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Yr ref: JHEB/pt/3.8.1.1

25 March 1993

Dear Sir

ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION FOR CONSENT TO CONSTRUCT AND OPERATE AN OPEN
CYCLE GAS TURBINE GENERATING STATION IN THE DISTRICT OF
RYEDALE, NORTH YORKSHIRE

I. THE APPLICATION

1.1 I am directed by the Secretary of State to refer to the application (the Application) dated 14 November 1990 by Kelt UK Ltd (the Company) for the consent of the Secretary of State under section 36 of the Electricity Act 1989 (section 36 consent) to construct and operate an open cycle gas turbine generating station of about 50 - 60 MW in the District of Ryedale in the County of North Yorkshire (the Development), and for a direction under section 90(2) of the Town and Country Planning Act 1990 (section 90 direction) that planning permission for the Development be deemed to be granted.

II. PUBLIC INQUIRY

2.1 Following an objection to the Application from one of the relevant planning authorities, the Ryedale District Council, the Secretary of State was obliged to cause a public inquiry into the Application to be held under Schedule 8 to the Electricity Act 1989. On 13 September 1991 he appointed [REDACTED] BA, CEng MICE MIHT MIWEM and [REDACTED] MSc PhD CEng FIEE (the Inspectors) to preside over the inquiry. The inquiry was governed by the Electricity Generating Stations and Overhead Lines

(Inquiries Procedure) Rules 1990 (the Inquiries Procedure Rules).

2.2 The public inquiry was held at the Orangery, Settrington, Malton, North Yorkshire from 28 January - 12 February 1992. The Inspectors submitted their Report of the inquiry, a copy of which is attached, to the Secretary of State on 18 June 1992.

2.3 The Secretary of State accepts the Inspectors' findings of fact and agrees with their conclusions and recommendations subject to the comments he makes below in section IV.

III. AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990

3.1 The Secretary of State agrees with the Inspectors' conclusion that an agreement under section 106 of the Town and Country Planning Act 1990 (the section 106 agreement) would be a prerequisite to the acceptability of the Development. The agreement was signed and sealed on 22 April 1992.

IV. PLANNING CONDITIONS

4.1 The Secretary of State agrees with the Inspectors' recommendation that the Planning Conditions agreed at the Inquiry together with the modifications to Conditions 1, 9 and 31 should be attached to any direction he may give that planning permission for the Development be deemed to be granted. He is of the opinion, however, that Conditions 2 and 7 should be retained. Condition 2 makes it clear to what the permission relates while Condition 7 enables subsequent variations to a scheme to be agreed in writing with the District Council.

V. SECRETARY OF STATE'S CONSIDERATION OF OTHER OBJECTIONS RECEIVED

5.1 The Secretary of State received objections to the Application from over 800 individuals and organisations. The Secretary of State has considered these objections carefully and is of the opinion that all the matters raised were considered at the Public Inquiry and taken into account by the Inspectors in their Report.

VI. SECRETARY OF STATE'S CONSIDERATION OF THE ENVIRONMENTAL EFFECTS

6.1 In accordance with the Electricity and Pipe-line Works (Assessment of Environmental Effects) Regulations 1990 (the 1990 Regulations) the Company also submitted to the Secretary of State on 14 November 1990 three documents, entitled "Environmental Statement", "Site Selection Study" and "Supporting Documentation to the Proposals" describing the Development and giving an analysis of its environmental

implications. These three documents are hereafter referred to as the "Environmental Statement".

6.2 The 1990 Regulations prohibit the Secretary of State from granting section 36 consent unless he has first taken the environmental information, as defined in those Regulations, into consideration.

6.3 The Secretary of State has carefully considered the environmental information; as well as the Environmental Statement he has considered further information provided to and comments made at the Inquiry, and the comments of the relevant planning authorities, Her Majesty's Inspectorate of Pollution (HMIP), the Countryside Commission, English Nature and the National Rivers Authority (the NRA) and the conclusion of the Inspectors of the environmental impact.

6.4 Taking account of the way in which the environmental effects of the Development will be modified and mitigated by measures which the Company has undertaken to take or will be required to take under the Planning Conditions, the section 106 Agreement or by regulatory authorities, including HMIP and the NRA, the Secretary of State believes that the environmental effects will not be such that it would be appropriate for him to refuse section 36 consent for the Development.

VII. DEVELOPMENTS SINCE THE INQUIRY CLOSED

7.1 The Inspectors closed the Inquiries on 12 February 1992 and have reported on the basis of the evidence they received before that date. The Secretary of State has to consider whether anything material has occurred since that date which is material to any decision he may make on granting section 36 consent.

