

Consultation on Vacant Sites within the NIE Land Bank

13 May 2010

1 TABLE OF CONTENTS

1	TABLE OF CONTENTS.....	2
2	INTRODUCTION	3
3	SHOULD THE SITES BE RELEASED TO THE MARKET?	5
4	WHAT CRITERIA SHOULD BE USED IN ANY SUBSEQUENT REQUEST FOR PROPOSALS.....	8
5	NEXT STEPS	9
	ANNEX 1A - BELFAST WEST SITE.....	10
	ANNEX 1B - KILROOT POWER STATION ADJOINING LANDS SITE	23
	ANNEX 1C COOLKEERAGH POWER STATION ADJOINING LANDS SITE	29
	ANNEX 1D CAMLOUGH LAND BANK LANDS	35
	ANNEX 1E - LISAHALLY TANK 11 SITE	40
	ANNEX 2 CONDITION 23: LAND BANK	46

2 INTRODUCTION

The electricity industry in Northern Ireland was privatised in the early 1990s; previously it had been a fully integrated state owned utility business, Northern Ireland Electricity (NIE). In the first phase of privatisation, the four main power stations were sold to private companies. At the time, there was concern that an effect of the sale of the generators could be that the power station sites could be lost to the electricity industry at some future time. It was therefore decided that the freehold of power station sites should vest within NIE in a quasi-trustee role. For this purpose, the NIE Land Bank Business was established to manage the freehold of the power station sites.

There are a number of vacant sites contained within the Land Bank which are deemed to be suitable for the purpose of building an electricity generation station. These sites are at Belfast Harbour (site of the former Belfast West Power Station), Coolkeeragh and Kilroot.

Table 2.1: Address and Location of each Site

Site	Address	Size
Belfast West	McCaughey Road Belfast BT3 9AG	16.2 acres
Coolkeeragh (Londonderry)	2 Electra Road Maydown Londonderry BT47 6XU	29 acres
Kilroot (Larne)	Larne Road Carrickfergus BT38 7LX	44.5 acres

Further details of each of these sites are provided in the surveys attached as Annex 1.

There are also a number of other sites within the Land Bank which are less likely to be suitable for electricity generation.

NIE manages the Land Bank business under direction from the Northern Ireland Authority for Utility Regulation (“**the Utility Regulator**”) in accordance with Condition 23 of NIE’s Transmission Licence (Annex 2).

This Condition specifies that NIE shall deal with the Land Bank and any rights which it may have in relation to the whole or any part of it in accordance with directions issued from time to time by the Utility Regulator. Any direction must be framed so as to ensure that when implementing it, NIE shall not suffer a financial loss nor obtain any financial benefit as a result of its implementation.

The Utility Regulator is publishing this paper in order to:

1. Make people aware of the existence of Land Bank sites;
2. Ask interested parties whether any or all of the sites should be released to the market:
 - a. For power generation only?
 - b. For any other purpose?
3. Ask interested parties what pre-conditions any subsequent Request for Proposals should contain.
4. Ask interested parties what criteria should be used to assess proposals e.g.
 - a. Highest rental offer.
 - b. Consistency with energy policy.

3 SHOULD THE SITES BE RELEASED TO THE MARKET?

3.1 SITES SUITABLE FOR SITING A GENERATING STATION

Details of each of the sites are contained in Annex 1. As stated above, the sites at Belfast Harbour, Coolkeeragh and Kilroot are deemed suitable for building a power station. The Utility Regulator is therefore asking:

Should these sites be offered for lease or sale for power generation or for any other purpose?

In answering this question, respondents may wish to consider the opportunity for new power generation in the Single Electricity Market in the context of energy policy objectives.

3.1.1 BELFAST WEST SITE

There is a minor anomaly in the case of the Belfast West site, compared to the other two sites which are deemed suitable for generation purposes.

The freehold of the Belfast West site is held by the Belfast Harbour Commissioners (BHC) who in 1955 granted a Fee Farm Grant of the site to the then Belfast Corporation for electricity generation purposes. NIE subsequently assumed the interest of the Belfast Corporation in the site and in 1992 entered into a 999 year sub-lease of the Site with Belfast West Power Limited. Generation activity ceased at the site on 31 March 2002 and this sub-lease was terminated on 18 December 2002.

Although the Fee Farm Grant has an unlimited term, it imposes a number of significant restrictions, the effects of which are:

- NIE cannot sell outright its interest in the site;

- NIE cannot part with possession of the site, except to sub-let it, subject to BHC consent (such consent not to unreasonably withheld); and
- NIE or a subtenant can only use the site for electrical generation, unless otherwise agreed by BHC.

These restrictions suggest that the best use for the site going forward is electrical generation.

There is additional land (circa 4.07 acres) under the ownership and control of BHC which is adjacent to the Belfast West site and which may enhance a proposed project for the Belfast West site. BHC has indicated that they may be willing to make this additional land available to a project on the Belfast West site subject to appropriate satisfactory commercial arrangements and that the proposed project has a substantial port use element. A plan of this additional land is provided in Annex 1A.

3.2 SITES UNSUITABLE FOR SITING A GENERATION STATION

There are other sites within the Land Bank at Camlough and Lisahally which are less likely to be suitable for power generation.

Camlough is the site of a cancelled pump storage scheme in the 1970s. The scheme proceeded to an advanced stage including the purchase of equipment and completion of associated land works. When the project was cancelled the equipment was sold and much of the vested land returned to its owners. The solicitors involved in that land disposal have been re-engaged to establish what land remains in the Land Bank portfolio. Some boundary anomalies have been identified and these will need to be rectified and an estate agent is being sourced in the event of the sale of the remaining lands going ahead. The possibility of selling some/all of the lands to the Forestry Commission is a possibility.

Lisahally is a 5 acre site occupied by a single heavy fuel oil tank previously used and now decommissioned by Coolkeeragh ESB. The site is physically separated and remote from the main Coolkeeragh Power Station site owing to the disposal of a major part of the NIE Lisahally lands. Before offering the site for sale it may be necessary to demolish the tank and make the site safe.

Further information on each of these sites can be found within Annex 1.

The Utility Regulator intends to ask NIE to resolve any outstanding issues with these sites.

4 WHAT CRITERIA SHOULD BE USED IN ANY SUBSEQUENT REQUEST FOR PROPOSALS

If, following consideration of responses, the Utility Regulator decides to instruct the release of the Land Bank sites to the market for generation purposes, what criteria should be used in assessing any proposals from bidders?

4.1 PRE-CONDITIONS

The Utility Regulator is likely to include a number of pre-conditions which any proposal must meet. For example, the parties may need to demonstrate the technical and financial capability to manage such a project and bring it to fruition.

Respondents are asked if there are any further pre-conditions which proposals should meet before proceeding to the next stage of assessment.

4.2 ASSESSMENT CRITERIA

Any proposals which pass the pre-conditions will proceed to the assessment stage to ascertain which proposal is most suitable. Criteria which the Utility Regulator may then consider include:

- Rental income; and
- Consistency with energy policy; and

Respondents are asked whether there are any further criteria which should be taken into consideration.

5 NEXT STEPS

Responses to this consultation should be returned by 22 July 2010, preferably in electronic format to:

Simon Scott
Utility Regulator
Queens House
14 Queen Street
Belfast
BT1 6ED
simon.scott@uregni.gov.uk

Depending on the responses, the Utility Regulator may decide to instruct the release of one or more sites for generation purposes.

If it is decided that one or more sites should be released for generation purposes, a Request for Proposals will be issued in mid-September. Three months would be allowed for submissions. These submissions will be evaluated using the criteria in Section 4, amended as appropriate to address responses to this Consultation Paper.

1.0 INTRODUCTION

The former Belfast West Power Station site is located within the confines of the Belfast Harbour Estate at McCaughey Road, BT3 9AG, as highlighted in Figure 1 below.

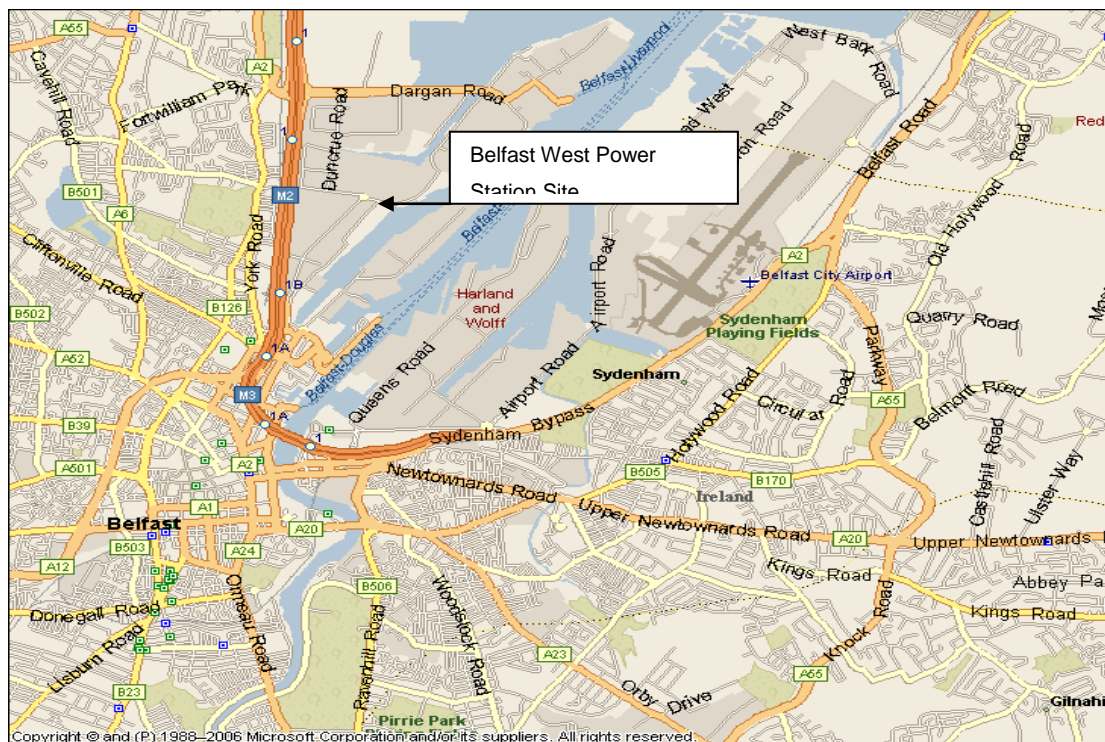


Figure 1 – Location Map

The former coal fired 240MW Power Station was demolished in June 2008 and the site is currently being used by the Belfast Harbour Commissioner as a coal storage area. This Land Bank site, which is managed by Northern Ireland Electricity (NIE) on behalf of The Northern Ireland Authority for Utility Regulation (“the Utility Regulator”), features a number of attributes that make the former Belfast West Power Station site suitable for a range of power generation technologies. This document outlines some of the key attributes of the site.

