

## SPALDING ENERGY EXPANSION SECTION 36 VARIATION

### SCHEDULE 1 – COMPLIANCE WITH REGULATION 3 ‘CONTENT OF VARIATION APPLICATIONS’ OF ‘THE ELECTRICITY GENERATING STATIONS (VARIATION OF CONSENTS) (ENGLAND AND WALES) REGULATIONS 2013’

Regulation 3 of The Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013		
Paragraph	Requirement	Applicant's Compliance
(1)	A variation application must -	
	Be made in writing;	Spalding Energy Expansion Limited (SEEL) is submitting the variation application. The variation application has been made in writing, via DOCUMENT 1 (Variation Application Covering Letter), and is accompanied by a number of additional documents. DOCUMENT 2 (Compliance Schedule) (this document) sets out these additional documents.
(a)	Describe the location of the proposed development by reference to a map;	<p>The Proposed Development relates to the continued operation of the extant OCGT unit having a total rated electrical output of up to 300 MW, and introducing the flexibility to allow that OCGT and/or the already consented CCGT of up to 645MW output to be deployed, and to remove the permitted up to 175MW BESS units from the S36 Consent, for Spalding Energy Expansion (SEE). The Proposed Development also seeks to delete Condition 3 ‘Time Limits’ to reflect the commencement of the development in compliance with the time limit of 31 October 2021. Commencement of the Development in compliance Condition 3 has been achieved with the construction and operation of the OCGT on 1 July 2019.</p> <p>DOCUMENT 1 (Variation Application Covering Letter) notes that the location of Spalding Energy Expansion is at Spalding Power Station, West Marsh Road, Spalding.</p> <p>DOCUMENT 4 (Location Plan) presents the location of Spalding Energy Expansion within the surrounding areas, and DOCUMENT 5 (Application Site Plan) is the original site plan referred to in the existing consent which identifies the area of land (outlined in red)</p>

		within which Spalding Energy Expansion was authorised to be operated (no change proposed).
(b)	State –	
	Why it is proposed that the relevant Section 36 consent should be varied;	<p>SEEL is seeking to regularise the S36 Consent to allow the flexibility to construct and operate an OCGT unit and/or a CCGT unit.</p> <p>The wording of the 2017 consent previously provided flexibility to allow ‘either’ ‘or’ forms of development. The proposed variation seeks to reintroduce this optionality or flexibility, namely to allow the construction and operation of either an OCGT and/or a CCGT unit.</p> <p>The rationale for the above change is that SEEL wish to have the ability to choose to either deploy the 645MW CCGT, or the 2023 BESS Planning Consent, on the land adjoining the extant OCGT.</p> <p>Consequential on this, due to the provisions of the Infrastructure Planning (Electricity Storage Facilities) Order 2020 we are removing the 175MW BESS as we are of the opinion that a variation consent would not be granted if it contains a BESS.</p> <p>The variation application also necessarily seeks amendments to conditions to reflect the BESS elements have been removed and to allow for certain further changes to Deemed Planning Permission conditions, or matters controlled by those conditions, to be agreed with the local planning authority and to reflect other changes in circumstances since the consent was granted in 2018.</p> <p>The Proposed Development also seeks to delete Condition 3 ‘Time Limits’ to reflect the commencement of the development in compliance with the time limit of 31 October 2021. Commencement of the Development in compliance Condition 3 has been achieved with the construction and operation of the OCGT on 1 July 2019.</p>
	What account has been taken of views expressed by persons who have	DOCUMENT 10 (Letter confirming no EIA Screening) accompanies the variation application and confirms

