

**South Hook CHP Plant
Herbrandston, Pembrokeshire**

Explanatory Memorandum

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms & Procedure)
Regulations 2009

Regulation 5(2)(c)



May 2013

Applicant: QPI Global Ventures Limited

South Hook CHP Plant

Explanatory Memorandum

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Simmons & Simmons

Simmons & Simmons LLP CityPoint One Ropemaker Street London EC2Y 9SS United Kingdom
T +44 20 7628 2020 F +44 20 7628 2070 DX Box No 12

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1. Introduction

- 1.1 This memorandum accompanies an application for development consent (the Application) by QPI Global Ventures Limited (the Applicant). The memorandum explains the purpose and effect of each article of, and Schedule to, the draft Proposed South Hook CHP Plant Order (the Order) and any divergences from the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 (the Model Clauses), as required by Regulation 5(2)(c) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.
- 1.2 The Order is based on the Model Clauses as well as on model provisions provided by the Department of Energy and Climate Change in respect of carbon capture readiness. It occasionally departs from the Model Clauses and draws from and reflects the drafting used in other orders determined under the Planning Act 2008 as amended (the 2008 Act) and power stations consents granted under section 36 of the Electricity Act 1989 as amended (the Electricity Act) where appropriate.

2. The Purpose of the Order

- 2.1 The Applicant has made an application to the Secretary of State for a development consent order to construct and operate a combined heat and power plant (the CHP Plant) to be co-located with the existing South Hook LNG Terminal (the LNG Terminal) situated near Herbrandston, in the county of Pembrokeshire, Wales. The CHP Plant will have an installed capacity of up to 500MWe – sufficient to meet the LNG Terminal's power needs and to allow the export of surplus power. Heat which results from power generation will be used in the LNG Terminal to vaporise liquefied natural gas.
- 2.2 This Order is for the construction and operation of the CHP Plant only (the Project). The grid connection to connect the CHP Plant to the national electricity transmission or distribution system will be the subject of a separate consenting process which will be dependent upon which of the possible connection routes is taken forward.
- 2.3 The Order seeks authority for the construction and operation of an electricity generating station (under section 37 of the 2008 Act) on the following grounds:
- 2.4 Pursuant to sections 14(1)(a) and 15(2) of the 2008 Act, a non-offshore generating station in England or Wales having a capacity of more than 50 MWe is a nationally significant infrastructure project (NSIP).
- 2.5 Section 31 of the 2008 Act provides that a development consent order is required under that Act to the extent that a development is or forms part of a NSIP.
- 2.6 As the proposed CHP Plant is a non-offshore generating station with a capacity in excess of 50 MWe it is a NSIP within the definition contained in sections 14 and 15 of the 2008 Act.
- 2.7 It is for these reasons that the Applicant has made the application of which the draft Order forms part. The 2008 Act requires that in order to authorise construction and operation of the CHP Plant an application must be made to the Secretary of State, under section 37 of the 2008 Act.

2.8 A full, technical explanation of the Project is contained in Chapter 4 of Volume 1 of the Environmental Statement (Document 1.3.1) accompanying the Application.

3. Preliminary

3.1 Articles 1 and 2 of the Order contain preliminary provisions.

Article 1	<i>(Citation and commencement)</i> provides for the commencement and citation of the Order.
Article 2	<i>(Interpretation)</i> principally follows the relevant Model Clause and provides for the interpretation of the Order. The definition of “relevant planning authority” is either Pembrokeshire Coast National Park Authority (PCNPA) or Pembrokeshire County Council (PCC) for their respective areas of jurisdiction (and “relevant planning authorities” refers to both PCNPA and PCC together). This is because the LNG Terminal and the development authorised by the Order straddle the jurisdictions of PCNPA and PCC (although the location of the CHP Plant itself is within the Pembrokeshire Coast National Park boundary, some temporary and permanent works will take place within PCC jurisdiction). A definition of “commissioning” (as referred to in Article 14) is provided (the testing of the installed systems and components) and this is also referred to in the requirements.

4. Operative Provisions

4.1 Articles 3 to 16 of the Order contain provisions for and relating to the authorised development and miscellaneous and general provisions. The Schedules contain details of the permanent and temporary works to be authorised by the Order and the requirements to which the development and operation of the CHP Plant will be subject.

Article 3	<i>(Development consent etc. granted by the Order)</i> is based on the relevant Model Clause and grants development consent for the authorised development within the Order limits thereby authorising the construction of the authorised development. The authorised development means the development under sections 14(1)(a) and 15(2) of the 2008 Act. Schedule A describes the authorised development. In identifying the development authorised by this Order, Article 3 also makes provision (not included in the Model Clauses) for the numbered works (specified in Schedule A to the Order) to be constructed within the defined areas shown and identified on works plan (part A) (Document 1.10A) and for the key buildings/ structures which are shown and identified in works plan (part B) to be constructed within the parameters shown on this works plan (Document 1.10B) and the section drawing plan (Document 1.9). As the Applicant has been unable to fix the precise location of the electrical sub-station (as this will depend upon which grid connection option is ultimately chosen) a limits of deviation approach is set out for this building/structure which may be constructed within the blue edged rectangle shown on works plan (part B) and the section drawing plan. The authorised development is also to be carried out in accordance with the requirements set out in Schedule B.
Article 4	<i>(Procedure in relation to certain approvals etc under requirements)</i> is not based on the Model Clauses and is a new provision. It is drafted in relation to the further approvals required by the requirements contained in Schedule B of the Order. The article seeks to replicate the procedure for the discharge of planning conditions contained in section 78 of the Town and Country Planning Act 1990 as amended (the 1990 Act), with particular reference to the ability for the undertaker to appeal against either the refusal or non-determination of any such application for approval. This mechanism is appropriate to deal with the situation where the undertaker is of the view that the approval has been refused unreasonably or that approval has been delayed.
Article 5	<i>(Maintenance of authorised development)</i> is substantially the same as the relevant Model Clause and clarifies that the undertaker is provided