2.0 SITE HISTORY

The former Belfast West 240MW coal fired Power Station was originally built in the early 1950s by the Belfast Corporation Electricity Department. The Power Station originally featured a boiler house, a turbine hall housing the steam turbines and generators, an administration building, several ancillary buildings and a seawater cooling system. As a coal fired station, the site also featured a jetty coal handling facility and three 240ft chimneys that were once a landmark on the Belfast City skyline.

On 31 March 2002 Belfast West Power Station, having operated successfully for circa 50 years, ceased operation and the last tenant, AES Belfast West Ltd, who had operated the Power Station for 19 years, vacated the property later that year. The site was demolished and levelled in June 2008 and since that date has been utilised by the Belfast Harbour Commissioner as a coal storage area.

3.0 SITE FEATURES

A plot plan of the Belfast West Land Bank site is enclosed within Appendix "A". As illustrated in Appendix "A", the site is bounded by the Herdman Channel to the west side, McCaughey Road to the east and commercial premises to the north and south. The existing Northern Ireland Electricity substation is located to the east of the site.

3.1 Site Road Access

The harbour area and the site are easily accessible from the M2 and M3 motorway systems as illustrated in Figure 1. Access onto the site may be gained via either of the two road gates located along the McCaughey Road. The existing on site road system remains relatively undisturbed and still suitable for heavy vehicle road traffic.



3.2 Site Topography & Area

In general the site is flat and features hard standing areas and reclaimed rubble profiled areas. The site extends over an area of approximately 16.2 acres.



3.3 Cooling Water Supply

The original Power Station seawater cooling system was not demolished during the power station demolition works. Only structures that were above ground level were demolished. To establish the condition of the Cooling Water (CW) system it will be necessary to undertake a comprehensive engineering survey. The CW system is illustrated on the drawings enclosed within Appendix "B". From a review of the information on file it is considered that the system was originally designed for a CW flow of 156,000 gpm via the Herdman Channel CW Intake and the Victoria Channel Outfall. To safeguard the existing CW culvert system the system was capped at the Intake and Outfall as illustrated in Figure 4 (Appendix "B") during the demolition works. To date the CW System remains capped.

3.4 Water Supply

The site was originally supplied with water from a 9 inch nominal bore pipeline buried along the McCaughey Road (Ref. Appendix "C"). The old station demineralise water treatment plant was originally designed to process approximately 165 m³/hr of make-up water. Today the water supply is disconnected at the security gatehouse.

3.5 Coal Delivery Availability

The number of deep water approaches to suitable power station berths within Northern Ireland is limited. The site is adjacent to the Port of Belfast deep water berth, Stormont Wharf – the longest deep water berth of any Irish port with a length of 1.1km and maintained depth of 10.2m. the Belfast West site also contains the remains of an old coal jetty previously used to serve the Belfast West Power Station with smaller coaster vessels. The facility has not been operational for circa 20 years and would require extensive refurbishment/rebuild to

accommodate shipping once again. The adjacent Herdman Channel which would serve any such re-established jetty/wharf has a draft limitation of 7.3m.

3.6 Storage

The Port of Belfast and its grain and animal feeds customers handle c1.8MT of products per annum primarily through the adjacent Stormont Wharf. Significant storage accommodation for these products thus exists adjacent to Stormont Wharf and the Belfast West site. Some of this accommodation is under the ownership of Belfast Harbour but currently occupied on a Term basis by importers in this sector and some of the accommodation is in private ownership. Opportunities may exist for the use of some or all of this accommodation to provide storage in transit solutions if a proposed project was of a biomass nature.

3.7 Former Power Station Electricity Connection.

Power generated at the former 240MW Power Station was exported via the substation located at McCaughey Road. This substation on the east side of the site is due to be demolished.

3.8 Drainage System

As illustrated on the site drainage system plot plan enclosed within Appendix "D" the remains of the road drainage system is still operational and features five discharge points. All Environmental Discharge Licences for each of the five discharges have now been cancelled.

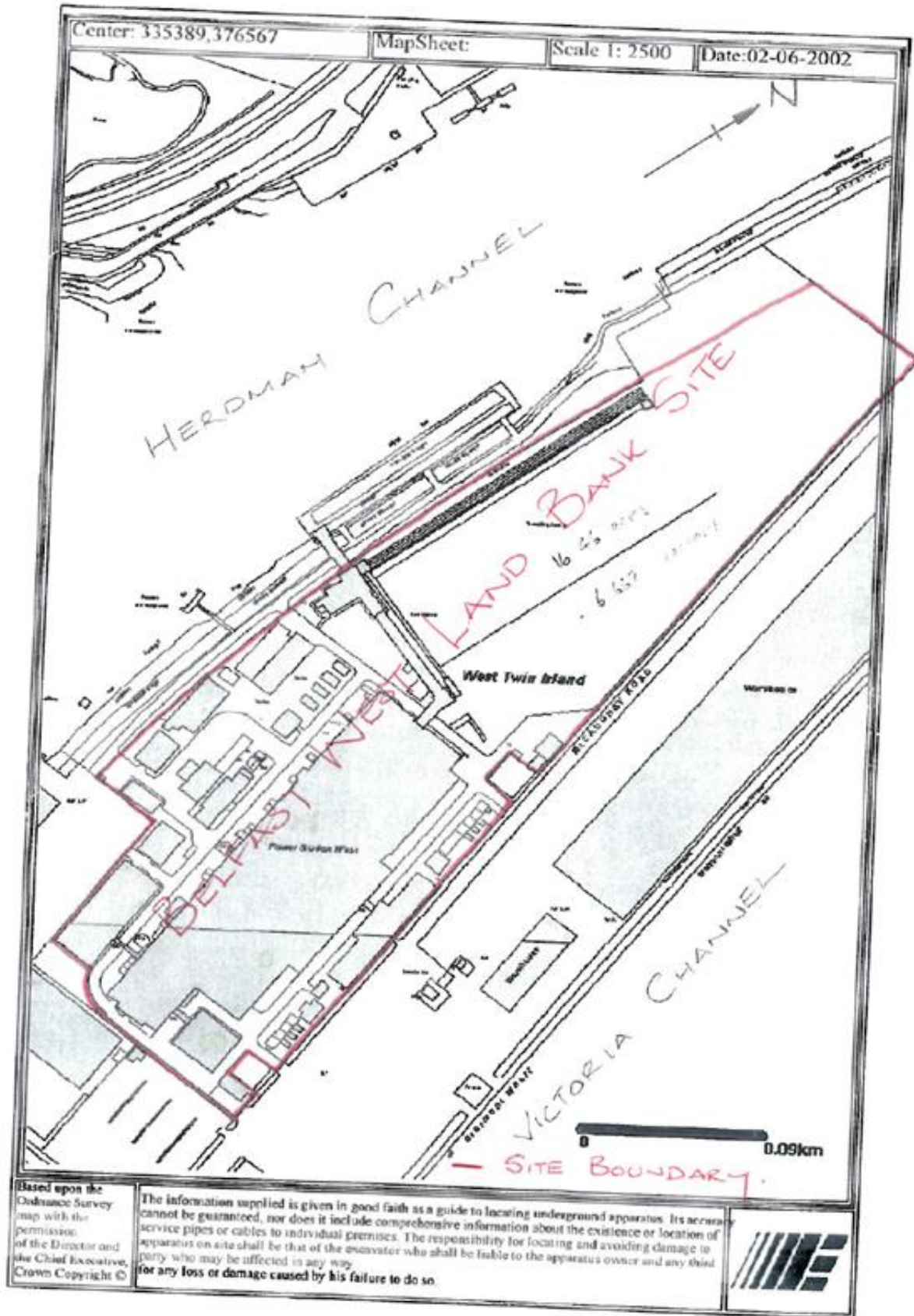
The residual site drainage system has been cleaned and redundant sections blocked off. The system was proved to be free draining at completion.

3.9 Security

The site features a security Gatehouse at the McCaughey Road main entrance and a site perimeter 2.7m high palisade security fence.



