

## CONSENTS SUMMARY SHEET

- TITLE Section 36
- AUTHORISATION Permission to Construct & Operate Power Station
- BODY GRANTING DTI
- DATE OF ISSUE 4 April 2001
- REFERENCE NUMBER AAH/1/42
- CONTENTS 7 Pages in Drawings



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Yr ref: GYPL/GEN/L/1244  
Our ref: AAH/1/42

4 April 2001

Dear Sir

**SUBJECT REVISED 400 MW  
CONSENT**

ELECTRICITY ACT 1989 ("the Act")  
TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION FOR CONSENT TO CONSTRUCT AND OPERATE A  
COMBINED CYCLE GAS TURBINE GENERATING STATION AT SOUTH  
DENES, NORFOLK

I. THE APPLICATION

1.1 I am directed by the Secretary of State for Trade and Industry ("the Secretary of State") to refer to the application dated 22 September 2000 ("the Application") on behalf of Great Yarmouth Power Ltd ("the Company"), for both the consent of the Secretary of State under section 36 of the Act ("section 36 consent") to the extension of the South Denes combined cycle gas turbine generating station by increasing its capacity from about 350 MW to about 400 MW ("the Extension"), and his direction under 90(2) of the Town and Country Planning Act 1990 ("section 90 direction") that planning permission for the Extension be deemed to be granted.

1.2 In accordance with the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 (the 2000 Regulations) the Company also submitted on 22 September 2000 and 20 October 2000 documentation describing the environmental impact of the Extension. The documentation is hereafter referred to in this letter as the "Environmental Statement".

1.3 Neither the Great Yarmouth Borough Council and the Norfolk County Council ("the relevant planning authorities") objected to the Application

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

2.1 As stated in paragraph 1.3 above, neither of the relevant planning authorities objected to the Application, and the Secretary of State is not therefore obliged under paragraph 2(2) of Schedule 8 to the Act to cause a public inquiry to be held.

2.2 Paragraph 3(2) of Schedule 8 to the Act, however, requires the Secretary of State to consider all objections that he has received pursuant to the Electricity (Applications for Consent) Regulations 1990 (made under paragraph 3(1) of Schedule 8), ("the Applications Regulations"), together with all other material considerations, in order to determine whether it would nevertheless be appropriate to hold a public inquiry.

2.3 The Secretary of State received no objections under the Applications Regulations.

### Conclusion

2.4 The Secretary of State has carefully considered the views of the relevant planning authorities and all other material considerations. He takes the view that it would not be appropriate to cause a public inquiry to be held into the Application.

## III. SECRETARY OF STATE'S CONSIDERATION OF POSSIBLE EFFECTS ON A EUROPEAN SITE

3.1 The Conservation (Natural Habitats, &c) Regulations 1994 ("the 1994 Regulations") require the Secretary of State to consider whether the Extension would be likely to have a significant effect on a European Site, as defined in the 1994 Regulations.

3.2 The Secretary of State notes that there are European Sites within 5 km of the site of the Extension. He has been informed by English Nature that, provided that conditions are included in any authorisation given by the Environment Agency, the integrity of the European Sites will be protected. The Secretary of State does not therefore believe that the Extension is likely to have a significant adverse effect on a European Site. He considers, therefore, that no assessment pursuant to the 1994 Regulations is necessary and finds no reason for refusing section 36 consent on the grounds of adverse effects on the integrity of a European Site.

#### IV. SECRETARY OF STATE'S CONSIDERATION OF THE ENVIRONMENTAL INFORMATION

4.1 The Secretary of State is satisfied that the Environmental Statement is sufficient to allow him to make a determination on the Application.

4.2 The 2000 Regulations prohibit the Secretary of State from granting section 36 consent unless he has first taken into consideration the environmental information, as defined in those Regulations.

4.3 The Secretary of State has considered the environmental information carefully; in addition to the Environmental Statement, he has considered the comments made by the relevant planning authorities, those designated as statutory consultees under regulation 6 of the 2000 Regulations and others.

4.4 Taking account the extent to which any adverse environmental effects will be modified and mitigated by measures the Company has agreed to take or will be required to take by regulatory authorities, including the Environment Agency, the Secretary of State believes that any remaining adverse environmental effects will not be such that it would be appropriate to refuse section 36 consent for the Extension.

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

5.1 The Secretary of State, having had regard to the matters specified in paragraph 1(2) of Schedule 9 to the 1989 Act, has carefully considered the views of the relevant planning authorities, the environmental information and all other relevant matters, and has decided to grant consent for the Extension pursuant to

section 36, subject to: (i) a condition that the Development shall be in accordance with the particulars submitted, and (ii) a condition as to time within which the Development must commence.

5.2 The Secretary of State has also decided to issue a section 90 direction that planning permission be deemed to be granted.

5.3 I accordingly enclose the Secretary of State's consent under section 36 of the Electricity Act 1989 and a direction under section 90 of the Town and Country Planning Act 1990.

Yours faithfully

A handwritten signature in black ink, appearing to read 'ND Peace'.

NIGEL PEACE  
Director  
Energy Regulation

DEPARTMENT OF TRADE AND INDUSTRY  
ELECTRICITY ACT 1989  
TOWN AND COUNTRY PLANNING ACT 1990  
CONSTRUCTION AND OPERATION OF A GENERATING STATION AT  
SOUTH DENES, NORFOLK

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for Trade and Industry ("the Secretary of State") hereby consents to the extension by Great Yarmouth Power Limited ("the Company"), on the area of land coloured black on Figure 1, annexed hereto and duly endorsed on behalf of the Secretary of State, of the South Denes combined cycle gas turbine generating station ("the Station") in the County of Norfolk by an increase in capacity from about 350 MW to about 400 MW ("the Extended Station") and to the operation of the Station as extended.

