a) a combined cycle gas turbine generating station, or

(b) a combined cycle gas turbine generating station and an open cycle gas turbine generating station of up to 300MW

~~combined cycle gas turbine generating station~~ with a capacity of up to 1800 MW at ISO conditions at Damhead Creek, Hoo Peninsula, Kent;

"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;

"Environmental Statement" means the document entitled "DAMHEAD CREEK 2 ENVIRONMENTAL STATEMENT" (Parsons Brinckerhoff June 2009) supplemented by the document entitled "DAMHEAD CREEK 2 ENVIRONMENTAL INFORMATION REPORT" (February 2014) and the document entitled "DAMHEAD CREEK ENVIRONMENTAL INFORMATION REPORT" (Aecom, May 2015) and the document entitled "DAMHEAD CREEK ENVIRONMENTAL INFORMATION REPORT SECTION 36 VARIATION CONSENT" (February 2016);

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

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

"Highways England" means Highways England and its 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;

"Permitted Preliminary Works" means:

- (i) landscaping and creative conservation, providing these do not require the delivery or removal of bulk filling materials to or from the Site and have been approved pursuant to Conditions (42) and (43);
- (ii) installation and diversion of utility services within the Site;
- (iii) surveys and geotechnical surveys;
- (iv) erection of temporary fencing;
- (v) provision of screening at the boundary between the areas coloured orange and green and the boundary between the orange/grey and green areas on the General Arrangement Plan (~~Figure 5 2015~~ Figure 4b 2016) approved pursuant to Condition (11);
- (vi) provision of wheel cleansing facilities required pursuant to Condition (5);
- (vii) construction of a temporary road access required pursuant to Condition (7)(v);
- (viii) provision of accommodation for site security personnel;
- (ix) preparation of construction laydown areas required pursuant to Condition (7)(vi);
- (x) provision for temporary contractors' facilities necessary for (i) to (ix) above within the Site; and

"the Site" means the area of land edged red on the Application Site Boundary Plan (Figure 2-~~2015~~ 2016), annexed hereto.

The Site

2. The construction of the Development shall only take place on the Site.

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

3. Deleted

Time Limits

4. The commencement of the Development shall not be later than the expiry of seven years from 25 January 2011.

Reason: To strike a balance between the time it may take to put in place the necessary preconstruction measures required, for example – tendering, obtaining the necessary financing, design of the proposal (including its layout and main plant foundations); and minimising the impact of any period of uncertainty for those who may be affected pending the decision to begin construction works.

Wheel Washing

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

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

Layout and Design

7. Unless otherwise approved in writing by the Council, the Development shall only be undertaken in accordance with the details contained in the document Design Statement Revision 01 (dated 14 December 2015) approved by the Council on 18 December 2015 under planning reference MC/15/4047 and the following drawings.

Figure 2 DHC2 Development Photomontage

18EL-9-YTG-DA-IICEI-0501 Rev 0 Damhead Creek Elevations North View with DHC1

18EL-9-YTG-DA-IICEI-0502 Rev 0 Damhead Creek Elevations North View with DHC1

18EL-9-YTG-DA-IICEI-0503 Rev 0 Damhead Creek Elevations North View with DHC1

18EL-9-YTG-DA-IICEI-0504 Rev 0 Damhead Creek Elevations North View with DHC1

18EL-9-YTG-DA-IICEI-0901 R0A Mitigation Land Layout

18EL-9-YTG-DA-IICEI-0010 Rev 6 00 Plant building layout

18EL-9-YTG-DA-IICEI-0500 Rev 01 Damhead Creek 3D Plant Building Layout SH-1

18EL-9-YTG-DA-IICEI-0500 Rev 01 Damhead Creek 3D Plant Building Layout SH-2

18EL-9-YTG-DA-IICEI-0500 Rev 01 Damhead Creek 3D Plant Building Layout SH-3

18EL-9-YTG-DA-IICEI-0500 Rev 01 Damhead Creek 3D Plant Building Layout SH-4

18EL-9-YTG-DA-IICEI-0511 Rev 1 Plant building – Elevation from North

18EL-9-YTG-DA-IICEI-0512 Rev 1 Plant building – Elevation from South

18EL-9-YTG-DA-IICEI-0513 Rev 1 Plant building – Elevation from East

18EL-9-YTG-DA-IICEI-0514 Rev 1 Plant building – Elevation from West

18EL-9-YTG-DA-IICEI-0200 Rev 2 00 Plant Equipment Layout;