Appendix "A" SITE PLOT PLAN



Appendix "B" Cooling Water System

Figure 3. Belfast West Seawater Cooling Water System

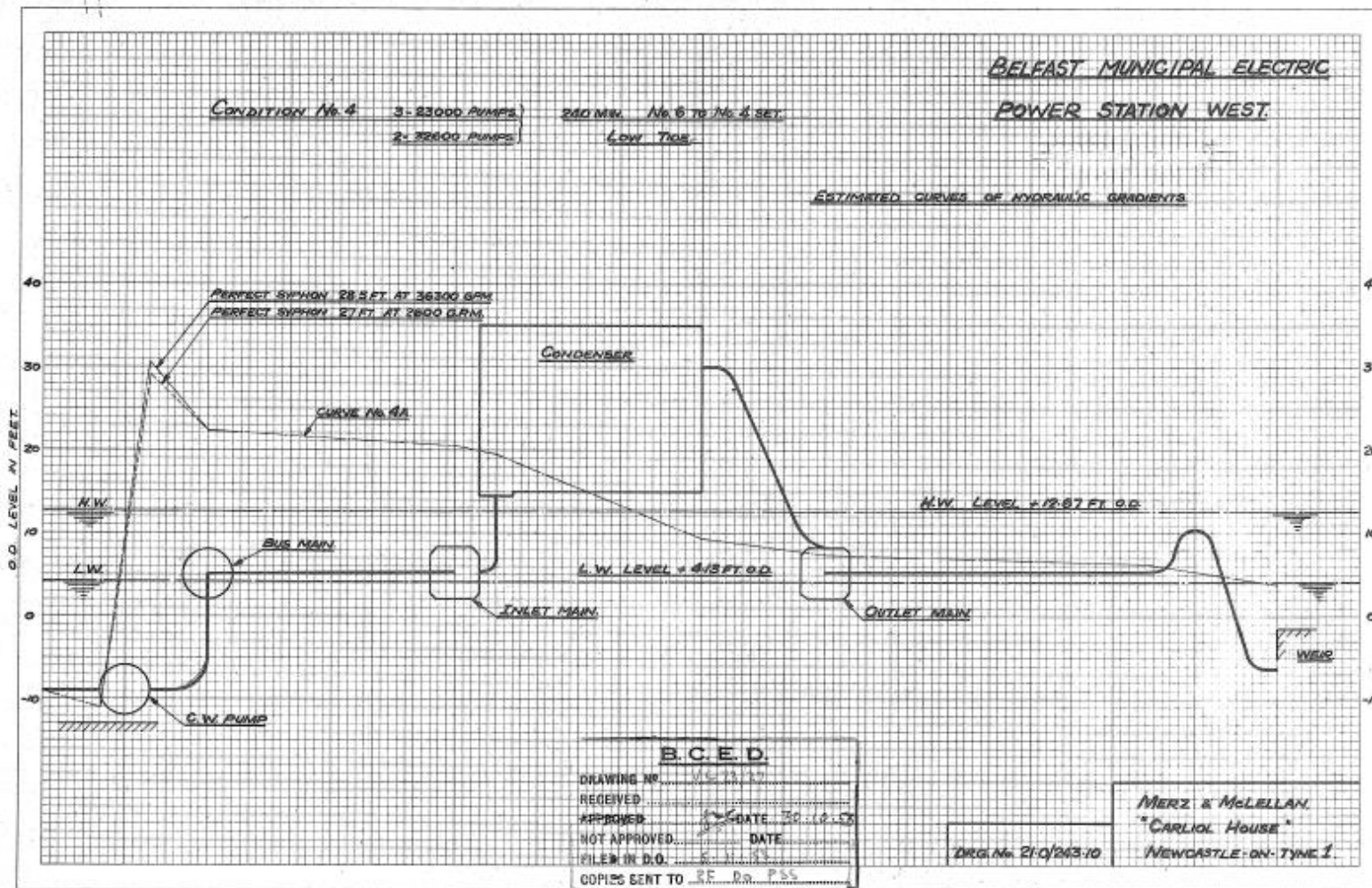
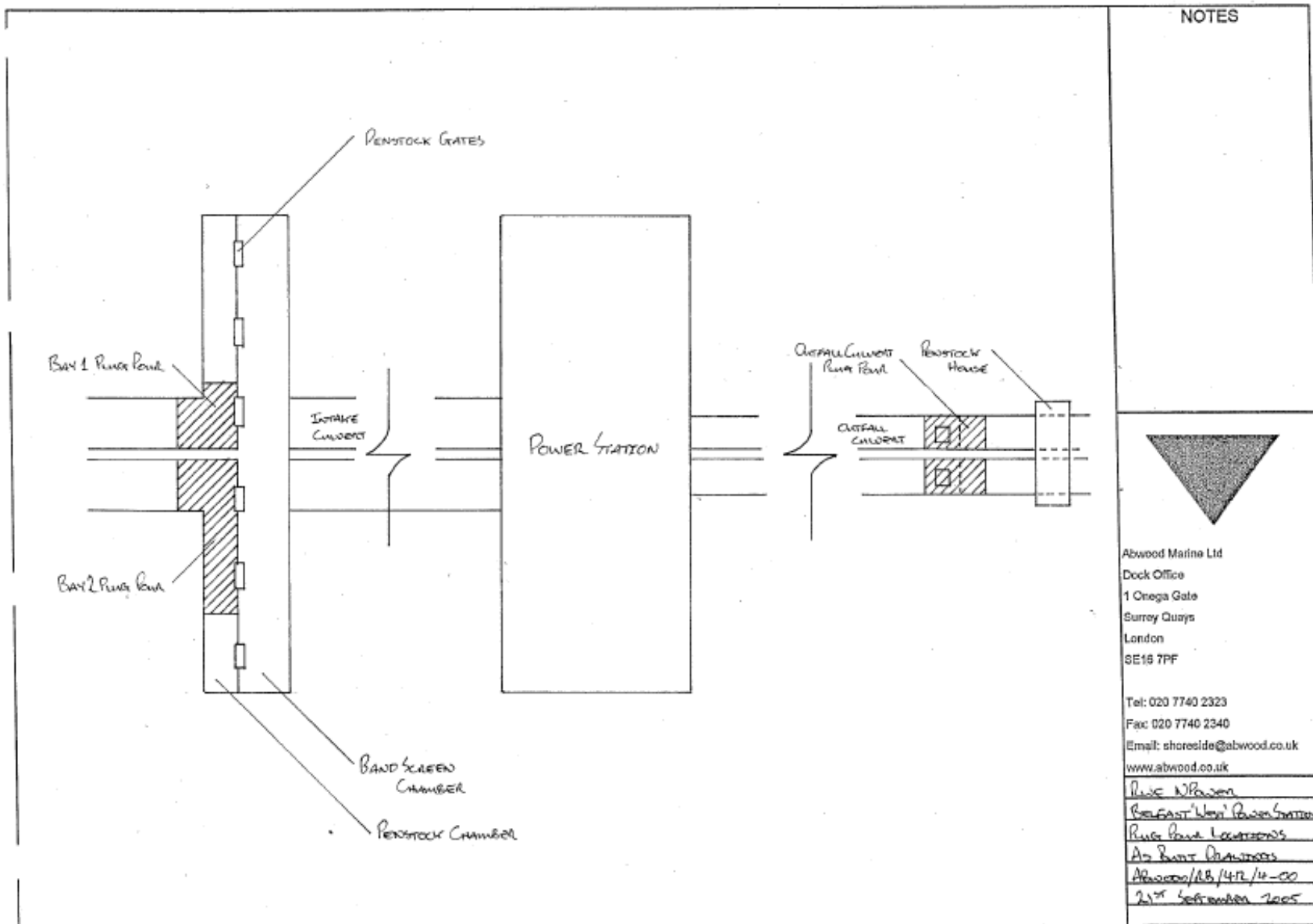


Figure 4. Belfast West CW System Plugs



NOTES

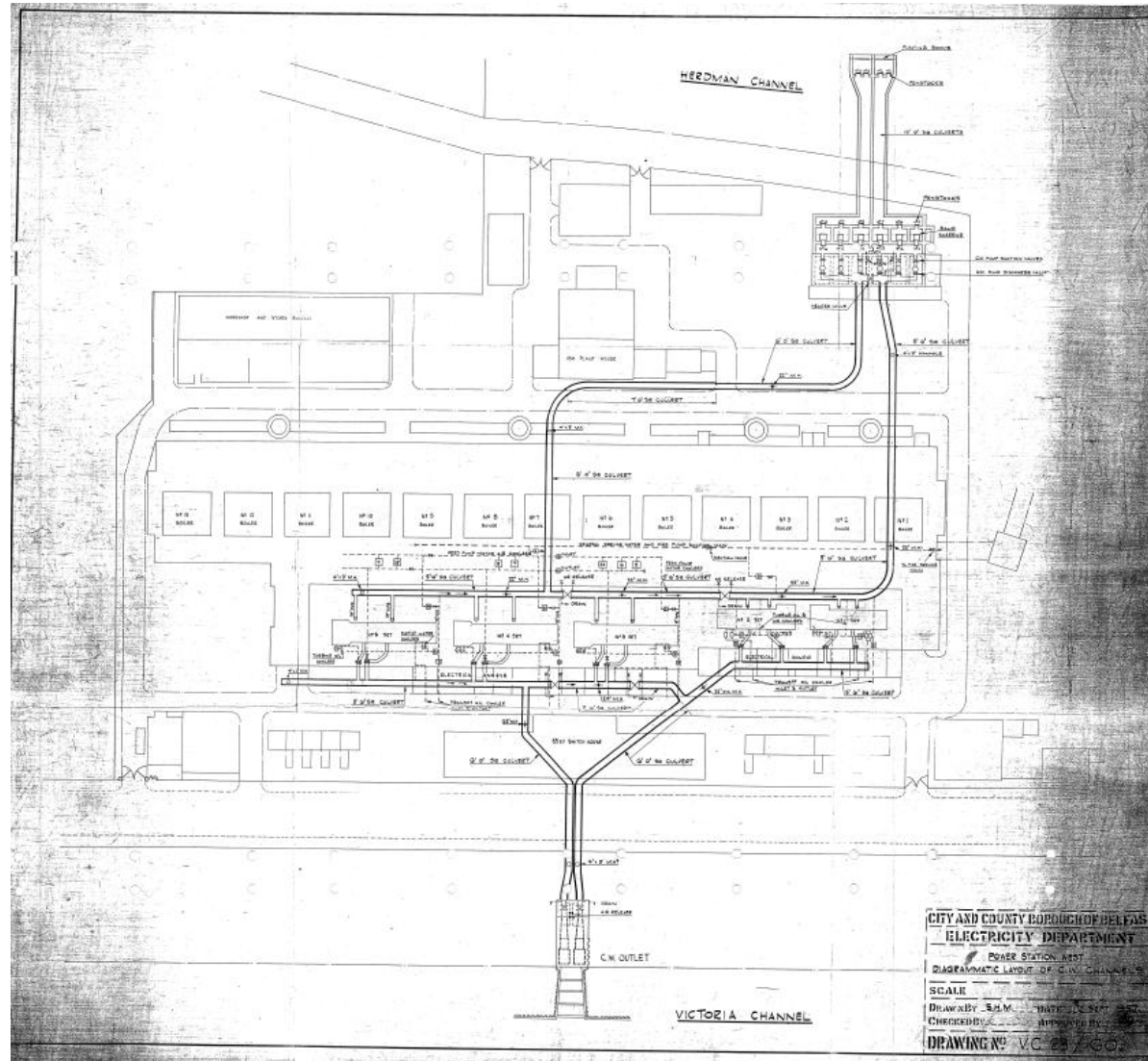


Abwood Marine Ltd
 Dock Office
 1 Omega Gate
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 SE16 7PF