2. Subject to paragraph 3(1), the Extended Station shall be of about 400 MW capacity and comprise:

- (a) one or more gas turbines and heat recovery steam generators;
- (b) one or more steam turbines;
- (c) ancillary plant and equipment; and
- (d) the necessary buildings (including administration offices) and civil engineering works.

3. This consent is granted subject to the following conditions:

- (1) Except where the written permission of the Secretary of State has been given to any variation in design, construction or operation of the Extended Station, the Extended Station shall be constructed and operated in accordance with the details contained in the Company's application of 22 September 2000.
- (2) The commencement of the operation of the Extended Station shall not be later than five years from

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

4. The Secretary of State in exercise of the powers conferred on him by section 90(2) of the Town and Country Planning Act 1990 hereby directs that planning permission for the Extended Station be deemed to be granted.



Date: 4 April 2001

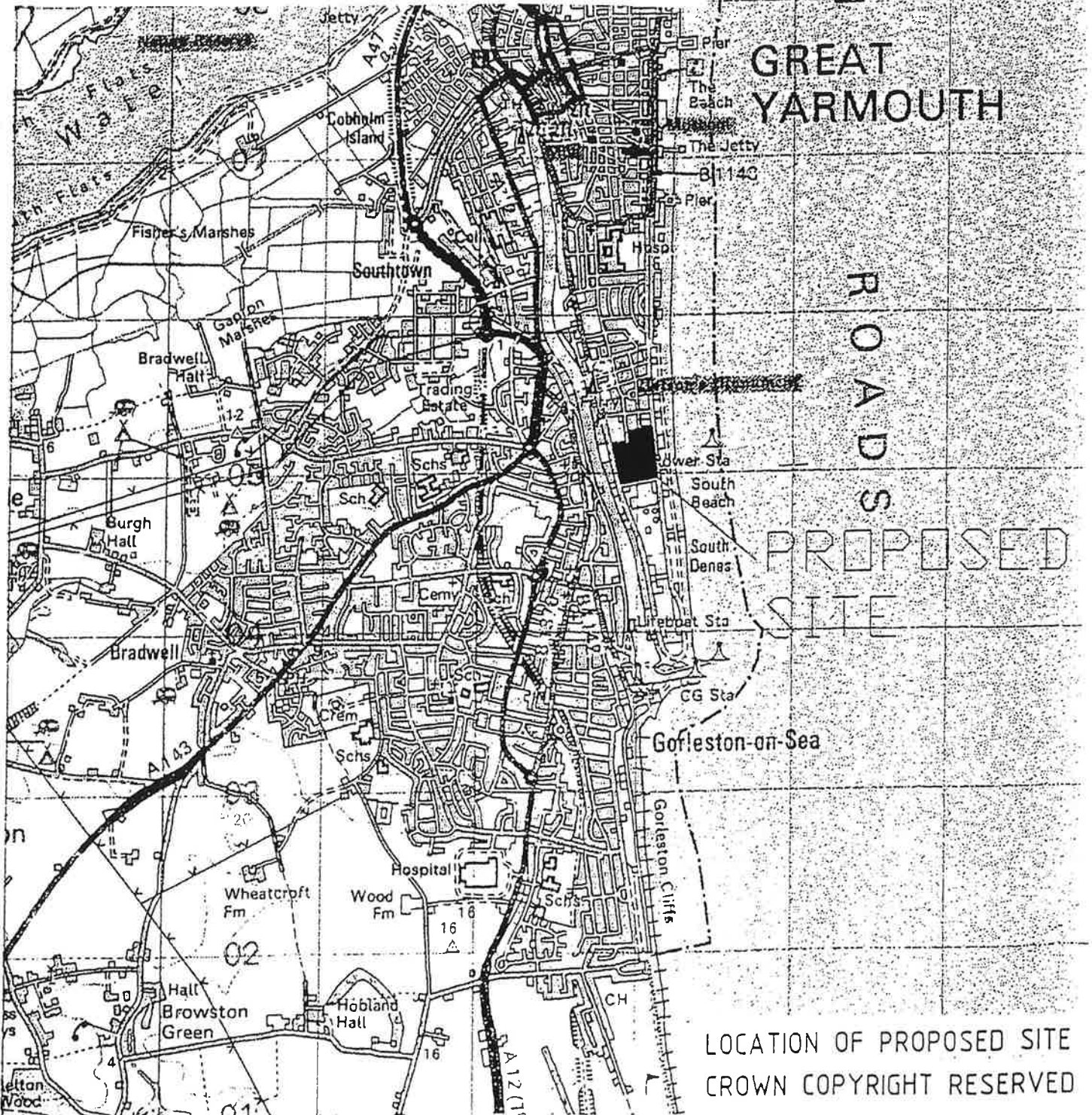
Nigel Peace  
Director  
Energy Regulation  
Department of Trade and Industry

Electricity Act 1989  
Town and Country Planning Act 1990

FIGURE 1

Certified to be Figure 1 referred to in the consent dated 4 April 2001 given by the Secretary of State for Trade and Industry to Great Yarmouth Power Limited for the extension of the South Denes gas turbine generating station in the County of Norfolk.

Signed:   
Department of Trade and Industry



LOCATION OF PROPOSED SITE  
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