18EL-9-YTG-DA-IICEI-0203 Rev 1 00 Plant Building Layout. Sections; and

18EL-9-YTG-DA-IBCEI-0200 Rev C Plant Equipment Layout. Admin and Control Building;

18EL-9-YTG-DA-IICEI-0900 R1 Construction Site Facilities

~~Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a scheme which shall include provisions for the:~~

- ~~(i) details of the siting, design, external appearance and dimensions of all new or modified buildings and structures which are to be retained following the commissioning of the Development;~~
- ~~(ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;~~
- ~~(iv) details of vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site;~~
- ~~(iv) details of all new or modified permanent fencing and gates required on the Site;~~
- ~~(v) details of the means of access to the Site;~~
- ~~(vi) details of laydown areas;~~
- ~~(vii) details of artificial lighting required during the operation of the Development; and~~
- ~~(viii) phasing of works included in the scheme.~~

8. 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 2011", nor shall such lighting be arranged so that danger or inconvenience is caused to users of the nearby public highways.
9. The Development shall proceed only in accordance with the scheme referred to in Condition (7) except in so far as any variation has been approved in writing by the Council.

Reasons: Condition (7) is to enable the Council to exercise reasonable and proper control over the design and appearance of the Development. Condition (8) is to reduce light pollution and protect the amenity of local residents and not cause disturbance to birds.

Green Travel Plan

10. Unless otherwise approved in writing by the Council, the document entitled Green Travel Plan Issue 04 (dated 12 October 2015) and marked as Final, approved by the Council on 18 December 2015 under planning reference MC/15/3907 shall be implemented in accordance with its terms and adhered to except in so far as any variation has been approved in writing by the Council . ~~Except for Permitted Preliminary Works the commencement of the Development shall not take place until a Green Travel Plan has been submitted to, approved in writing by and deposited with the Council, in consultation with the Highways England. The Plan shall set out proposals to positively encourage staff and contractors to travel to and from the Site by alternative means of transport to single occupancy private car, set out a timetable for its implementation and a programme and methodology for monitoring and review. The approved Plan shall be implemented in accordance with the timetable set out therein except in so far as any variation has been approved in writing by the Council.~~

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

Construction, Construction Noise and Construction Traffic

11. Unless otherwise approved in writing by the Council, the construction of the Development shall be undertaken in accordance with the document entitled the Construction Environmental Management Plan Rev 0 (dated October 2015), and approved by the Council on 18 December 2015 under planning reference MC/15/4047. ~~The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a Construction Environmental Management Plan. The Plan shall include details for screening the~~

~~areas coloured orange and grey, and green on the General Arrangement Plan (Figure 5 2015) and of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The Plan shall use the principles described in the document entitled "Guidance on the assessment of dust from demolition and construction" (Institute of Air Quality Management, 2014) and utilise the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk). The construction of the Development shall be completed in accordance with the approved Plan except in so far as any variation has been approved in writing by the Council.~~

12. 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.
13. No construction work associated with the Development shall take place on the Site on any Sunday or Bank Holiday or except between the following hours on any other day:
Monday to Friday 0700 - 1900
Saturday 0700 - 1700
Unless such work -
 - (a) is associated with an emergency; or
 - (b) is carried out with the prior written approval of the Council; or
 - (c) does not cause existing ambient background noise levels to be exceeded.
14. Notwithstanding the timing of construction specified in Condition (13) no impact piling shall take place on the Site on any Sunday or Bank Holiday or except between the following hours on any other day:
Monday to Friday 09.00 – 18.00
Saturday 09.00 – 13.00
Unless such work -
 - (a) is associated with an emergency; or
 - (b) is carried out with the prior written approval of the Council.
15. No impact piling shall take place on the Site during the period from 31 October to 1 March.
16. No heavy commercial vehicles associated with the construction of the Development shall enter or leave the Site on any Sunday or Bank Holiday or except between the following hours on any other day:
Monday to Friday 0700 - 1900
Saturday 0800 - 1600
Unless such movement:
 - (a) is associated with an emergency; or
 - (b) is carried out with the prior written approval of the Council.
17. In any instance where a time limitation referred to in Conditions (13), (14) and (16) is not adhered to because of an emergency, the Company shall as soon as possible notify the Council and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.
- 17A. Where the words 'with the prior written approval of the Council' appear in Conditions (13), (14) and (16), such approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the Council that the approval is unlikely to give rise to any materially new or materially different effects from construction activities taking place on the days and hours set out in those clauses.