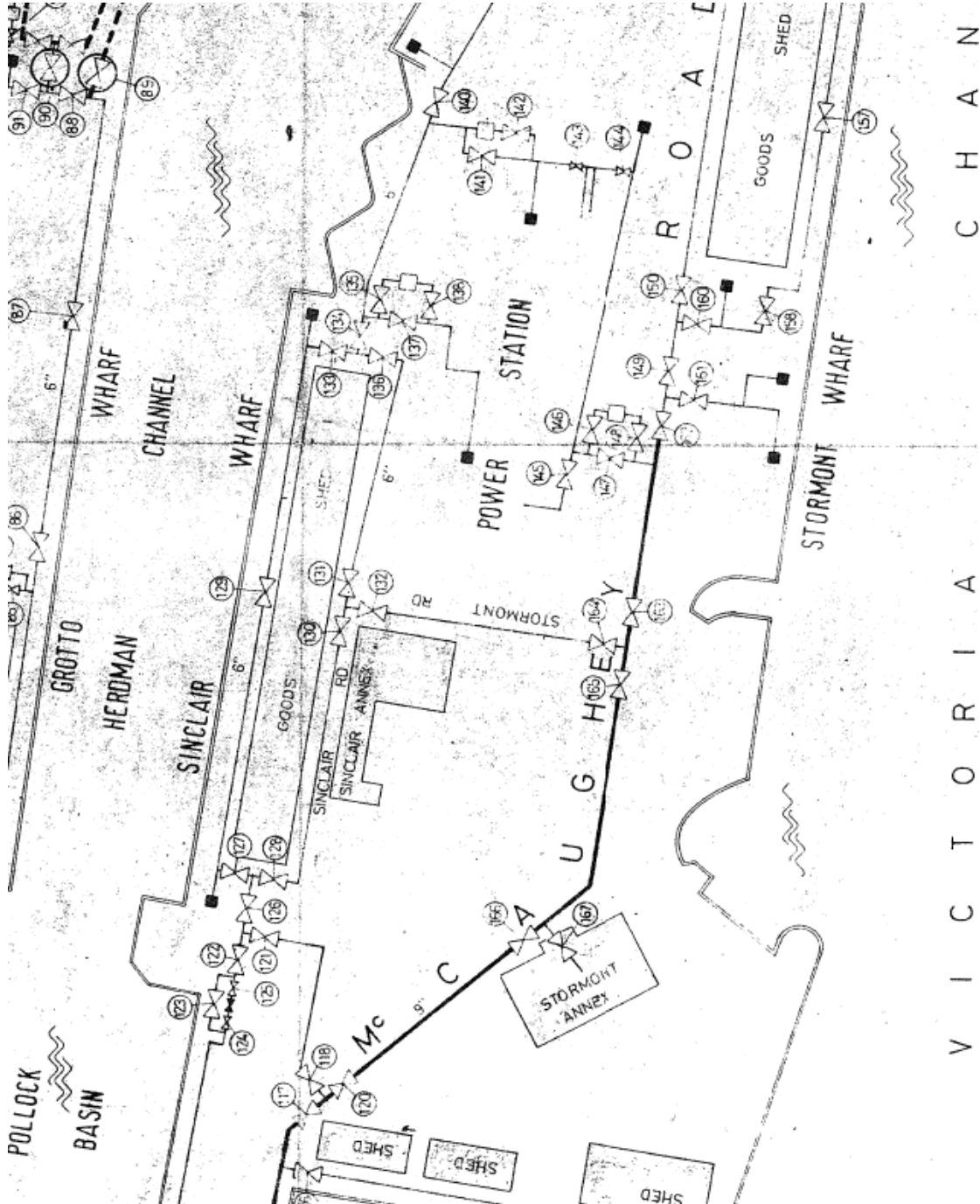
Tel: 020 7740 2323
 Fax: 020 7740 2340
 Email: shoreside@abwood.co.uk
 www.abwood.co.uk

Steve W. Brown
 Belfast West Power Station
 Plug Point Locations
 All Plug Dimensions
 Approved/AB/412/14-00
 21st September 2005

Figure 5. Belfast Seawater Cooling Water System Layout

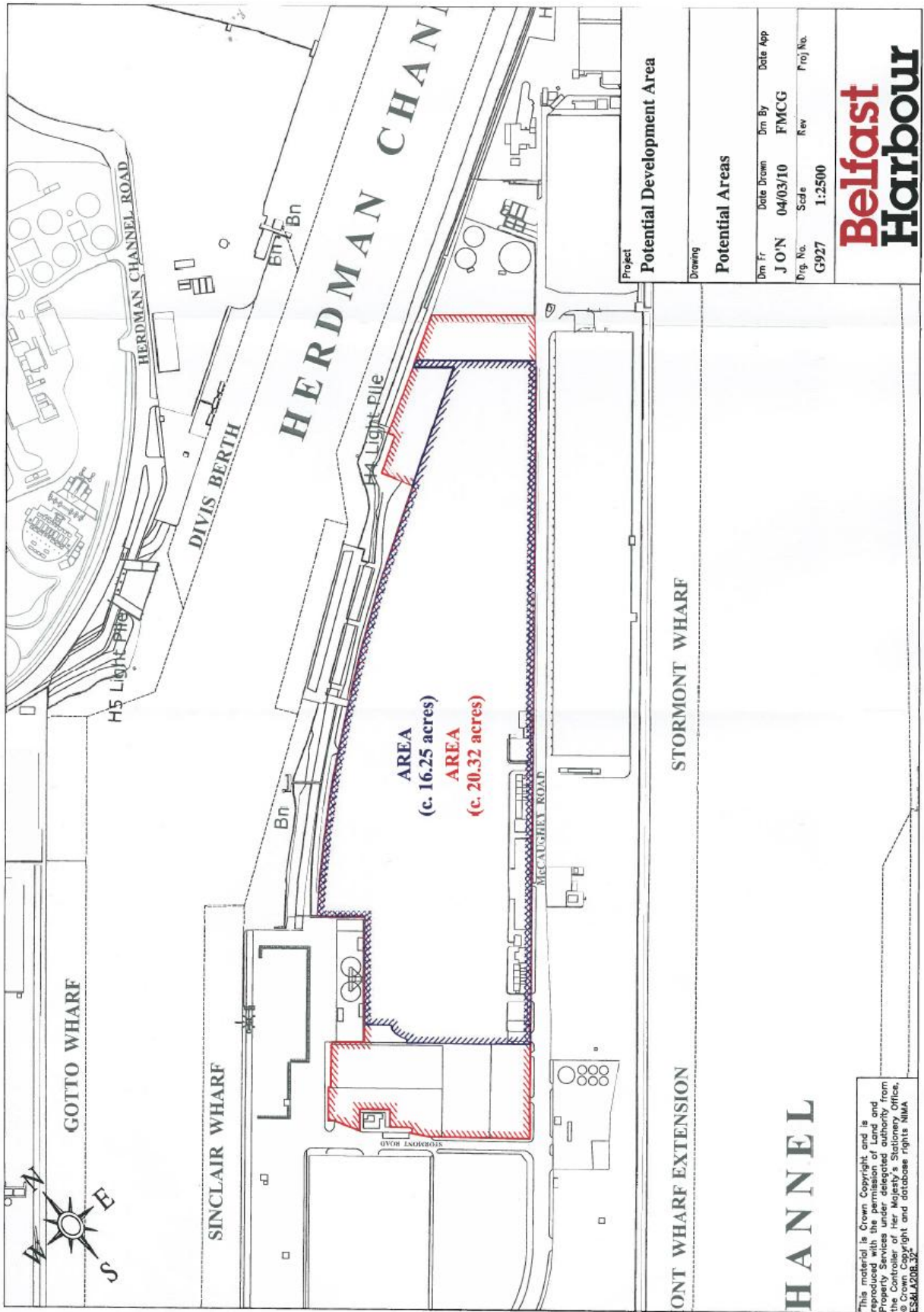


Appendix "C" WATER SUPPLY



V I C T O R I A C H A N N E L

APPENDIX E – ADDITIONAL LAND AT BELFAST HARBOUR



ANNEX 1B - KILROOT POWER STATION ADJOINING LANDS SITE

1.0 INTRODUCTION

The Land Bank site that adjoins Kilroot Power Station is located within the locality of Eden Village, as highlighted in Figure 1 below.



Figure 2 – Site Location Map

The Land Bank lands that adjoin the Kilroot Power Station are located to the West of the Power Station and extend from the outskirts of Eden to the shores of Belfast Lough. Today the site is vacant, and has been retained by Northern Ireland Electricity (NIE) on behalf of The Northern Ireland Authority for Utility Regulation (the Utility Regulator) for future power station development. This document outlines a number of attributes that make the vacant site suitable for a range of power generation technologies.