	with the power to carry out works of maintenance to the authorised development.
Article 6	<i>(Operation of generating station)</i> is not taken from the Model Clauses but is inserted pursuant to section 140 of the 2008 Act to authorise the undertaker to operate the authorised development in accordance with the provisions of this Order.
Article 7	<i>(Consent to transfer benefit of Order)</i> is the same as the relevant Model Clause and enables agreements between the undertaker and other persons for the transfer or grant of any or all of the benefit of the provisions of this Order and such related statutory rights as agreed between the undertaker and the other person.
Article 8	<i>(Defence to proceedings in respect of statutory nuisance)</i> is the same as the relevant Model Clause and provides that no one shall be able to bring statutory nuisance proceedings under the Environmental Protection Act 1990 in respect of noise, if the noise is created in the course of carrying out or maintenance of the authorised development and for which notice has been given under section 60 or consent obtained under section 61 or 65 of the Control of Pollution Act 1974 or which cannot reasonably be avoided.
Article 9	<i>(Access to works)</i> is based on the relevant Model Clause and confers powers for the purposes of the authorised development to provide or improve access at locations within the Order limits provided that approval of the relevant planning authority is obtained. Article 9 does not contain the relevant provisions of the Model Clause which enables access for areas outside of the Order limits (as detailed in a schedule to the Order) as such access is not required for the Project.
Article 10	<i>(Discharge of water)</i> is substantially the same as the relevant Model Clause and enables the undertaker to discharge water into any watercourse, public sewer or drain in connection with the construction and maintenance of the authorised development with the approval and supervision (if provided) of the authority to which the watercourse, public sewer or drain belongs (such approval not to be unreasonably withheld) and subject to certain other conditions. The provision has been updated to reflect the introduction of water pollution control under the environmental permitting regime and the creation of Natural Resources Wales (NRW), the successor body to the Environment Agency in Wales.
Article 11	<i>(Authority to survey, investigate and remediate the land)</i> is based on the relevant Model Clause and confers upon the undertaker a power to survey, investigate and/or remediate the land within the Order limits. The right includes an ability to make trial pits or bore holes, to use and leave apparatus on the land in question and to enter the land. This

	<p>article also makes provision in relation to the payment of compensation. The Model Clause has been modified to extend this right to carry out remediation as may be required within the Order Limits in connection with the authorised development but subject to the requirement to approve a scheme with the relevant planning authorities under requirement 9. Similarly, the right to conduct archaeological or ecological investigations is subject to the approval provisions of requirements 10 and 11.</p>
Article 12	<p><i>(Application of landlord and tenant law)</i> is the same as the relevant Model Clause and overrides the application of landlord and tenant law in so far as it may prejudice the operation of any agreement for leasing the whole or part of the authorised development or the right to operate the same and any agreement for the construction, maintenance, use or operation of the authorised development or any part of it entered into by the undertaker.</p>
Article 13	<p><i>(Operational land for the purposes of the 1990 Act)</i> is the same as the relevant Model Clause and provides that for the purposes of section 264(3)(a) of the 1990 Act the development consent granted by the Order shall be treated as specific planning permission. This is required as the undertaker will obtain a generation licence under the Electricity Act and will thus be a statutory undertaker for the purposes of section 262 of the 1990 Act.</p>
Article 14	<p><i>(Carbon Capture Readiness)</i> is not based on the Model Clauses and is a new provision. It is the same as the Model Conditions for Carbon Capture Readiness set out in Annex G to Guidance from the Department of Energy and Climate Change on Carbon Capture Readiness (CCR) dated November 2009. It provides for the undertaker to set aside a designated site as identified in a CCR Feasibility Study and not to dispose of such land until the development is decommissioned or do anything that could diminish its ability to fit carbon capture equipment. The undertaker is required to regularly report on its compliance with these requirements, and is also required to keep its proposals for carbon capture up to date in light of technical developments.</p>
Article 15	<p><i>(Certification of plans etc)</i> is the same as the relevant Model Clause and requires the undertaker to submit copies of the plans and other documents referred to in the Order to the Secretary of State for certification as true copies following the making of the Order.</p>
Article 16	<p><i>(Arbitration)</i> makes provision for differences arising under any provision of the Order, unless otherwise agreed between the parties, to be settled by arbitration.</p>

Schedule A	<i>(Authorised development)</i> specifies the authorised development comprising the scheduled works. It has been split into the permanent works required for the development and operation of the CHP Plant and the temporary works that are required for purposes of construction and commissioning and which will be removed thereafter. Schedule A also makes clear which work areas are solely within the jurisdiction of PCNPA, which are within the jurisdiction of PCC, and which work areas are in the jurisdiction of both relevant planning authorities. Provision for additional works within the Order limits (such as the construction of drainage systems, landscaping and roads) that are required for the construction and operation of the CHP Plant are included at the end of Schedule A.
Schedule B	<i>(Requirements)</i> sets out certain requirements that the undertaker must meet in relation to the construction and operation of the authorised development. These requirements take a similar form to planning conditions. The requirements follow the form of those in the model provisions except where the particular requirements of the authorised development justify an amendment to those provisions, or additional requirements.
Requirement 1	<i>(Interpretation)</i> provides for the interpretation of words and phrases used in Schedule B. It introduces the definition of “permitted preliminary works” which are works which may be undertaken without the need for detailed design approval by the relevant planning authorities. Definitions of “permanent works” and “temporary works” are provided which refer to the listed works contained in Schedule A and which are used in relation to the restoration obligations at requirements 22 and 23.
Requirement 2	<i>(Time limits)</i> specifies the time limit for commencing the authorised development as the standard period of 5 years from the date of the Order, as provided for in Regulation 3 of the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010.
Requirement 3	<i>(Commencement of authorised development)</i> is based upon the Model Clause that covers the requirement to approve the stages of development. The development of this Project is straightforward and is not a staged development. Consequently this requirement has been amended to simply require the undertaker to give notice of the commencement of development.
Requirement 4	<i>(Commencement and completion of commissioning)</i> is, as referred to in relation to requirement 3, for the undertaker to notify the relevant