18. Deleted.

~~The commencement of the Development shall not take place until a Construction Traffic Management Plan which incorporates adequate provision for addressing any abnormal wear and tear to the highway has been submitted to, approved in writing by and deposited with the Council, in consultation with Highways England and the Local Highway Authority.~~

~~The Construction Traffic Management Plan shall include proposals to—~~

- ~~(a) control and manage construction traffic using a 'Construction Traffic Access Route' to identify the preferred routes to and from the Development site for heavy commercial vehicles associated with the construction phase of the development, such routes having been selected as appropriate for such vehicles and causing as little inconvenience as reasonable practicable to other road users; and~~
- ~~(b) to ensure that no other local roads are used by construction traffic.~~

19. For the duration of the construction period of the Development all traffic associated with the construction of the development will comply with the document entitled the Construction Traffic Management Plan Rev 0 (dated November 2015) approved by the Council on 18 December 2015 under planning reference MC/15/4047 and use only the Construction Traffic Access Route and no other local roads except in so far as the Council, in consultation with the Highways England and the Local Highway Authority, has approved a departure from the Plan or Route in writing.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development and to reduce the number of traffic movements for the safety of other road users and pedestrians.

Operational Noise

20. The Development shall only be undertaken in accordance with the documents entitled " Revised Noise Limits and Noise Monitoring and Management Plan" (dated 6 January 2013) approved by the Council on 12 April 2013 under planning reference MC/13/0162), except in so far as any variation has been approved in writing by the Council. The approved programme shall be implemented in accordance with its terms. At the measurement locations specified within the approved programme, (excluding Monitoring Point B reference to which shall be deleted from the Plan), the noise levels shall not exceed the levels specified in the approved programme, except in an emergency. Such noise shall exhibit no tonal or impulse content at these locations in any weather conditions.
21. Notwithstanding any noise measurement and noise measurement location approved by the Council pursuant to Condition (20) the noise generated by the normal commercial operation of the Development shall not exceed the levels specified in the table which appears under the heading "Revised Damhead Creek Noise Limit Levels" located on page 3 of the document entitled "Revised Noise Limits and Noise Monitoring and Management Plan" Issue 2 dated 6 January 2013 when measured at the locations specified in the table in Appendix C of that document, excluding Monitoring Point B reference to which shall be deleted from the table.
22. An acoustic assessment of compliance with Condition (20) and (21) shall be submitted to the Council no later than three months from the commissioning of the Development. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Council. All works which form part of the approved mitigation measures shall be completed within six months of the date of approval.
23. In any instance where a noise level approved pursuant to Condition (20) or specified under Condition (21) is exceeded because of an emergency the Company shall as soon as possible, and in any case within two working days, provide the Council with a written statement detailing the

nature of the emergency and the reason why the noise level could not be observed. If the emergency period is expected to be for more than twenty-four hours then the Company shall inform those residents and businesses affected by the emergency of the reasons for the emergency and the expected duration.

24. Except in an emergency, the Company shall give at least 24 hours prior notice in writing to the Council of any proposed operation of emergency pressure relief valves or similar equipment. So far as is reasonably practicable any such operation should take place between the hours of 09.00 and 17.00 hours and on days other than Saturdays, Sundays, Bank Holidays or public holidays.

Reason: To ensure the proper control of noise during the operation of the Development. The documents referred to in condition (20) form a programme for the monitoring and control of noise generated by the normal commercial operation of the Development.

Noise Complaints Procedure

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

Reason: To ensure that any complaints on the grounds of noise are properly dealt with so as to reduce the impact of the Development on local residents and businesses.

Prevention of Contamination of Watercourses

26. Except for the Permitted Preliminary Works, the Development shall only be undertaken in accordance with the documents entitled "Proposed Drainage Scheme Report" – 1st Issue (dated 17/12/2012) and "Addendum to Proposed Drainage Report", submitted on 28 January 2013 and approved by the Council on 6 March 2013 under planning reference MC/13/0061, except in so far as any variation has been approved in writing by the Council. Prior to the commencement of the Development a timetable for the provision of the facilities detailed in the above mentioned documents shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be provided in accordance with the approved timetable.
27. Deleted
28. 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.
29. 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.
30. All bunded compound(s) referred to in Condition (29) 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.

31. Any storage facility to which Conditions (29) or (30) 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. The documents referred to in condition (26) detail the method and working of drainage facilities on the Site.