2.0 SITE HISTORY

The Land Bank site adjoining Kilroot Power Station was originally vested in 1973 and set aside for future Power Station development. During the construction of Kilroot Power Station the adjoining lands were utilised as a contractor's office and storage area. In 1992 the undeveloped site was leased to Kilroot Power Station operator AES. This lease expired in 2002 and since that date the site has remained un-leased.

3.0 SITE FEATURES

A plot plan of the Land Bank site that adjoins Kilroot Power Station is enclosed within Appendix "A". As illustrated in Appendix A, the site is bounded by the Kilroot Power Station to the east side, Belfast Lough to the south, and residential premises to the north and west. The Northern Ireland Railway, Belfast to Larne coast line, runs through the southern part of the site.

3.1 Site Road Access

By roadway the adjoining land site is approximately 15 miles from Belfast. The site is readily accessible via the M5 motorway and A2 road systems as illustrated in Figure 1. Access onto the site may be gained via Kilroot Power Station contractor's gate or via Higgins Court access road.

3.2 Site Topography & Area

In general the site is flat and features hard standing areas and fallow field areas. It is estimated that the site extends over an area of approximately 44.5 acres.



3.3 Cooling Water Supply

The southern perimeter of the site runs along the shore of Belfast Lough facilitating relatively easy access to the sea in order to develop a future sea water cooling system.

3.4 Water Supply

It is not known if the undeveloped site ever featured a Towns water supply.

3.5 Marine Vessel Access

The adjoining land site features a foreshore area that may possibly be developed into a marine tanker off loading facility.



3.6 Electricity Connection

The site is located local to an NIE 275kV High Voltage substation.

3.7 Drainage System

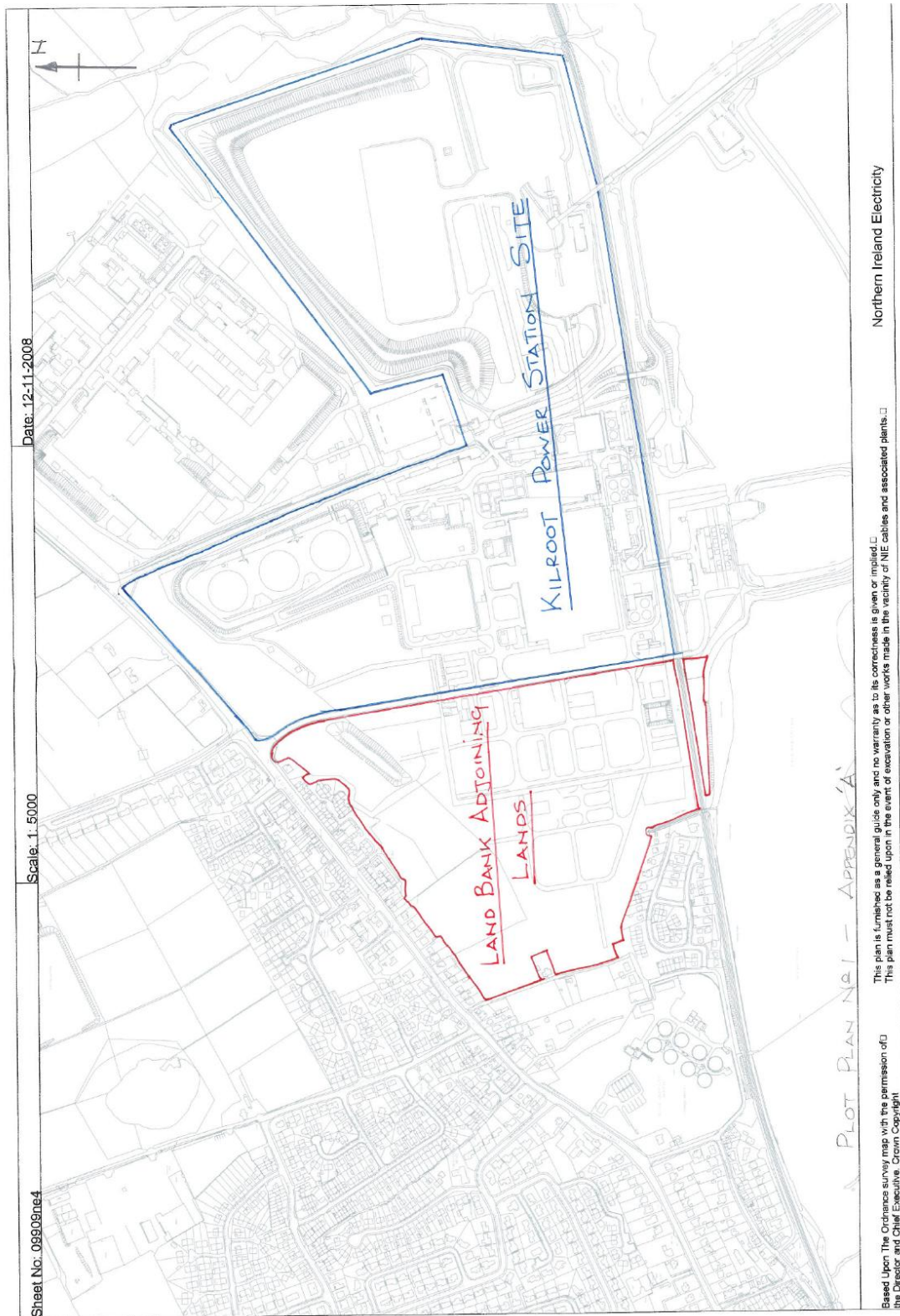
There is no evidence of the existence of a drainage system on the undeveloped site. There is evidence of sewerage drainage traversing the site.

3.8 Security

The site features a high security double fence and sterile zone that secures only a small area of the adjoining land site. The remainder of the site is secured by a single mesh fence but is in poor repair and has been removed along part of the boundary.



Appendix "A" SITE PLOT PLAN



Note: Land Bank Adjoining Lands Site Boundary – Marked Red.

1.0 INTRODUCTION

The Land Bank site that adjoins Coolkeeragh Power Station is located within the Strathfoyle district as highlighted in Figure 1 below.

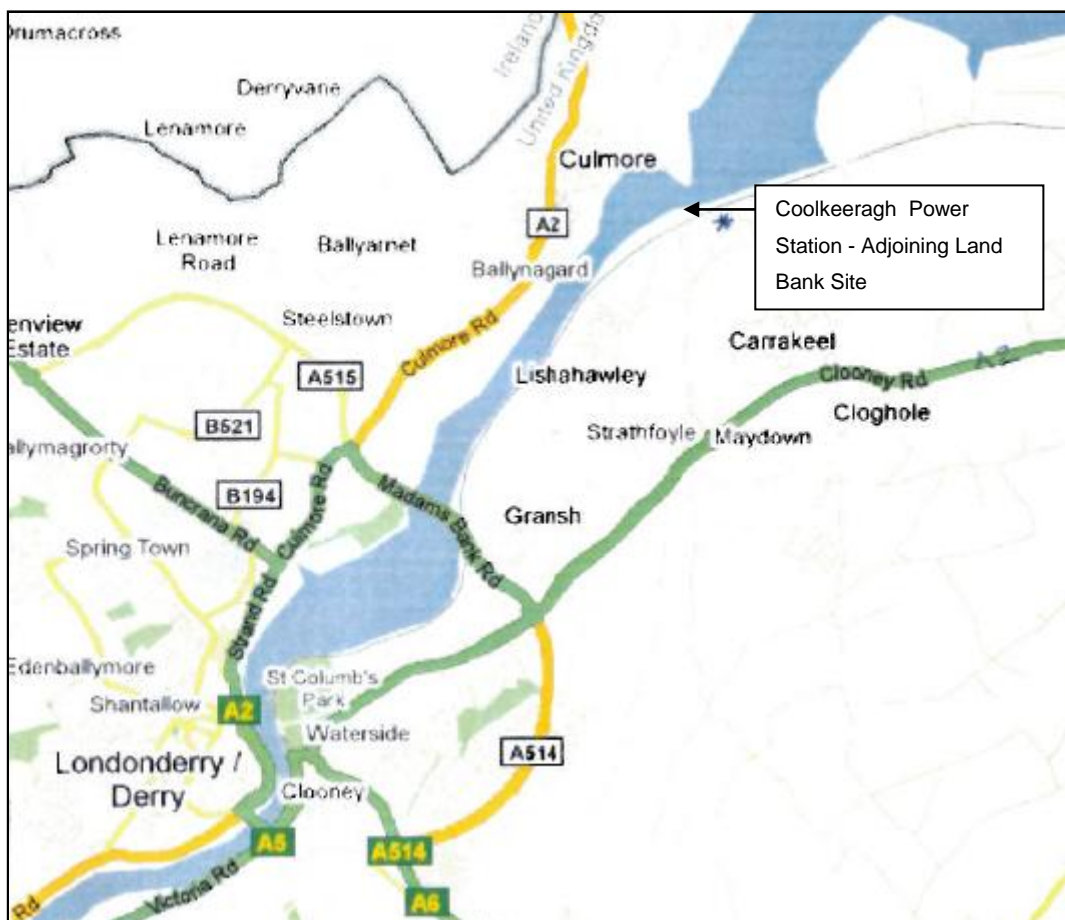


Figure 3 – Location Map

The Land Bank lands that adjoin the Coolkeeragh ESB Power Station are located to the west of the Power Station on the banks of the River Foyle. The site is approximately 7km down-river from Londonderry / Derry City. Today the site is currently vacant and is retained by Northern Ireland Electricity (NIE) on behalf of The Northern Ireland Authority for Utility Regulation (the Utility Regulator) for future Power Station development. This document outlines some of the key attributes of the site that make the vacant site suitable for a range of power generation technologies.