	planning authorities when commissioning starts and when it is concluded.
Requirement 5	<i>(Detailed design approval)</i> is based upon the relevant Model Clause but does not apply to permitted preliminary works. It provides for the relevant planning authority to approve the design details of the Project and makes reference to the Design Principles Statement (Document 1.22) that contains the maximum parameters for the key buildings and structures such as the main CHP Plant buildings and which sets out the basis of the architectural treatment that will be used to soften the visual impact of the development.
Requirement 6	<i>(Provision, implementation and maintenance of landscaping)</i> is based upon the relevant Model Clause for landscaping and has been combined with the separate Model Clause for the maintenance of landscaping for convenience. It does not apply to permitted preliminary works.
Requirement 7	<i>(Fencing and other means of enclosure)</i> is based upon the relevant Model Clause in requiring permanent fencing and other means of enclosure to be approved before the authorised development is commenced, that construction works shall be securely fenced and that temporary fencing shall be removed after completion of commissioning. Since temporary fencing is included under permitted preliminary works, this requirement has been modified from the relevant Model Clause so that the approval requirement refers solely to permanent fencing, and the approval process defers to the design approval contained in requirement 5 unless otherwise agreed with the relevant planning authorities prior to completion of commissioning. Temporary fencing must be removed within six months of the completion of commissioning.
Requirement 8	<i>(Drainage)</i> is based upon the relevant Model Clause in providing that the authorised development shall not be commenced until details of the surface water, foul water and process waste water drainage systems have been approved by the relevant planning authorities in consultation with NRW and Dwr Cymru (Welsh Water) (who are the relevant sewerage and drainage authorities). The details of these systems shall reflect the drainage design contained in Volume 1 of the Environmental Statement (Document 1.3.1). The process waste water drainage system is specifically referred to as this can be considered to be neither surface water or foul water and it has been the subject of careful design and consultation with NRW with the agreement that the process waste water will be discharged through the existing infrastructure of the LNG Terminal and under the existing applicable consent conditions for the substances identified in the LNG Terminal permit.

Requirement 9	<i>(Contaminated land and groundwater)</i> follows the relevant Model Clause and provides that the authorised development shall not be commenced until approval by the relevant planning authority (after consultation with NRW) of a scheme to deal with the contamination of any land which is likely to cause significant harm to persons or pollution.
Requirement 10	<i>(Archaeology)</i> is based on the relevant Model Clause and provides that a written scheme for an archaeological investigation is required to be approved by the relevant planning authority before the authorised development is commenced. The requirement slightly differs from the Model Clause to only apply this requirement to Work No. 4 (as defined and described in Schedule A) which is the only area identified in Volume 1 of the Environmental Statement (Document 1.3.1) as requiring investigation. The scheme must be implemented as approved and where field works or a watching brief is required then this must be carried out by a suitably qualified and approved person or body.
Requirement 11	<i>(Ecological management plan)</i> follows the relevant Model Clause and provides that a written ecological management plan to reflect the matters and mitigation measures identified in Volume 1 of the Environmental Statement (Document 1.3.1) is required to be approved by the relevant planning authority before the authorised development commences. The requirement slightly differs from the Model Clause at the request of NRW to require prior consultation with NRW prior to submission of the ecological management plan to the relevant planning authorities for approval.
Requirement 12	<i>(Code of Construction Practice)</i> follows the relevant Model Clause and provides that the authorised development shall not commence until approval by the relevant planning authority of a code of construction practice (CCP) which sets out the broad principles that will be adopted for the construction phase of the CHP Plant and which will reflect the draft CCP (Document 1.23) provided with the Application.
Requirement 13	<i>(Construction Environmental Management Plan)</i> is not based on a Model Clause. This requirement to submit for approval and adopt a construction and environmental management plan (CEMP) has been added to reflect best practice and the use of a single integrated CEMP means that individual subject specific requirements are not required in the DCO. The CEMP (which must contain a number of specific matters listed in the requirement) will reflect the draft CEMP provided at Appendix 4.2 of Volume 3 of the Environmental Statement (Document 1.3.3).
Requirement 14	<i>(Construction Traffic Management Plan)</i> is not based on a Model Clause. This requirement to submit for approval and adopt a

	<p>construction traffic management plan (CTMP) has been added to reflect best practice. The CTMP (which must contain a number of specific matters listed in the requirement) will reflect the draft CTMP provided at Appendix E of the Transport Assessment (Document 1.19A).</p>
Requirement 15	<p>(<i>Local Liaison Committee</i>) is not based on a Model Clause. This requirement to set up and support a local liaison committee has been added to reflect best practice. The existing LNG Terminal operates such a committee and the functions of these committees may be combined. The relevant planning authorities, NRW and other groups will be invited to participate.</p>
Requirement 16	<p>(<i>External lighting</i>) follows the relevant Model Clause and provides that the authorised development shall not commence until approval by the relevant planning authorities of the details of external lighting to be used during the construction and operation of the CHP Plant and that the details will reflect the matters and mitigation measures identified in Volume 1 of the Environmental Statement (Document 1.3.1).</p>
Requirement 17	<p>(<i>Construction hours</i>) is based on the relevant Model Clause and provides for construction hours on specified days, excluding Sundays or bank holidays, unless agreed with the relevant planning authority. The requirement slightly differs from the Model Clause to clarify that the limitation on activities outside of these hours does not apply to non-construction activities such as the arrival and departure of personnel, on-site meetings and other non-intrusive activities.</p>
Requirement 18	<p>(<i>Control of noise during commissioning and operational phase</i>) follows the relevant Model Clause in providing that the authorised development shall not commence commissioning or operation until a noise management scheme to cover noise from such activities (and which reflects the matters and mitigation measures identified in Volume 1 of the Environmental Statement (Document 1.3.1)) has been submitted to and approved by the relevant planning authorities. The requirement however differs from the relevant Model Clause at the request of NRW to require prior consultation with NRW prior to submission of the noise management scheme to the relevant planning authorities for approval. There is also a new requirement, not based on a Model Clause, to clarify that the noise management scheme shall cover and control potential steam purging (which may be required as part of power generation activities). The approved scheme must be implemented and maintained throughout the operational life of the CHP Plant. Noise management during the construction phase of the Project is subject to the CEMP (requirement 13).</p>
Requirement 19	<p>(<i>Accumulations and deposits</i>) is based on the relevant Model Clause and where accumulations or deposits of material may be noticeable</p>