	been consulted by the applicant about the proposed variation;	that there is no requirement for a pre-application EIA Screening Request or provision of further environmental information given that the variation application maintains consistency (or even a slight reduction to) the scale of built form and associated emissions previously assessed and approved for the development. DOCUMENT 3 (Proposed Consultee Schedule) sets out the statutory consultees which will be consulted once the variation application is submitted.
(c)	Include –	
	A draft of the variations which the applicant proposes should be made to the relevant Section 36 consent; and	DOCUMENT 7 (Proposed Changes to the Existing Consent (Tracked Changes Version)) and DOCUMENT 8 (Proposed Changes to the Existing Consent (Clean Version)) provides the variations which SEEL proposes should be made to the existing consent for Spalding Energy Expansion.  DOCUMENT 9 (Draft Explanatory Memorandum) explains the variations which SEEL proposes should be made to the Existing Consent.
	Copies of any maps or plans not referred to in the relevant Section 36 consent but which the applicant proposes that the relevant Section 36 consent should refer to after it is varied.	DOCUMENT 4 (Location Plan) presents the location of Spalding Energy Expansion within the surrounding areas, and DOCUMENT 5 (Application Site Plan) is the original site plan referred to in the existing consent which identifies the area of land (outlined in red) within which Spalding Energy Expansion was authorised to be operated (no change proposed).
(d)	If the application relates to an offshore generating station, identify which of the bodies referred to in paragraph (b) of the definition of “relevant planning authority” in Regulation 2(1) are, in the applicant’s opinion, likely to have an interest in the variation application.	Not relevant. Spalding Energy Expansion is not an offshore generating station.
(2)	A variation application must include particulars of –	
(a)	The relevant Section 36 consent, and, if that consent was not granted to the	On 11 <sup>th</sup> November 2010, the original consent was granted for Spalding Energy Expansion Limited under

	applicant, how the applicant has the benefit of that consent;	<p>Section 36 of the Electricity Act 1989. The original consent was accompanied by a direction that planning permission be deemed to be granted under Section 90 of the Town and Country Planning Act 1990. Together these are referred to as the 'Original Consent Application'.</p> <p>A variation to the Original Consent Application was granted under the Act on 30<sup>th</sup> October 2015 and a direct that the conditions of the 2010 Deemed Planning Permission be varied was made ('the Varied Consent and 2015 Deemed Planning Permission').</p> <p>Subsequently, a further variation application was made in August 2017. The 2017 Variation Application was approved on 31<sup>st</sup> January 2018 ('the 2017 Variation Application'). A non-material amendment application to the conditions was approved on 3<sup>rd</sup> September 2021. Together these form the existing consent for Spalding Energy Expansion.</p> <p>DOCUMENT 6 (The Existing Consent) provides the existing consent for Spalding Energy Expansion.</p>
(b)	Where the appropriate authority is the Secretary of State, any Section 90 direction given on granting the relevant Section 36 consent;	<p>A variation application was made in August 2017. The 2017 Variation Application was approved on 31<sup>st</sup> January 2018 ('the 2017 Variation Application'). A non-material amendment application to the conditions was approved on 3<sup>rd</sup> September 2021. Together these form the existing consent for Spalding Energy Expansion.</p>
(c)	Any permit, licence, consent or other authorisation (other than the relevant Section 36 consent) given in connection with the construction or operation of the proposed development (a "relevant authorisation"), including any variation or replacement of a relevant authorisation; and	<p>The Variation Application is accompanied by:</p> <ul style="list-style-type: none"> <li>- Pipeline Consent 2010</li> <li>- Environmental Permit 2018</li> <li>- SEPL Generation Licence 2021</li> <li>- SEEL Generation Licence 2012</li> <li>- Gas Network Exit Agreement 2019</li> <li>- SEEL Electrical Connection Agreement for 400kV Substation, including:</li> </ul>