2.0 SITE HISTORY

Prior to NIE acquiring the Coolkeeragh lands in the late 1950s, to build the original oil fired power station, the adjoining lands were used as an army base during the Second World War. Since the construction of the original oil fired station in the late 1950s it is believed the adjoining lands have essentially remained vacant. It is understood that the site has previously been remediated and during the construction of CCGT power Station re-profiled to accommodate a contractor office and set down area. Today the undeveloped site is unoccupied and remains vacant.

3.0 SITE FEATURES

A plot plan of the Land Bank site that adjoins CESB power station is enclosed within Appendix "A". As illustrated the site is bounded by the River Foyle to the north, Coolkeeragh ESB power station to the east, NIE 275/110kv substation to the southern eastern side, Bord Gais AGI and agricultural lands to the south, and Londonderry Port Authority lands to the west. The main access road to the CESB power station runs along the north and west boundaries of the adjoining lands.

3.1 Site Road Access

The adjoining land site is approximately 7km north of Londonderry/Derry City. The site is readily accessible via the A2 dual carriageway system as illustrated in Figure 1. Access onto the site may be gained from the road access gate located on the northern boundary.

3.2 Site Topography & Area

The site is essentially a tiered river bank site that slopes down to the River Foyle. It is estimated that the elevation difference between the top area and lower road is approximately 10m. The tiered site is generally overgrown with shrubs, trees and bushes. It is estimated that the site extends over an area of approximately 29 acres.



3.3 Cooling Water Supply

The northern perimeter of the site runs along the shore road. In order to develop a future sea water cooling system the existing power station and substation access road and Northern Ireland Railway line that run along the river Foyle shore line will have to be considered.

3.4 Bord Gais – Above Ground Installation

A Bord Gais Above-Ground Installation (AGI) is local to the Coolkeeragh Adjoining lands. The pipeline supplies gas to Coolkeeragh ESB power station.

3.5 Water Supply

It is not known if the undeveloped site ever featured a water supply.

3.6 Marine Vessel Access

It is understood that marine tankers as large as 24,000 tonne dwt are navigable up the Foyle River to Londonderry. As noted Coolkeeragh ESB power station and NIE substation access road and Northern Ireland Railway line run along the length of the shore line. The Londonderry Port Authority coal handling and storage facility is local to the site.



3.7 Electricity Connection.

The site is located local to an NIE 275kV/110kV High Voltage electrical power network substation.

3.8 Drainage System

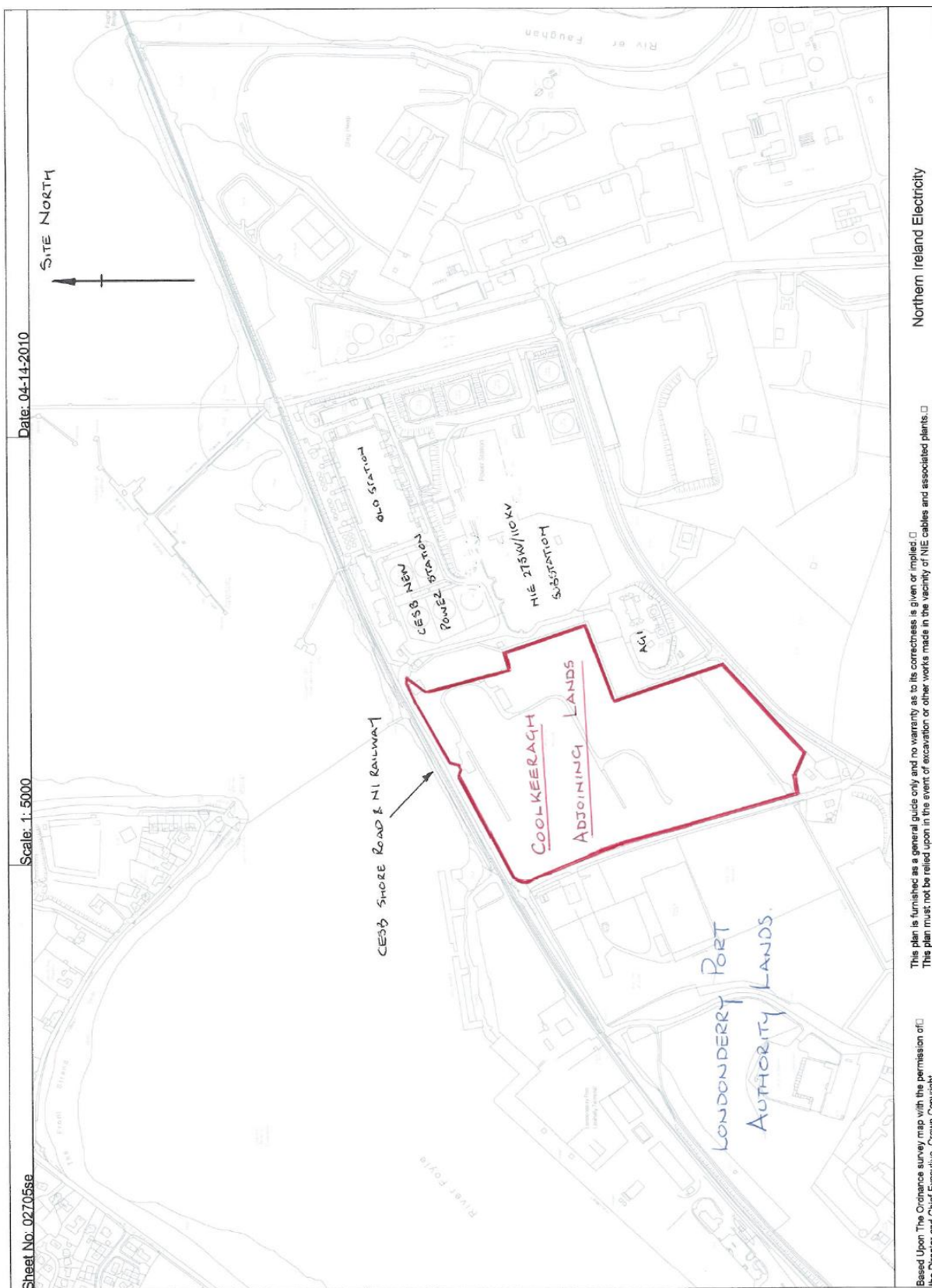
There is no evidence of the existence of a drainage system on the undeveloped site.

3.9 Security

The site features a barbed wire and chain link type security fence along the perimeter of the site.



Appendix "A" SITE PLOT PLAN

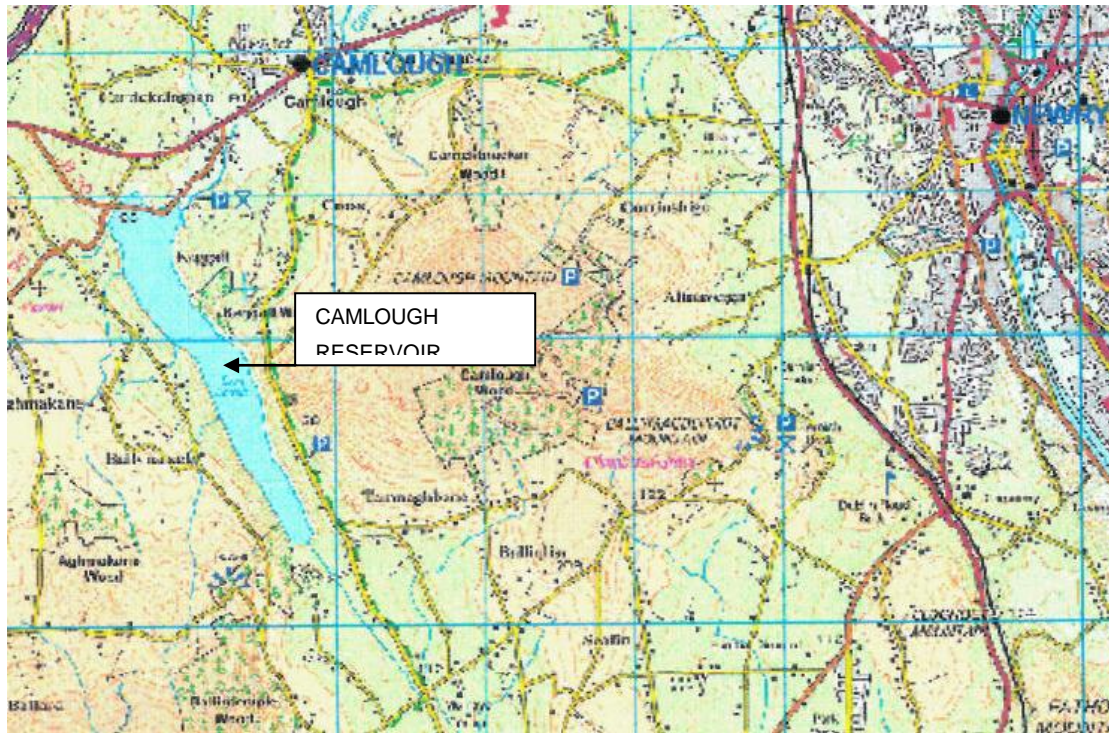


Note: Land Bank Adjoining Lands Site Boundary – Marked Red.

ANNEX 1D CAMLOUGH LAND BANK LANDS

1.0 INTRODUCTION

The Camlough Land Bank lands are located in the vicinity of Camlough Reservoir which is illustrated on the map below.



Camlough Reservoir is approximately 2 miles west of Newry, County Armagh. The lands that were vested for the Camlough Pumped Storage Scheme are those lands adjacent to the reservoir shore and mountain slopes of Slieve Gullion.