	from outside the Order limits, then a written scheme for the management of such deposits is required to be approved by the relevant planning authority. The requirement differs from the relevant Model Clause in that it is limited to Work No. 10A (as defined and described in Schedule A) which is the only area where excavated material will be permanently stored.
Requirement 20	<i>(Travel plan)</i> is modified from the relevant Model Clause so that it applies to the operational stage of the development (as requirement 14 requires a travel plan for construction traffic). This requirement provides that the authorised development shall not commence operations until approval by the relevant planning authorities (which includes PCC acting as the relevant highway authority) of a travel plan to cover travel to and from and parking at the CHP Plant. The travel plan will reflect the draft travel plan provided at Appendix F of the Transport Assessment (Document 1.19A) and must be implemented within one month of the completion of commissioning.
Requirement 21	<i>(European protected species)</i> is based on the relevant Model Clause regarding the requirement to survey certain species which are protected under European habitats legislation. If such species are found, a scheme for their protection and mitigation is required for approval. The requirement however differs from the relevant Model Clause to reflect the extensive survey work that has already been undertaken for Volume 1 of the Environmental Statement (Document 1.3.1) such that further survey work is not required. These surveys established that the greater horseshoe bat is present in an archaeological site nearby, and the requirement to adopt a scheme for protection and mitigation measures for approval therefore specifically refers to this species.
Requirement 22	<i>(Restoration of land used temporarily for construction)</i> is based on the relevant Model Clause and provides that any land temporarily used for the temporary works (which is defined by reference to Schedule A) should be reinstated to the condition it was in prior to the start of construction or such other condition as the undertaker may submit to the relevant planning authorities for approval. The restoration must take place within 6 months of the completion of commissioning.
Requirement 23	<i>(Decommissioning)</i> is not based on a Model Clause and is included to allow the relevant planning authorities to approve the decommissioning of the CHP Plant. The decommissioning proposed is to demolish and remove the permanent works (which is defined by reference to Schedule A) from the site and to restore it to the condition it was in after the completion of the permitted preliminary works (as this includes any preliminary site remediation that may be required) or such other condition as the undertaker may submit to the relevant planning authorities for approval. A decommissioning scheme should be

	submitted to the relevant planning authorities within 12 months of the permanent cessation of activities. To reflect the fact that a gas fired power station may need to be temporarily shut down to reflect prevailing market conditions, the requirement further provides that if such a temporary cessation is likely to exceed 12 months then the undertaker shall notify the planning authority of the reasons for and expected duration of such a cessation. Any decommissioning must take place in accordance with the approved scheme.
Requirement 24	<i>(Requirement for written approval)</i> follows the relevant Model Clause and provides that where any requirement requires the approval of the relevant planning authority or other person such approval shall be in writing.
Requirement 25	<i>(Amendments to approved details)</i> follows the relevant Model Clause and provides that any details approved pursuant to any requirement shall be taken to include any amended details which are subsequently approved.

South Hook CHP Plant Herbrandston, Pembrokeshire

Proposed South Hook CHP Plant Order

The Planning Act 2008

**The Infrastructure Planning (Applications: Prescribed Forms & Procedure)
Regulations 2009**

Regulation 5(2)(b)



May 2013

Applicant: QPI Global Ventures Limited

South Hook CHP Plant

Proposed South Hook CHP Plant Order

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Simmons & Simmons LLP CityPoint One Ropemaker Street London EC2Y 9SS United Kingdom
T +44 20 7628 2020 F +44 20 7628 2070 DX Box No 12

STATUTORY INSTRUMENTS

201X No. XXXX

INFRASTRUCTURE PLANNING

The South Hook CHP Plant Order 201X

<i>Made</i>	****
<i>Laid before Parliament</i>	****
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Schedule A
AUTHORISED DEVELOPMENT

Schedule B
REQUIREMENTS

An application has been made to Planning Inspectorate (“the Inspectorate”), in accordance with The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 for an Order granting development consent (“the application”);

The application was examined by an Examining Authority under Part 6 of the Planning Act 2008 (“the 2008 Act”);

The Examining Authority has considered the application and the relevant representations made in relation to it, and has reported its recommendation to the Secretary of State as decision-maker under section 74(2)(b) of the 2008 Act;

The Secretary of State has decided under section 104 of the 2008 Act to make an order granting development consent;

The Secretary of State makes the following Order under section 114 of the 2008 Act:

Citation and commencement

1. This Order may be cited as the South Hook CHP Plant Order 201X and shall come into force on [●] 201X.

Interpretation

2.— (1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961;

“the 1980 Act” means the Highways Act 1980;

“the 1990 Act” means the Town and Country Planning Act 1990;

“the 1991 Act” means the New Roads and Street Works Act 1991;

“the 2008 Act” means the Planning Act 2008;

“authorised development” means the development described in Schedule A which is development within the meaning of section 32 of the 2008 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“commissioning” means the process of assuring that all systems and components of the authorised development are installed, tested, and operable in accordance with the design and operational requirements of the undertaker;

“design principles statement” means the design principles statement with reference number 1.22 submitted with the application and certified as the design principles statement by the Secretary of State for the purposes of this Order;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“the land plan” means the land plan with reference number 1.10C submitted with the application and certified as the land plan by the Secretary of State for the purposes of this Order;

“the limits of deviation” means the limits of deviation for the Electrical Substation (HV Switchgear Indoor Gas Insulated Building and Compound) shown on the works plan (part B);

“the Order limits” means the limits shown on the works plan (part A) within which the authorised development may be carried out;

“relevant planning authority” means Pembrokeshire Coast National Park Authority in relation to land in its area and Pembrokeshire County Council in relation to land in its area and “the relevant planning authorities” means both of them;

“requirements” means those matters set out in Schedule B (requirements) to this order;

“the section drawing plan” means the section drawing plan with reference number 1.9 submitted with the application and certified as the section drawing plan by the Secretary of State for the purposes of this Order;

“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“undertaker” means the person who has the benefit of this Order in accordance with section 156 of the 2008 Act;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” means works plan (part A) with reference number 1.10A and works plan (part B) with reference number 1.10B submitted with the application and certified as the works plans by the Secretary of State for the purposes of this Order, and references in this Order to “works plan (part A)” or “works plan (part B)” shall be construed accordingly.

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.

(3) All distances, directions and lengths referred to in this Order are approximate.

Development consent etc. granted by the Order

3.— (1) Subject to the provisions of this Order and to the requirements the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

(2) The authorised development must be constructed in the lines or situations shown and identified on the works plan (part A) and, subject to the provisions of the requirements, in accordance with the drawings specified in requirement 5.

(3) Subject to paragraph (4), in constructing or maintaining the key buildings and structures shown and identified on the works plan (part B), the undertaker may—

(a) deviate laterally from the building outlines shown for those key buildings and structures shown and identified on the works plan (part B)

to any such extent inwards as may be necessary, convenient or expedient; and

(b) deviate vertically from the building levels shown for those key buildings and structures on the sections shown and identified on the section drawing plan to any such extent downwards as may be necessary, convenient or expedient.

(4) The works comprised in the Electrical Sub-station (HV Switchgear Indoor Gas Insulated Building and Compound) may be constructed within the limits of deviation subject to the relevant parameters for these works set out in the design principles statement.