		<ul style="list-style-type: none"> <li>○ Original Bilateral Connection Agreement (2008)</li> <li>○ Agreement to Vary Bilateral Connection Agreement (2022)</li> </ul>
(d)	Any application that has been made for a relevant authorisation or variation of a relevant authorisation.	Not relevant. At this time, no such applications have been made.
(3)	Where the appropriate authority is the Secretary of State and the applicant requests the Secretary of State to make a Section 90 direction on varying the relevant Section 36 consent, the application must –	
(a)	Identify the Section 90 development in respect of which that request is made and describe in location by reference to a map;	<p>The Proposed Development relates to the way in which the Spalding Energy Expansion is authorised to operate, to facilitate the operation of the extant OCGT unit and/or CCGT.</p> <p>DOCUMENT 1 (Variation Application Covering Letter) notes that the location of Spalding Energy Expansion is at Spalding Power Station, West Marsh Road, Spalding.</p> <p>DOCUMENT 4 (Location Plan) presents the location of Spalding Energy Expansion within the surrounding areas, and DOCUMENT 5 (Application Site Plan) is the original site plan referred to in the existing consent which identifies the area of land (outlined in red) within which Spalding Energy Expansion was authorised to be operated (no change proposed).</p>
(b)	State –	
	Why it is proposed that the direction should be made; and	<p>SEEL is seeking to regularise the S36 Consent to allow the flexibility to construct and operate an OCGT unit and/or a CCGT unit.</p> <p>The wording of the 2017 consent previously provided flexibility to allow 'either' 'or' forms of development. The proposed variation seeks to reintroduce this optionality or flexibility, namely to allow the construction and operation of either an OCGT and/or a CCGT unit.</p>

		<p>The rationale for the above change is that SEEL wish to have the ability to choose to either deploy the 645MW CCGT, or the 2023 BESS Planning Consent, on the land adjoining the extant OCGT.</p> <p>Consequential on this, due to the provisions of the Infrastructure Planning (Electricity Storage Facilities) Order 2020 we are removing the 175MW BESS as we are of the opinion that a variation consent would not be granted if it contains a BESS.</p> <p>The variation application also necessarily seeks amendments to conditions to reflect the BESS elements have been removed and to allow for certain further changes to Deemed Planning Permission conditions, or matters controlled by those conditions, to be agreed with the local planning authority and to reflect other changes in circumstances since the consent was granted in 2018.</p> <p>The Proposed Development also seeks to delete Condition 3 'Time Limits' to reflect the commencement of the development in compliance with the time limit of 31 October 2021. Commencement of the Development in compliance Condition 3 has been achieved with the construction and operation of the OCGT on 1 July 2019.</p>
	What account has been taken of views expressed by persons who have been consulted by the applicant about the proposed direction; and	<p>DOCUMENT 10 (Letter confirming no EIA Screening) accompanies the variation application and confirms that there is no requirement for a pre-application EIA Screening Request or provision of further environmental information given that the variation application maintains consistency (or even a slight reduction to) the scale of built form and associated emissions previously assessed and approved for the development.</p> <p>DOCUMENT 3 (Proposed Consultee Schedule) sets out the statutory consultees which will be consulted once the variation application is submitted.</p>
(c)	Include –	
	i) A draft of the proposed direction; and	DOCUMENT 7 (Proposed Changes to the Existing Consent (Tracked Changes Version)) and DOCUMENT 8 (Proposed Changes to the Existing Consent (Clean Version)) provides the variations which SEEL proposes

		<p>should be made to the existing consent for Spalding Energy Expansion.</p> <p>DOCUMENT 9 (Draft Explanatory Memorandum) explains the variations which SEEL proposes should be made to the Existing Consent.</p>
	<p>ii) Copies of any maps or plans to which it is proposed that the Section 90 direction should refer which are not</p> <p>(aa) referred to in the relevant Section 36 consent or any Section 90 direction given on granting the relevant Section 36 consent; or</p> <p>(bb) included in the application in accordance with paragraph (1)(d)(ii).</p>	<p>DOCUMENT 4 (Location Plan) presents the location of Spalding Energy Expansion within the surrounding areas, and DOCUMENT 5 (Application Site Plan) is the original site plan referred to in the existing consent which identifies the area of land (outlined in red) within which Spalding Energy Expansion was authorised to be operated (no change proposed).</p> <p>DOCUMENT 8 (Proposed Changes to the Existing Consent (Clean Version)) provides the variations which SEEL proposes should be made to after the consent is varied.</p>
(4)	<p>If, under the EIA Regulations as modified by Regulation 7, an environmental statement has been prepared, or is required to be prepared, in relation to the proposed development, the environmental statement must accompany the application.</p>	<p>Provision revoked by paragraph 6(2) of Schedule 5 of the EIA Regulations.</p>