7.2 The Inspectors concluded that the use of gas for power generation was in line with Government policy. The Government has reviewed its policy on power station consents in the light of its proposals for assistance for the coal industry set out in paragraphs 13.10 to 13.14 of the White Paper entitled "The Prospects for Coal: Conclusions of the Government's Coal Review" issued today. The Government's policy on section 36 consents is set out in paragraphs 13.34 to 13.36 of the White Paper which reaffirms that the choice of fuel is for the commercial decision of the applicant.

VIII. SECRETARY OF STATE'S DECISION ON THE APPLICATION

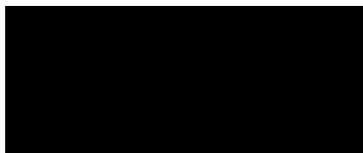
8.1 The Secretary of State, having carefully considered the Inspector's Report, the views of the relevant planning authorities, the objections received, other representations made to him by various bodies, the environmental information and all other relevant matters has decided to grant section 36 consent to the Application subject to a condition that the Development be in accordance with the particulars

submitted unless otherwise agreed, and to a condition concerning the time limit for the start of the Development.

8.2 The Secretary of State believes that the Planning Conditions and the section 106 Agreement form a sufficient basis on which the Development might proceed. He has therefore decided to give a section 90 direction that planning permission for the Development be deemed to be granted subject to the Planning Conditions.

8.3 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



An Assistant Secretary
Department of Trade and Industry

DEPARTMENT OF TRADE AND INDUSTRY
ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING ACT 1990
KELT UK LTD
CONSTRUCTION AND OPERATION OF A GENERATING STATION AT
RYEDALE IN THE COUNTY OF NORTH YORKSHIRE

1. In pursuance of section 36 of the Electricity Act 1989 the Secretary of State for Trade and Industry (the Secretary of State) hereby consents to the construction by Kelt UK Ltd (the Company), on the area of land hatched red on Drawing Number BNY 13, annexed hereto and duly endorsed on behalf of the Secretary of State, of an open cycle gas turbine generating station at Ryedale in the County of North Yorkshire (the Development), and to the operation of that generating station.
2. The Development shall comprise:-
 - (a) one open cycle gas turbine generating station of about 50 - 60 MW consisting of two industrial gas turbines each with an associated exhaust stack;
 - (b) ancillary plant and equipment; and
 - (c) the necessary buildings (including administration offices) and civil engineering works.
3. This consent is granted subject to the following conditions:
 - (1) Except where the prior written agreement of the Secretary of State has been given to any variation in design, construction or operation of the Development, the Development shall not be constructed or operated otherwise than in accordance with the technical and other particulars contained in the Company's application of 14 November 1990.
 - (2) Except where the written agreement of the Secretary of State has otherwise been given the construction of the Development shall be begun before the expiry of two years from the date of this consent.
4. The Secretary of State in exercise of the powers conferred by section 90(2) of the Town and Country Planning Act 1990 (the 1990 Act) hereby directs that planning permission for the Development be deemed to be granted subject to the following conditions:
 - (1) In these conditions, unless the context otherwise requires -

PG.1.

"Bank Holiday" means a day which is or is to be observed as a Bank Holiday or a holiday under the Banking and Financial Dealings Act 1971;

"the commencement of the Development" means the date on which the Development shall be taken to be begun within the meaning of section 56 of the Town and Country Planning Act 1990;

"the commissioning of the Development" means the date on which the Development first supplies electricity to the transmission system of the National Grid Company or direct to one of the Company's customers;

"the Company" means Kelt UK Limited and shall include its successors in title and assigns;

"the County Council" means the North Yorkshire County Council and shall include its successors in title and assigns;

"the Development" means the open cycle gas turbine generating station proposed to be constructed and operated by the Company at the Claypit Plantation Site in Ryedale in the County of North Yorkshire;

"the District Council" means the Ryedale District Council and shall include its successors in title and assigns;

"emergency" means the circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property;

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

"owned land" means all that land owned by the Company and shown edged red on Plan A, annexed hereto;

"the Site" means the area of land hatched red on Drawing Number BNY 13; and

"the well-site KM3" means the liquids injection well KM3 located adjacent to the production well KM1 on Drawing Number A2.1, annexed hereto.

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

Reason: To ensure that no works take place beyond the boundary of the Site.

Time Limits

PG (3) The commencement of the Development shall be

before the expiry of two years from the date of this permission.