Procedure in relation to certain approvals etc. under requirements

4.— (1) Where an application is made to a relevant planning authority for any consent, agreement or approval required by a requirement, the following provisions apply, so far as they relate to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission, as if the requirement was a condition imposed on the grant of planning permission—

(a) sections 78 and 79 of the 1990 Act (right of appeal in relation to planning decisions);

(b) any orders, rules or regulations which make provision in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on the grant of planning permission.

(2) For the purposes of paragraph (1), a provision relates to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission in so far as it makes provision in relation to an application for such a consent, agreement or approval, or the grant or refusal of such an application, or a failure to give notice of a decision on such an application.

Maintenance of authorised development

5.— The undertaker may at any time maintain the authorised development, except to the extent that this Order including the requirements or an agreement made under this Order, provides otherwise.

Operation of generating station

6.— (1) The undertaker is hereby authorised to operate the generating station comprised in the authorised development for the purpose of generating electricity and heat.

(2) This article does not relieve the undertaker of any obligation to obtain any permit or licence under any other legislation that may be required from time to time to authorise the operation of a generating station.

Consent to transfer benefit of Order

7.— (1) The undertaker may, with the consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed,

(2) Where a transfer or grant has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), shall include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) shall be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

Defence to proceedings in respect of statutory nuisance

8.— (1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990 (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order shall be made, and no fine may be imposed, under section 82(2) of that Act if—

- (a) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the

nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) or 65 (noise exceeding registered level), of the Control of Pollution Act 1974; or

(ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or

(b) the defendant shows that the nuisance—

(i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised development and that the nuisance is attributable to the use of the authorised development which is being used in accordance with a scheme of monitoring and attenuation of noise agreed with the relevant planning authority as described in requirement 18; or

(ii) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), shall not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

Access to works

9. The undertaker may, for the purposes of the authorised development, with the approval of the relevant planning authorities, form and lay out such means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

Discharge of water

10.— (1) The undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised development and for that purpose may lay

down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to paragraph (1) shall be determined as if it were a dispute under section 106 of the Water Industry Act 1991 (right to communicate with public sewers).

(3) The undertaker shall not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but shall not be unreasonably withheld.

(4) The undertaker shall not make any opening into any public sewer or drain except:

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker shall not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) The undertaker shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) This article does not authorise a groundwater activity or water discharge activity within the meaning of the Environmental Permitting (England and Wales) Regulations 2010.

(8) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to the Homes and Communities Agency, Natural Resources Wales, a harbour authority within the meaning of section 57 of the Harbours Act 1964 (interpretation), an internal drainage board, a joint planning board, a local authority, a National Park Authority, a sewerage undertaker or an urban development corporation; and
- (b) other expressions, excluding watercourse, used both in this article and in the Environmental Permitting (England and Wales)

Regulations 2010 have the same meaning as in those Regulations.

Authority to survey and investigate and remediate the land

11.— (1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits and—

- (a) survey or investigate or remediate the land;
- (b) without prejudice to the generality of sub-paragraph (a), make trial pits or bore holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and groundwater, remove soil or water samples and conduct any geotechnical, chemical or other testing on such samples;
- (c) without prejudice to the generality of sub-paragraph (a), carry out any remedial works the undertaker thinks fit in connection with the authorised development subject to the provisions of requirement 9;
- (d) without prejudice to the generality of sub-paragraph (a), carry out archaeological or ecological investigations on such land subject to the provisions of requirements 10 and 11; and
- (e) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial pits or bore holes.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) shall, if so required upon entering the land, produce written evidence of their authority to do so; and
- (b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial pits or bore holes.

(4) No trial pits or bore holes shall be made under this article—

- (a) in land located within the highway boundary without the consent of the highway authority; or

- (b) in a private street without the consent of the street authority, but such consent shall not be unreasonably withheld.

(5) The undertaker shall compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

Application of landlord and tenant law

12.— (1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it, so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

13. Development consent granted by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (cases in which land is to be treated as operational land for the purposes of that Act) from the date at which the undertaker obtains a generation licence under section 6 of the Electricity Act 1989.

Carbon Capture Readiness

14.— (1) The following definitions apply for the purposes of this article 14:

- (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 capture technology, transport route and storage location;
- (c) "current CCS proposal" means:
 - (i) the CCS proposal set out in the Feasibility Study and assessed as technically feasible by the Secretary of State;
 - (ii) if a revised CCS proposal has been identified under paragraph (7), the proposal which has been most recently so identified;
- (d) "designated site" means the land identified in the Feasibility Study as the area where the Company proposes to locate the capture equipment;
- (e) "Feasibility Study" means the document entitled Carbon Capture Readiness Assessment with reference number 1.21 submitted with the application;
- (f) "CCR report" means the report to be provided to the Secretary of State by the undertaker pursuant to paragraph (3) below.
- (g) "target carbon dioxide" means as much of the carbon dioxide emitted by 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.

(2) Until such time as the authorised development is decommissioned, the undertaker shall not, without the written consent of the Secretary of State:

- (a) dispose of any interest in land which includes the designated site; 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 undertaker's ability, within two years of such act or occurrence, to install and operate the capture equipment on the designated site.

(3) The undertaker shall make a report (the "CCR report") to the Secretary of State:

- (a) on or before the date on which three months have passed from completion of commissioning;
- (b) within one month of the second anniversary, and each subsequent even-numbered anniversary, of that date.

(4) The CCR report shall provide evidence that the undertaker has complied with paragraph (2):

- (a) in the case of the first CCR report, since this Order was made;
- (b) in the case of any subsequent CCR report, since the making of the previous report, and explain how it expects to continue to comply with paragraph (2) over the next two years.

(5) The CCR report shall state whether the undertaker 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.

(6) The CCR report shall identify any other impediment of which the undertaker 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.

(7) CCR reports which identify such an impediment shall state, with reasons, whether the undertaker considers it technically feasible to overcome the impediment by adopting a revised CCS proposal, and, if so, include such proposal.

(8) The CCR report shall state, with reasons, whether the undertaker has decided to seek any additional regulatory clearances, or to modify any existing regulatory clearances, in respect of its current CCS proposal in the period referred to in paragraph (4) as appropriate.

(9) This article 14 shall cease to have effect if the capture equipment is installed or the authorised development is decommissioned.

Certification of plans etc

15.— (1) The undertaker shall, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the land plan;
- (b) the works plans;
- (c) the section drawing plan; and
- (d) any other plans or documents referred to in this Order,

for certification that they are true copies of the documents referred to in this Order.