Contaminated Waste

32. The Development shall only be undertaken in accordance the document entitled "Ground Investigation and Remediation (Damhead Creek 2 Power Station) - Report reference 312020-R2(01)" received on 12 December 2012 and approved under planning reference MC/12/2959, except in so far as any variation has been approved in writing by the Council.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

33. In the event that contamination is found at any time when carrying out the Development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and a written report shall be submitted to and approved by the Local Planning Authority prior to the recommencement of development. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination
 - (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' Where remediation is necessary a remediation scheme to bring the Site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to the re-commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the Site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the Site after remediation. The Development shall thereafter only recommence in accordance with the approved remediation scheme. Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out above have been completed and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

34. Contaminated material arising from the construction of the Development shall be treated on the Site in accordance with a scheme to be submitted to, approved in writing by, and deposited with,

the Council, in consultation with the Environment Agency, except in so far as any variation has been approved in writing by the Council, or shall be disposed of to licensed disposal facilities.

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

35. The document entitled "Ground Investigation and Remediation (Damhead Creek 2 Power Station) - Report reference 312020-R2(01)" approved by the Local Planning Authority on 9 January 2013, under planning reference MC/12/2959, shall be adhered to during the construction of the Development, except in so far as any variation has been approved in writing by the Council, in consultation with the Environment Agency.

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

36. Deleted

37. Deleted

Landscaping and creative conservation

38. Landscaping and creative conservation shall only be undertaken in accordance with the document entitled "Planning Conditions Discharge Summary: Landscape and Creative Conservation (Conditions 38 - 41) Issue 1.0 - Final", dated 16 December 2013 and approved by the Council on 4 February 2014 pursuant to planning reference MC/13/3309, which includes: the details of the landscaping scheme; the scheme for replacing planting defects; and the landscape management plan; the landscape and habitat management plan.

Reason: To ensure proper landscaping for the Development. The approved scheme of landscaping and creative conservation referred to in Condition (38) accords with the approach outlined in the landscape and ecology chapters of the Environmental Statement and information contained within the Environmental Information Reports of 2014 and 2015, and has been agreed in consultation with Natural England and the Environment Agency.

39. Deleted

40. The landscaping and planting, including grass sowing, shall be implemented in accordance with the implementation programme submitted and detailed in the document entitled "Planning Conditions Discharge Summary: Landscape and Creative Conservation (Conditions 38 - 41) Issue 1.0 - Final", dated 16 December 2013 and approved by the Council on 4 February 2014 pursuant to planning reference MC/13/3309 and no later than the appropriate planting or sowing season following the completion of the construction of the Development.
The approved scheme of landscape and creative conservation shall be carried out as approved, except in so far as any variation has been approved in writing by the Local Planning Authority.
Any trees or shrubs, including hedges, which die, become seriously damaged or diseased or are removed within five years from the date of planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise approved in writing by the Council.

Reason: To ensure proper landscaping for the Development.

41. The approved scheme of landscaping and creative conservation shall be maintained in accordance with the landscape management plan and the landscape and habitat management plan submitted as part of the document entitled "Planning Conditions Discharge Summary: Landscape and Creative Conservation (Conditions 38 - 41) Issue 1.0 - Final", dated 16 December 2013, approved by the Local Planning Authority on 04 February 2014 under planning reference MC/13/3309. The

approved measures shall be adhered to throughout the period of the operation of the Development except in so far as any variation has been approved in writing by the Council.

Reason: To ensure proper landscaping for the Development. Biodiversity Enhancement Measures

42. The Development shall only be implemented in accordance with the document entitled "Evidence to Facilitate the Discharge of Condition 42 associated with Combined Cycle Gas Turbine (CCGT) Consent 01.08.10.04/415C" Issue 2 Final (dated 11 November 2013) as approved by the Local Planning Authority on the 12 December 2013 under planning reference MC/13/2961. The approved measures shall be adhered to and maintained in accordance with the approved scheme except in so far as any variation has been approved in writing by the Council, in consultation with Natural England.

Reason: To ensure that any adverse impact on wildlife is properly compensated for. The document referred to above accords with the Environmental Enhancement Measures, indicated on Figure 2 appended to the Section 90 Direction dated 25 January 2011 and detailed in the letter of 16 November 2009 from Parsons Brinckerhoff to Natural England, and agreed by Natural England in their letter to the Council dated 14 December 2009, and as outlined in the chapter on ecology in the Environmental Statement and has been consulted upon with Natural England.

Protection of Water Voles

43. The Development shall only be implemented in accordance with the document entitled "Evidence to Facilitate Discharge of Conditions 43 and 44 associated with the Combined Cycle Gas Turbine (CCGT) Consent: 01.08.10.04/415C - Issue 2 – Final", dated 11 November 2013 and approved by the Local Planning Authority on 12 December 2013 under planning reference MC/13/2961, except in so far as any variation has been approved in writing by the Council.