2.0 SITE HISTORY

In the late 1960s the development and construction of a 230MW Hydro/Pump Storage Scheme at Camlough Reservoir, County Armagh was authorised. Civil works associated with the construction of the Camlough Hydro/Pump Storage Scheme were started in 1971 but suspended in early 1973. In 1992 the lands (approx. 792 acres) originally vested for the Camlough Project became Land Bank lands and in 1997 the Utility Regulator authorised the disposal of the land. In

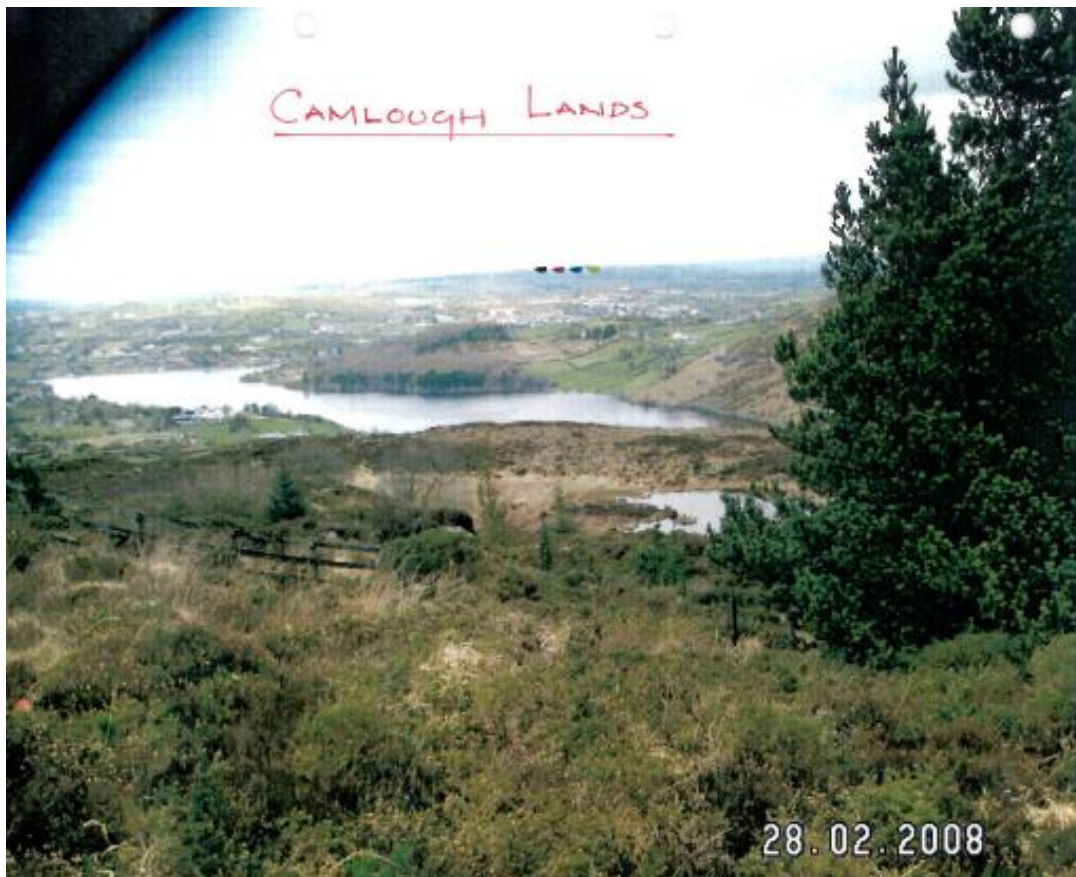
accordance with the Land Disposal Scheme approved by the Utility Regulator lots were to be offered for sale to the original owners or their descendants or else sold by auction where the original owners or their descendants did not wish to buy. Certain land was excluded from the scheme such as land vested from government departments and land where the original owner could not be determined. To date all the land which was included in the Land Disposal Scheme has been sold off.

3.0 SITE FEATURES

A plan showing the land at Camlough which currently remains within Land Bank is attached as Appendix "A". The coloured areas, defined on the map, generally illustrate the plots of land that were excluded from the scheme that are yet to be sold. It is estimated that approximate 150 acres remain within Land Bank.

3.1 Site Topography

The Camlough lands are a mixture of pasture lands mountain forest and heather lands. Some of the land originally vested from the Department of Agriculture has been planted with trees.



3.2 Site Security

The Land Bank lands around Camlough Reservoir are generally demarcated and secured by either dry walls, wooden/wire fences or hedgerows. It is however possible that some areas of Camlough Mountain may be being used for grazing by third parties as general grazing rights were in place prior to vesting. The tunnel entrance was walled up and steel fenced gated prior to the adjacent land being sold under the Disposal Scheme.

3.3 Site Neighbours

Local farmers, Newry & Mourne District Council, Forestry Service, NI Water and the Department Of Rural Development are all neighbours within the Camlough vicinity.

3.4 Area of Special Scientific Interest

In 2005 the Camlough area was designated an “Area of Special Scientific Interest”.

APPENDIX "A" CAMLOUGH UNSOLD LANDS



1.0 INTRODUCTION

The Tank 11 Site is located within the Lisahally district local to Coolkeeragh ESB power station as highlighted in Figure 1 below.

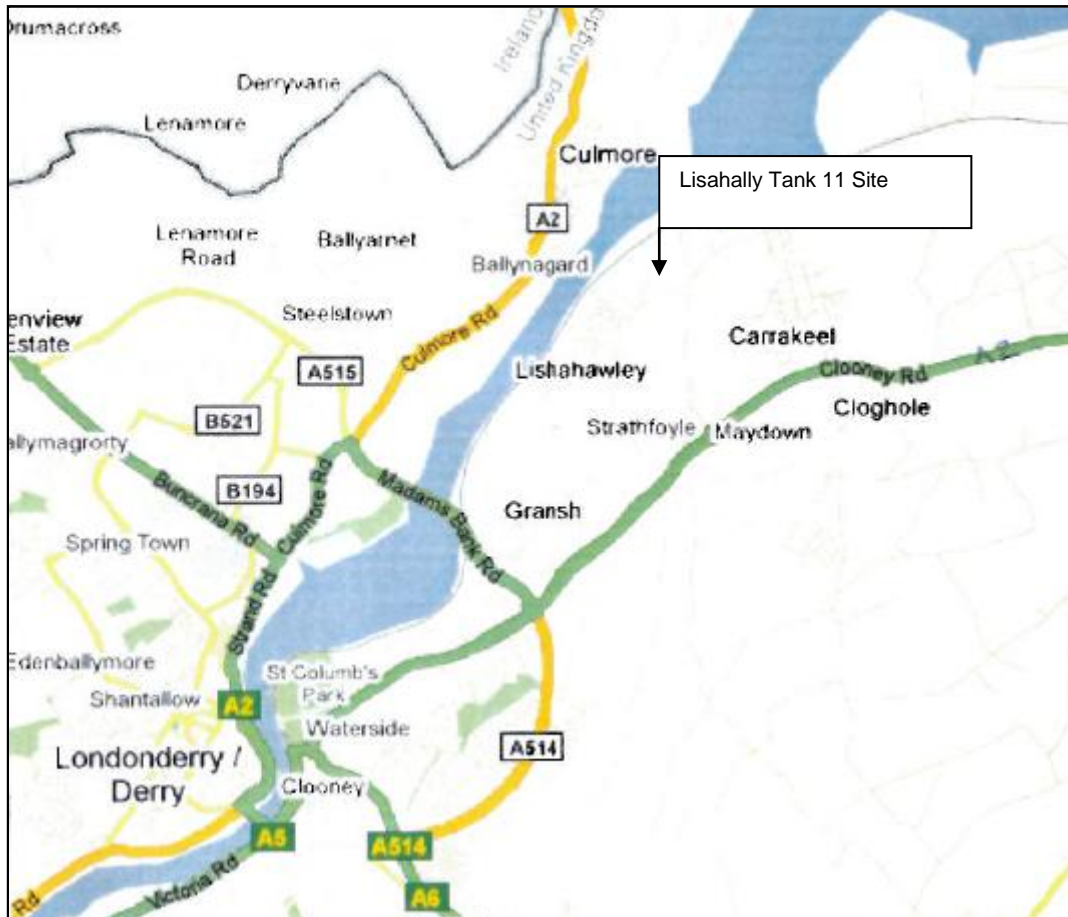


Figure 4 – Location Map

The site is located to the south west of the Power Station on the upper banks of the River Foyle. The site is approximately 7km down-river from Londonderry / Derry City. Today this small site is currently vacant and is retained by Northern Ireland Electricity (NIE) on behalf of The Northern Ireland Authority for Utility Regulation (the Utility Regulator). This document outlines some of the key attributes of the unoccupied site.

2.0 SITE HISTORY

It is understood that the Lisahally Tank 11 site was originally a Royal Navy diesel fuel oil storage facility during the Second World War. The facility was probably modified in the late 1950s when an overland pipeline was installed, running between the Tank 11 site and the original Coolkeeragh Station, in order to supply the station with diesel fuel oil. It is not known when CESB decommissioned the facility however it is apparent from the height of site vegetation that the storage facility has not been operational for many years. Today the diesel fuel oil storage facility remains un-demolished and un-occupied.

3.0 SITE FEATURES

The plot plan, enclosed within Appendix "A", generally illustrates the site remote location in relation to the CESB power station. A more detailed plot plan is enclosed within Appendix "B". The site has been redundant and unoccupied for many years and is heavily overgrown with vegetation restricting access throughout the site. The remnant storage facility includes a 10,000m³ storage tank and associate piping systems and fire fighting plant and associated ancillary buildings. A live NIE 11kV/415v distribution substation is located adjacent to the redundant fire fighting pump house.

Londonderry Port Authority, Foyle meats, Strathe Foyle Council, Coolkeeragh ESB and several private residences along Temple Road are all within the vicinity of the Tank 11 site.

3.1 Site Road Access

The Tank 11 site is approximately 7km north of Londonderry / Derry City. The site is readily accessible via the A2 dual carriageway system as illustrated in Figure 1. Access onto the site may be gained from the road access gate located on Temple Road.

3.2 Site Topography & Area

The site is essentially a level area that features an earth bund embankment that encloses the 10,000m³ storage tank. The site is heavily overgrown with shrubs, trees and bushes. It is estimated that the site extends over an area of approximately 5.25 acres.