(2) A plan or document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Arbitration

16. Any difference under any provision of this Order, unless otherwise provided for, shall be referred to and finally settled under the rules of arbitration of the International Chamber of Commerce by arbitrators appointed in accordance with those rules of arbitration. The arbitration shall be held in London and the arbitration proceedings shall be conducted, and the award rendered, in the English language. The resulting arbitral award shall be final and binding without right of appeal, and judgment upon such award may be entered in any court having jurisdiction thereof.

Schedule A

AUTHORISED DEVELOPMENT

A nationally significant infrastructure project as defined in sections 14 and 15 of the 2008 Act comprising the following components contained in the Work Nos. identified in the works plan (part A) and the key buildings and structures as identified in the works plan (part B) and referred to in the design principles statement (and identified as such below in relation to Work No. 1A):

PERMANENT WORKS IN AREA OF PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY

Work No. 1A. An electricity generating station with a nominal gross electrical output capacity of up to 500MWe including:

- (a) Gas/steam turbine generator building (building/structure 1) containing gas turbine generator set and steam turbine generator set;
- (b) Administration office and control room (building/structure 2)
- (c) Workshop and maintenance/warehouse building (building/structure 3);
- (d) Electrical sub-station (HV switchgear indoor gas insulated building and compound) (building/structure 4) and electricity transformer;
- (e) Heat recovery steam generator building (building/structure 5) containing heat recovery steam generator set;
- (f) Standby direct air-cooled fin-fan coolers (building/structure 6);
- (g) Raw/fire water storage tank (building/structure 7), pump house, pipework and hydrants;
- (h) Demineralised water storage tank (building/structure 8), demineralised water treatment plant, and pipework;
- (i) Stack (building/structure 9) for discharge of flue gas;
- (j) Fuel gas lines from (1) existing connection to the Gas National Transmission System and (2) from South Hook LNG Terminal, and gas receiving station;
- (k) Electrical supply power lines;

- (l) Water treatment equipment;
- (m) Electrical export line to electrical sub-station;
- (n) Pumps;
- (o) Hot and return water lines, and support structure (where lines not buried);
- (p) Security fencing, gates and kiosk(s);
- (q) Ground grading, levelling and landscaping works;
- (r) Process waste water treatment plant and pipes to process waste water discharge point.

Work No. 3A. Land reserved for future carbon capture/infrastructure and secure access corridor including:

- (a) Ground grading and levelling.

Work No. 4. Infrastructure and secure access corridor including:

- (a) Gas supply line (including gas pressure reduction) to gas turbine generator set;
- (b) Utilities (water, electrical power, etc.);
- (c) Security fencing, gates and kiosk(s).

Work No. 5. Integration of hot water circulating system into the existing South Hook LNG Terminal submerged combustion vaporisers (SCVs) including:

- (a) Modifications to existing SCVs;
- (b) Hot water feed line from steam turbine generator set to the SCV manifold, and support structure (where line not buried);
- (c) SCV water feed lines to each modified SCV, and support structure (where lines not buried);
- (d) Cold water return line from SCVs to recirculation sump, and support structure (where line not buried);

- (e) Gas supply line (including gas pressure reduction) to gas turbine generator set, power supply lines, and utilities;
- (f) Control and measurement systems.

Work No. 6. Return water infrastructure/process waste water tie-in point including:

- (a) Covered cold water recirculation sump for retention of water return from SCVs;
- (b) Pumps and pump header system;
- (c) Cold water return line from recirculation sump to steam turbine generator set, and support structure (where line not buried);
- (d) Tie-in to existing South Hook LNG Terminal process waste water discharge line;
- (e) Monitoring equipment relating to process waste water.

PERMANENT WORKS IN AREA OF PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY AND PEMBROKESHIRE COUNTY COUNCIL

Work No. 2. Surface water attenuation basin and drainage tie-in point including:

- (a) Ground grading and levelling;
- (b) Partitioned attenuation basin for surface water;
- (c) Tie-in to existing South Hook LNG Terminal surface water drainage discharge line;
- (d) Monitoring equipment relating to surface water.

Work No. 10A. Open storage of excavated materials.

TEMPORARY WORKS IN AREA OF PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY

Work No. 1B. Demolition and preparatory works including:

- (a) Demolition of existing buildings and structures;
- (b) Isolation of abandoned utilities;

- (c) Security fencing, gates and kiosk(s).

Work No. 3B. Area of land reserved for future carbon capture including:

- (a) Temporary construction storage;
- (b) Temporary rainwater attenuation basin.

Work No. 7. Temporary contractors' car park and temporary project office area including:

- (a) Reinstatement of former temporary car park;
- (b) Temporary offices, canteen, welfare, and related support facilities;
- (c) Repair and/or replacement of fencing and gates.

Work No. 8. Open and covered storage, construction warehouse, workshops and stores including:

- (a) Open storage of construction materials and equipment;
- (b) Warehouses for storage of construction materials and equipment;
- (c) Workshops for repair, maintenance, assembly and testing of equipment.

TEMPORARY WORKS IN AREA OF PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY AND PEMBROKESHIRE COUNTY COUNCIL

Work No. 9. Temporary construction offices including:

- (a) Temporary offices, canteen, welfare, and related support facilities.

Work No. 10B. Open storage of excavated materials including:

- (a) Storage of excavated materials during construction.

TEMPORARY WORKS IN AREA OF PEMBROKESHIRE COUNTY COUNCIL

Work No. 11. Open storage of excavated materials including:

- (a) Storage of excavated materials during construction.

In connection with all such works and to the extent that they do not otherwise form part of any such work, further development whether or not shown on the plans referred to in this Order including:

- (a) habitat creation;
- (b) water supply works, foul drainage provision, process waste water management systems, surface water management systems, and culverting;
- (c) internal site roads and vehicle parking facilities;
- (d) bunds, liners, embankments, swales, landscaping and boundary treatments and fencing;
- (e) the demolition of buildings and structures within the Order limits;
- (f) the provision of footpaths; and
- (g) lighting columns and lighting.