Reason: For the protection of water voles which are protected under the Wildlife and Countryside Act 1981 (as amended).

44. Deleted

Archaeology

45. The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Council, a scheme of archaeological investigation and an associated implementation programme. The scheme shall be implemented as approved except in so far as any variation has been approved in writing by the Council.
46. The scheme approved pursuant to Condition (45) shall provide for:
- (i) archaeological field evaluation works in accordance with a specification and written timetable approved by the Council;
 - (ii) archaeological field evaluation works to be completed and reported on prior to finds of national importance to be evaluated and, where practicable, preserved in situ; and
 - (iii) phasing of works.
47. Any significant archaeological finds identified in the area coloured grey on the General Arrangement Plan (~~Figure 5-2015~~ **Figure 4b 2016**) shall be reported to the Council within 3 working days, and work in the immediate vicinity of the potential find will be halted until any requirements for further investigations and recording of such finds have been agreed in writing with as are considered necessary by the Council and implemented accordingly.

Reason: To allow the recovery of any important archaeological discovery during construction of the Development.

Water Efficiency Measures

48. Unless otherwise approved in writing by the Council, the measures set out in the document entitled Scheme of Water Efficiency Measures Issue 0 (dated 4 November 2015), approved by the Council on 18 December 2015 under planning reference MC/15/4000 shall be adhered to except in so far as any variation has been approved in writing by the Council. ~~The commencement of the Development shall not take place until a scheme of water efficiency measures has been submitted to, approved in writing by and deposited with the Council. The measures shall be adhered to in accordance with the approved scheme except in so far as any variation has been approved in writing by the Council.~~

Reason: To ensure that water is used efficiently.

Cessation of Works and Restoration of the Site

49. Within 6 months of the Development ceasing to be used for the purposes of electricity generation the Company shall submit to the Council for approval a scheme for the demolition and removal of redundant buildings and structures from the Site and the restoration of the Site. The scheme shall be implemented as approved except in so far as any variation has been approved in writing by the Council.
50. The scheme referred to in Condition (49) shall include:
- (i) details of all structures and buildings which are to be demolished;
 - (ii) details of the means of removal of materials resulting from the demolition;
 - (iii) the phasing of the demolition and removal;
 - (iv) the means of de-contaminating the Site;
 - (iv) the means of removal of any contaminated material;
 - (v) the phasing of the de-contamination works;
 - (vi) details of the restoration works; and
 - (viii) the phasing of the restoration works.

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

Use of Waste Heat

51. Deleted
52. Prior to the commissioning of the Development, an updated CHP Feasibility Review assessing potential opportunities for the use of heat from the Development shall be submitted to, approved in writing by, and deposited with, the Relevant Planning Authority. This shall provide for the ongoing monitoring and full exploration of potential opportunities to use heat from the Development as part of a Good Quality CHP scheme (as defined in the CHPQA Standard issue 5), 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 Relevant Planning Authority. Any plant and pipework installed to the boundary of the Site to enable the use of heat shall be installed in accordance with the agreed details.

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

Immaterial Changes to Conditions by the Council

53. Where the words 'except in so far as any variation has been approved in writing by the Council' or 'unless otherwise approved in writing by 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 subject matter of the approval is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement or Environmental Information Reports of 2014 and 2015.

Informing Defence Geographic Centre

54. Unless otherwise approved in writing by the Council in consultation with the Defence Geographic Centre, the Development shall be carried out in accordance with the document entitled Air Traffic Safety Data Issue 0 (dated 9 November 2015). ~~Prior to the commencement of the Development, the following details must be provided to UK DVOF and Power Lines at the Defence Geographic Centre:~~
- ~~(i) the precise location of the Development;~~
 - ~~(ii) the date of commencement of construction;~~
 - ~~(iii) the date of completion of construction;~~
 - ~~(iv) the height above ground level of the tallest structure;~~
 - ~~(v) the maximum extension height of any construction equipment; and~~
 - ~~(vi) details of aviation warning lighting fitted to the structures.~~

Reason: In the interests of air traffic safety.

Stack Lighting

55. Prior to the Commissioning of the Development a scheme detailing the lighting of the flue stacks shall be submitted to, approved in writing by, and deposited with, the Council. The stacks shall be lit in accordance with the approved scheme prior to the Commissioning of the development and maintained thereafter.

Reason: In the interests of air traffic safety.