- PG(4) The use of the Site for the purposes authorised by this permission shall be discontinued after the expiry of fifteen years from the date of this permission, unless otherwise agreed in writing by the District Council.

Reason: to comply with the requirements of section 91 of the 1990 Act.

Layout and Design

- PG (5) No development shall take place until there have been submitted to and approved in writing by the District Council full details of ground levels of all major permanent buildings and structures together with cross-sections through the Site showing existing and proposed ground levels. The construction of the Development shall be carried out in accordance with the details of ground levels so approved subject to any subsequent variations agreed in writing by the District Council.
- PG (6) No development shall take place until there has been submitted to and approved in writing by the District Council a scheme which shall indicate:
- i) the siting, design, external appearance and dimensions of all buildings and structures comprising the Development;
 - ii) the siting, design, external appearance and dimensions of all temporary buildings and structures to be erected and used during the period of construction of the Development; and
 - iii) details of colour, materials and surface finishes in respect of those buildings and structures referred to in i) and ii) above.
- PG (7) The Development shall proceed only in accordance with the scheme approved under Condition (6) subject to any subsequent variations to the scheme as may be agreed in writing with the District Council.
- PG (8) No development shall take place until there have been submitted to and approved in writing by the District Council details of security fencing and gates to be erected on the Site. No security fencing or gates shall be erected except in accordance with such approved details.
- PG (9) No work associated with the Development shall take place until:

- i) there have been submitted to and approved in writing by the County Council details of all access works within 30 metres of the eastern edge of the carriageway of the B1258; and
- ii) there has been submitted to and approved in writing by the District Council a scheme for the construction of a new access road including construction material to the Site from the Snainton/Knapton Road (B1258).

Such new access road shall be constructed prior to the commencement of the main Development.

- PG (10) Except in an emergency, all vehicles entering or leaving the Site shall do so via the new access road.
- PG (11) The commissioning of the Development shall not take place until there has been submitted to and approved in writing by the District Council a scheme for the movement of vehicles within the Site. The submitted scheme shall show provision within the Site for the parking, loading, off-loading and manoeuvring of vehicles.
- PG (12) The buildings and structures of the Development shall not exceed a height of 15 metres above those ground levels approved pursuant to Condition (5) unless otherwise agreed in writing by the District Council.
- PG (13) Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) no land outside the Site shall be utilised for temporary buildings, structures, works, plant or machinery unless planning permission has been obtained. In particular no living accommodation shall be established on the Site or any adjoining land.
- PG (14) Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) no building or structures greater than 4 metres in height other than those approved under Condition (6) shall be constructed on the Site unless planning permission has been obtained.

Reason: To enable reasonable and proper control to be exercised over aspects of the details of the Development.

Land Restoration and Landscaping

- PG (15) No development shall take place until there has been submitted to and approved in writing by the

District Council a detailed scheme of soil stripping and storage.

- PG (16) The scheme of soil stripping and storage referred to in Condition (15) shall include:
- i) the depths and volumes of soil and subsoil to be stripped;
 - ii) the areas, contours and gradients of storage of the soil and subsoil stripped in accordance with (i) above; and
 - iii) a programme of operations, which shall provide that soils may only be moved during the months May to October inclusive.
- PG (17) No soil or subsoil shall be stripped or stored except in dry conditions and in accordance with the scheme referred to in Condition (15) unless otherwise agreed in writing by the District Council.
- PG (18) No soil or subsoil may be moved while wet or plastic unless otherwise agreed in writing by the District Council.
- PG (19) All soil and subsoils stripped and stored in accordance with the scheme referred to in Condition (15) shall be used for restoration works on the Site or such other land as shall have received the prior written approval of the District Council and no soil or subsoils shall otherwise be removed from the Site.
- PG (20) No development shall take place until there has been submitted to and approved in writing by the District Council a scheme of landscaping for the Site. Such scheme shall give details of:
- i) trees and shrubs to be planted including their number, size and species;
 - ii) a programme of site preparation, planting, maintenance and management;
 - iii) fencing and hedge planting;
 - iv) arrangements for the protection of existing trees and hedges; and
 - v) management of existing woodland.
- PG (21) The scheme approved under Condition (20) shall be implemented such that all new planting is undertaken during the first planting season following commencement of the Development and thereafter maintenance and management shall be implemented in accordance with the programme

contained in that scheme. 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 similar size and species, unless the District Council give written consent to any variation.