Schedule B
REQUIREMENTS

CONTENTS

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Interpretation

1. In this Schedule—

“environmental statement” means the environmental statement in three volumes and a non-technical summary with reference numbers 1.3.1 to 1.3.4 submitted with the application and certified as the environmental statement by the Secretary of State for the purposes of this Order;

“LNG Terminal environmental permit” means the environmental permit included within the existing South Hook LNG Terminal permits with reference number 1.26 submitted with the application and certified as the existing South Hook LNG Terminal permits by the Secretary of State for the purposes of this Order;

“permanent works” means the authorised development within Work Nos. 1A, 2, 3A, 4, 5, 6 and 10A which is identified as permanent works in Schedule A;

“permitted preliminary works” means:

- (a) surveys and geotechnical surveys;
- (b) investigations for the purpose of assessing ground or groundwater conditions;
- (c) archaeological investigations;
- (d) remedial measures approved pursuant to requirement 9;
- (e) erection of signage;
- (f) erection of temporary fencing;
- (g) provision of temporary access and security gates for the development site;
- (h) installation and diversion of utility services;
- (i) site clearance, demolition of existing structures and removal of foundations;
- (j) the laying of foundations,
- (k) provision of wheel cleansing facilities required pursuant to requirement 13;
- (l) preparation of laydown areas and provision for temporary facilities (including parking areas and offices) necessary for (a) to (k) above;

“temporary works” means the authorised development within Work Nos. 1B, 3B, 7, 8, 9, 10B and 11 which is identified as temporary works in Schedule A;

“transport assessment” means the transport assessment with reference number 1.19A submitted with the application and certified as the transport assessment by the Secretary of State for the purposes of this Order.

Time limits

2. The authorised development must be begun within five (5) years of the date of this Order.

Commencement of authorised development

3. Notice of commencement of the authorised development shall be given to the relevant planning authorities within seven (7) days from the date that the authorised development is commenced.

Commencement and completion of commissioning

4. — (1) Notice of the commencement of commissioning must be given to the relevant planning authorities within seven (7) days from the date that commissioning is commenced.

(2) Notice of the completion of commissioning must be given to the relevant planning authorities within seven (7) days from the date that commissioning is completed.

Detailed design approval

5.— (1) Except for the permitted preliminary works, no authorised development shall commence until written details of the layout, scale and external appearance of the authorised development have been submitted to and approved by the relevant planning authorities and the key buildings and structures set out in the works plan (part B) shall be designed in accordance with the principles and parameters set out in the design principles statement.

(2) The authorised development must be carried out in accordance with the approved details.

Provision, implementation and maintenance of landscaping

6.— (1) Except for the permitted preliminary works, no authorised development shall commence until a written landscaping scheme has been submitted to and approved by the relevant planning authorities. The landscaping scheme shall reflect the proposals set out in sections 4.3.36 and 4.3.37 of volume 1 of the environmental statement and shall reflect details of all proposed hard and soft landscaping works including—

- (a) location, number, species, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) vehicular and pedestrian access, parking and circulation areas;
- (f) minor structures, such as refuse or other storage units, signs and lighting;

- (g) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports;
- (h) details of existing trees to be retained, with measures for their protection during the construction period; and
- (i) implementation timetables for all landscaping works.

(2) All landscaping works must be carried out in accordance with the landscaping scheme approved under paragraph (1) and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(3) Any tree or shrub planted as part of an approved landscaping scheme that, within a period of five (5) years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must 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.

Fencing and other means of enclosure

7.— (1) All proposed permanent fences, walls or other means of enclosure shall be constructed as identified in the written details referred to in requirement 5 unless otherwise agreed in writing by the relevant planning authorities prior to the completion of commissioning.

(2) All construction areas must remain securely fenced at all times during construction of the authorised development.

(3) Any fencing or means of enclosure not covered by paragraph (1) must be removed from the site within six (6) months of the completion of commissioning.

Drainage

8.— (1) No authorised development shall commence until written details of the surface water, foul water and process waste water drainage systems (including means of pollution control) have, after consultation with Natural Resources Wales and Dwr Cymru (Welsh Water), been submitted to and approved by the relevant planning authorities. The written details shall reflect the drainage proposals set out in sections 4.3.6 to 4.3.16 of volume 1 of the environmental statement and in particular shall stipulate that any process waste water discharges from the authorised development into the Milford Haven Waterway shall operate through the existing infrastructure in place for the South Hook LNG Terminal that is co-located at or near the site and, where applicable, under the existing (as at the date of this Order) consented discharge levels for those substances specified in the LNG Terminal environmental permit.

(2) The surface water, foul water and process waste water drainage systems must be constructed and operated in accordance with the approved details.

Contaminated land and groundwater

9.— (1) No authorised development shall commence until a written scheme to deal with the contamination of any land, including groundwater, within the Order limits which is likely to cause significant harm to persons or pollution of controlled waters or the environment has, after consultation with Natural Resources Wales, been submitted to and approved by the relevant planning authorities.

(2) The approved scheme shall include an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authorities, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site and its stability.

(3) Remediation must be carried out in accordance with the approved scheme.

Archaeology

10.— (1) No authorised development comprised in Work No. 4 shall commence until a written scheme for the investigation of areas of archaeological interest (as further detailed in section 13.7 of volume 1 of the environmental statement) has been submitted to and approved by the relevant planning authority.

(2) The scheme shall identify areas where field work and/or a watching brief are required, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.

(3) Any archaeological works or watching brief carried out under the scheme must be by a suitably qualified person or body approved by the relevant planning authority.

(4) Any archaeological works or watching brief must be carried out in accordance with the approved scheme.

Ecological management plan

11.— (1) No authorised development shall commence until a written ecological management plan reflecting the survey results and ecological mitigation and enhancement measures (as further detailed in sections 9 and 10 of volume 1 of the environmental statement) has, after consultation with Natural Resources Wales, been submitted to and approved by the relevant planning authorities.

(2) The ecological management plan shall include an implementation timetable and must be carried out as approved.

Code of Construction Practice

12.— (1) No authorised development shall commence until a Code of Construction Practice (“CCP”) has been submitted to and approved by the relevant planning authorities. The CCP shall reflect the proposals set out in the draft CCP with reference number 1.23 submitted with the application and certified as the draft CCP by the Secretary of State for the purposes of this Order.

(2) All construction works shall be undertaken in accordance with the approved CCP, unless otherwise agreed by the relevant planning authorities.