Reason: to ensure the proper landscaping of the Site and the use of topsoil and subsoil removed in the restoration of the land after completion of construction of the Development.

Water Run-off

PG (22) No development shall take place until there has been submitted to and approved in writing by the District Council a drainage scheme for controlling the surface water run-off from the Site. Such scheme shall include full details of collection and treatment of all surface water including the design of the interceptors to be used together with details of surface water discharges and the methods of disposal of any contaminated water. Drainage from the Site shall be undertaken in accordance with the approved scheme.

PG (23) All facilities associated with the Development required for the storage of oils, fuels or chemicals shall be individually contained, sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compounds shall be at least equivalent to the capacity of the largest tank in each bund, plus 10%. All inlet, outlet and vent pipes and gauges shall be located within the bund and there shall be no uncontrolled discharge through the bund floor or walls. Any contaminated water or materials shall be disposed of in a manner satisfactory to the District Council.

Reason: to reduce the adverse effects of contaminated liquids.

Archaeology

PG (24) No development shall take place until

- i) a scheme of archaeological investigation has been submitted to and approved in writing by the County Council; and

- ii) a programme of archaeological work has been implemented in accordance with that scheme.

PG (25) The Company shall afford safe and reasonable access to any person nominated by the County Council to observe the excavations associated with the programme of work referred to in Condition

(24) and to record any items of archaeological interest which may be uncovered during such excavations.

- PG (26) If the excavations referred to in Condition (25) result, in the opinion of the County Council, in archaeological findings of national or local importance, the Company shall carry out such further work as is considered necessary by the County Council to investigate, record, recover and publish such findings prior to the commencement of the Development.

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

Lighting

- PG (27) No work associated with the Development shall be undertaken until there has been submitted to and approved in writing by the District Council a scheme for artificial lighting for the Site. Such approved scheme shall include details of location, height, type, orientation and intensity of the lighting. Thereafter no external lighting shall be installed except in accordance with the approved details.

Reason: To ensure that a final lighting scheme for the Site, in operational mode, which avoids the adverse environmental effects of site lighting, is agreed before construction works begin, and that the Site remains properly lit.

Construction Works and Noise

- PG (28) No work associated with the construction of the Development shall take place on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday	0700 - 1900 hours
Saturday	0700 - 1300 hours

unless associated with an emergency or with the prior written approval of the District Council.

- PG (29) No vehicle in excess of 1.5 tonnes unladen weight shall enter or leave the Site on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday	0700 - 1900 hours
Saturday	0700 - 1300 hours

unless associated with an emergency or with the prior written approval of the District Council.

PG (30) The noise generated during the construction of the Development shall be monitored by the Company in accordance with a programme to be agreed in writing with the District Council prior to the commencement of the Development. The programme shall specify the measuring places from which noise shall be monitored, the method of noise measurement and the maximum permissible levels of noise at each such measuring place. The programme shall make provision for noise measurements to be taken by the Company as soon as possible following requests by the District Council and such measurements shall be given to the District Council as soon as they are available. At such measuring places noise levels shall not exceed the levels specified in the agreed programme, except in an emergency.

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

Noise during Operation

PG (31) Except in an emergency and upon the routine replenishment of the Sulfacheck agent, noise levels generated by the operation of the Development shall not exceed the following criteria:

35 dB(A) Leq (60 minutes) between 0700 and 1900 hours; and

33 dB(A) Leq (5 minutes) between 1900 and 0700 hours

when measured 12 metres in front of the facade of the dwelling-house nearest to the Site.

PG (32) Apart from the small quantities required during the normal operation of the Development, gas shall not be flared through the incinerator except at start up and shut down and in an emergency.

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

Disposal of Waste

PG (33) No waste shall be removed from the Site except

i) by underground pipeline for reinjection to the well-site KM3; or

ii) by covered vehicle or road tanker to

a) permitted disposal facilities, or

b) treatment works, or

c) septic tank.

Reason: To ensure that all waste produced by the construction and operation of the Development is disposed of in a manner which minimises effect on the environment.

Return of the Site to its former use

PG (34) Unless otherwise agreed in writing by the District Council, the restoration of the Site to agricultural use and/or woodland shall be undertaken and completed not later than whichever is the sooner of the following dates:-

- i) the expiration of fifteen years from the date of this permission; or
- ii) the expiration of 18 months from the date of the cessation of electricity generation.

Such restoration work shall be undertaken in accordance with a detailed scheme submitted to and approved in writing by the District Council.