Construction Environmental Management Plan

13.— (1) No authorised development shall commence until a Construction Environmental Management Plan (“CEMP”) has, after consultation with Natural Resources Wales, been submitted to and approved by the relevant planning authorities. The CEMP shall reflect the proposals set out in the draft CEMP set out at appendix 4.2 of volume 3 of the environmental statement including:

- (a) Traffic and Access;
- (b) Air Quality and Dust;
- (c) Ecology and Nature Conservation;
- (d) Water Protection and Management;
- (e) Noise Management;
- (f) Waste and Materials Management; and
- (g) a complaints procedure.

(2) All construction works shall be undertaken in accordance with the approved CEMP, unless otherwise agreed by the relevant planning authorities.

Construction Traffic Management Plan

14.— (1) No authorised development shall commence until a written Construction Traffic Management Plan (“CTMP”) has been submitted to and approved by the relevant planning authorities. The CTMP shall reflect the proposals set out in the draft CTMP set out at appendix E of the transport assessment including:

- (a) a travel plan for the construction workforce;

- (b) parking of vehicles of site workers and visitors;
- (c) loading and unloading of plant and materials;
- (d) facilities for wheel cleansing to ensure road cleanliness;
- (e) routing to and from the site;
- (f) routing within the site;
- (g) site signage and notices; and
- (h) exceptional loads.

(2) Notices shall be erected and maintained throughout the period of construction at every construction site entrance and exit, indicating to drivers the route agreed by the relevant planning authorities for traffic entering and leaving the site.

(3) All construction works shall be undertaken in accordance with the approved CTMP, unless otherwise agreed by the relevant planning authorities.

Local Liaison Committee

15. No authorised development shall commence until the undertaker has established a committee to liaise with local residents and organisations about matters relating to the authorised development (a “local liaison committee”) which may, at the discretion of the undertaker, be combined with the functions and activities of the existing community liaison committee that is in operation for the activities of the South Hook LNG Terminal that is co-located at or near the site. The local liaison committee shall be made up of representatives of the undertaker and main contractors for the authorised development. The undertaker shall invite the relevant planning authorities, Natural Resources Wales, local councils and other relevant interest groups, as may be agreed with the relevant planning authority, to nominate representatives to join the local liaison committee. The undertaker shall provide a full secretariat service and supply an appropriate venue. The local liaison committee shall meet at least once every three (3) months during the construction of the authorised development and at least once a year during the operation of the authorised development, unless otherwise agreed in writing by the majority of the members of the local liaison committee.

External lighting

16. No authorised development, shall commence until written details of any external lighting to be installed at the site (including during the construction period and including measures to prevent light spillage and as further detailed in sections 4.3.38 to 4.3.40 of volume 1 of the environmental statement)) have, after consultation with Natural Resources Wales, been submitted to and approved by the relevant planning authorities; and any approved means of lighting must subsequently be installed and retained for the duration of the

construction, commissioning and use of the authorised development, unless otherwise agreed in writing by the relevant planning authorities.

Construction hours

17.— Construction work (which for the purpose of this requirement shall not include the arrival or departure of personnel on the site, on-site briefings or meetings, the use of welfare facilities and non-intrusive activities such as electrical installation and internal fit out works) shall not take place other than between 0700 and 1900 on weekdays and 0700 and 1300 on Saturdays, excluding public holidays, unless otherwise agreed in writing by the relevant planning authorities.

Control of noise during commissioning and operational phase

18.— (1) No authorised development shall commence commissioning or operation until, after consultation with Natural Resources Wales, a written scheme for noise management including monitoring and attenuation for the use of the authorised development (as further detailed in sections 12.6.59 to 12.6.63 of volume 1 of the environmental statement) has been submitted to and approved by the relevant planning authorities.

(2) The scheme shall, amongst other matters, also specify that, except in an emergency, where steam purging is to take place, the undertaker shall give 2 working days' prior written notice to the local liaison committee established in respect of the authorised development pursuant to requirement 15 as well as the relevant planning authorities. Notification of the incident, the reasons for the incident and its expected duration shall also be posted on the undertaker's internet web site. So far as reasonably practicable, steam purging shall only take place between 0900 and 1700 Mondays-Saturdays and not on any Sunday or public holiday in Wales.

(3) The noise management scheme must be implemented as approved and maintained for the duration of the commissioning and use of the authorised development.

Accumulations and deposits

19.— (1) No authorised development comprised in Work No. 10A shall commence until a written scheme for the management of any accumulations or deposits whose effects may be harmful or visible or otherwise noticeable from outside the Order limits has been submitted to and approved by the relevant planning authority.

(2) The approved scheme for the management of accumulations and deposits must be implemented before and maintained during the construction, operation and decommissioning of the authorised development.

Travel plan

20.— The authorised development shall not commence operation until a travel plan, which must include details of the expected means of travel to and from the authorised development and any parking to be provided, has been submitted to and approved by the relevant planning authorities. The travel plan shall reflect the proposals set out in the draft travel plan set out at appendix F of the transport assessment. The approved plan must be implemented within one month of the completion of commissioning and shall continue to be implemented for as long as the authorised development can be used.

European protected species

21.— No authorised development shall be begun until, after consultation with the relevant planning authority and Natural Resources Wales, a scheme of protection and mitigation measures in respect of greater horseshoe bat *Rhinolophus ferrumequinum* has been submitted to and approved by the relevant planning authorities; and the authorised development shall be carried out in accordance with the approved scheme.

Restoration of land used temporarily for construction

22. Any land used for temporary works and on which subsequent permanent works have not taken place must be reinstated to its condition as at the start of the temporary use, or such alternative condition at the request of the undertaker as the relevant planning authorities may approve, within six (6) months of the completion of commissioning.

Decommissioning

23.— (1) Unless otherwise agreed with the relevant planning authorities, within twelve (12) months of the authorised development ceasing to be used for the purposes of electricity and heat generation on a permanent basis, a scheme for the demolition and removal of the authorised development from the site shall be submitted to the relevant planning authorities for approval in writing. The scheme shall, amongst other matters, specify that any land used for the permanent works must be reinstated to its condition as at the completion of the permitted preliminary works, or such alternative condition at the request of the undertaker as the relevant planning authorities may approve. In the event that the authorised development temporarily ceases operations and the duration of that temporary cessation of operations is likely to exceed a period in excess of twelve months, the undertaker shall notify the relevant planning authorities of the purpose of the temporary cessation of operations and its likely duration.

(2) The demolition and removal of the authorised development shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing by the relevant planning authorities.

Requirement for written approval

24. Where under any of the above requirements the approval or agreement of a relevant planning authority or another person is required, that approval or agreement must be given in writing.

Amendments to approved details

25. With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved by a 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.