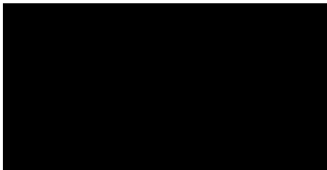
Reason: To ensure the satisfactory return of the Site to its former use after the cessation of electricity generation.

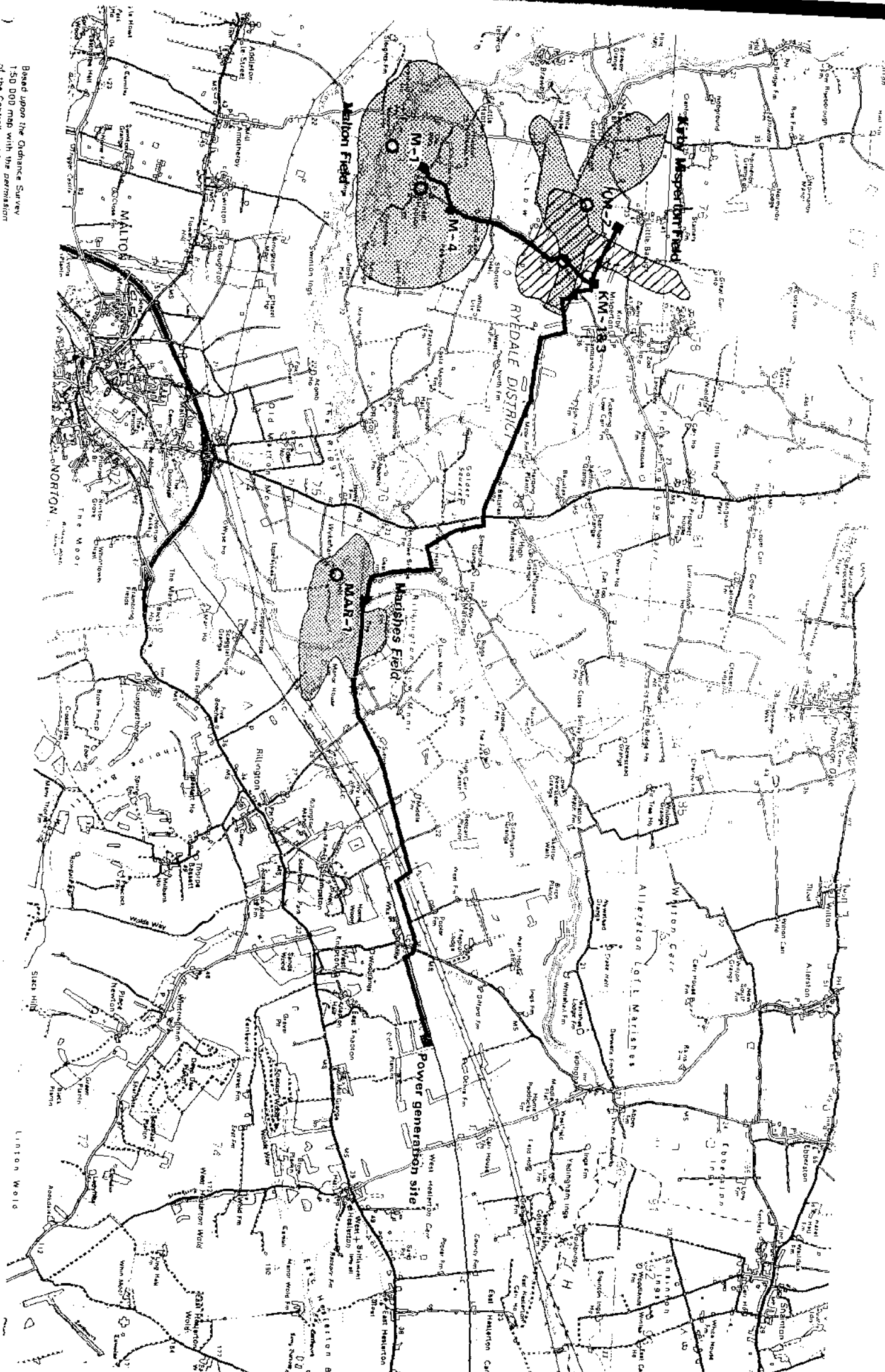
Default of Agreement

PG (35) Where any matter is required to be agreed by the District Council or County Council under any of the foregoing Conditions that matter shall in default of agreement be determined by the Secretary of State for Trade and Industry.

Dated:

25 March 1993


An Assistant Secretary
Department of Trade and Industry



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 Stationery Office
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Location of Gas Accumulations