3.3 Towns Water Supply

In accordance with the GINIS system the site features a 200 NB mains water supply.

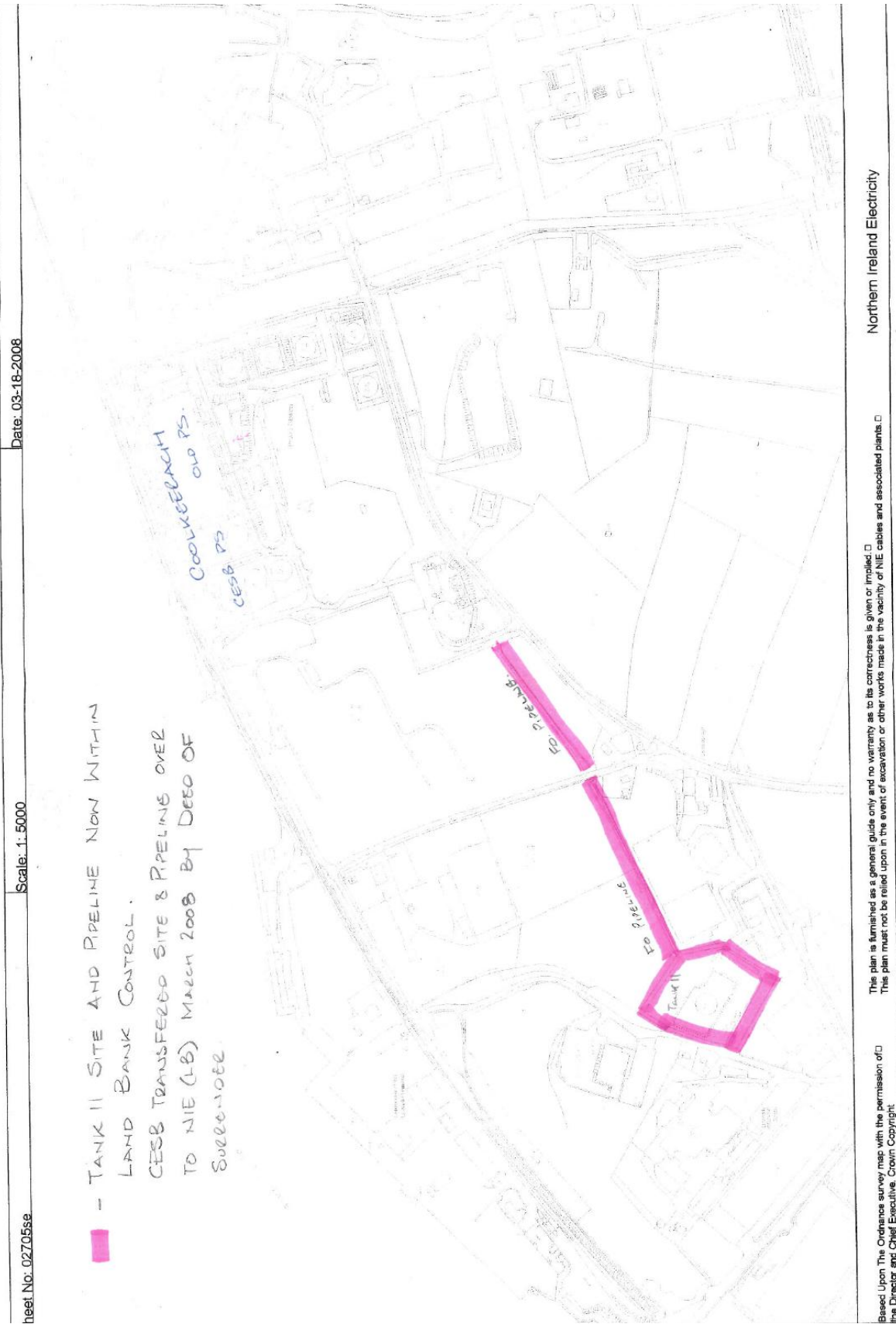
3.4 Electricity Connection.

The site is remote from the NIE 275kV/110kV High Voltage electrical power network substation located adjacent to the CESB power station. A small 11kV/415v substation station is located on the Tank 11 site.

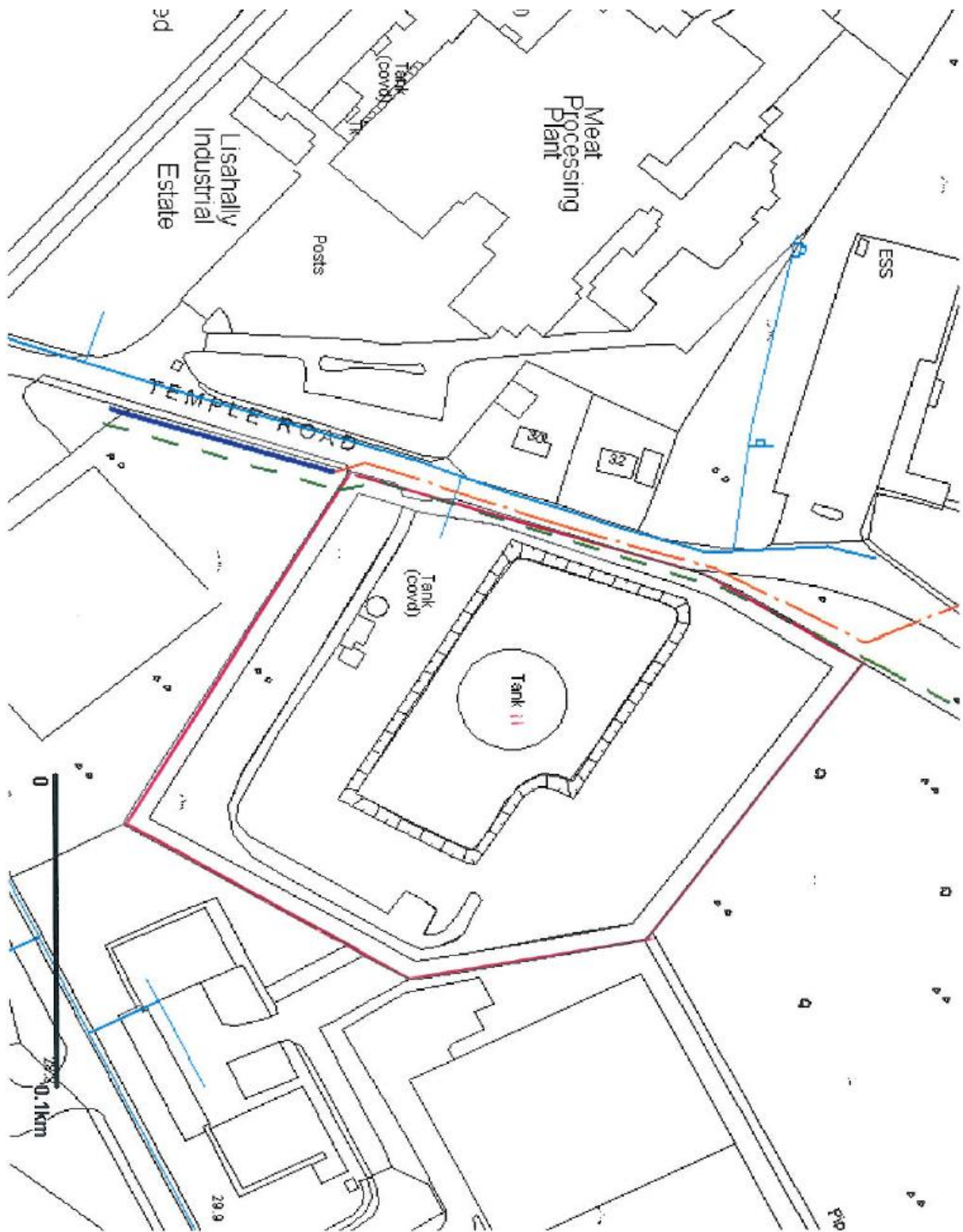
3.5 Site Security

The site perimeter features a dilapidated inner and outer barbed wire chain link fence.

APPENDIX "A" LISAHALLY TANK 11 SITE



APPENDIX "B" LISAHALLY TANK 11 SITE



LISAHALLY TANK 11 SITE



200 NB WATER MAIN

- 1 The Licensee shall deal with the land bank and any rights which it may have in relation to the whole or any part of it in accordance with such directions as the Authority shall from time to time issue to it. Such directions may:
 - (a) provide that the Licensee shall not dispose of the whole or any part of the land bank except with the prior written consent of the Authority and in accordance with the conditions (if any) of the consent;
 - (b) provide that the Licensee shall not agree to any assignment or amendment of, or terminate otherwise than in accordance with its terms, any relevant lease without the prior written consent of the Authority and in accordance with the conditions (if any) of the consent;
 - (c) specify:
 - (i) the conditions upon which the Licensee shall deal with any application from any person concerning the unlet land;
 - (ii) the obligations of the Licensee in relation to the maintenance, replacement or repair of any structure on the unlet land;
 - (iii) the steps the Licensee must take in relation to access to and the security of the unlet land; and
 - (iv) the length and other terms and conditions of any subsequent lease;
 - (d) provide that the Licensee shall not appropriate any part of the land bank for its own purposes or the purposes of any affiliate or related undertaking of the Licensee without the prior written consent of the Authority and in accordance with the conditions (if any) of the consent; and

- (e) contain such other conditions in relation to the way in which the Licensee shall deal with the land bank or any such rights as the Authority shall think fit.
- 2 Any directions of the kind referred to in paragraph 1 shall be framed so as to ensure that in implementing them in accordance with their terms the Licensee shall neither suffer any financial loss nor secure any financial benefit by reason only of such implementation.
- 3 Where the amount calculated in accordance with paragraph 4 (the “**Land Bank Amount**”) is positive, the Distribution Business shall account to the Land Bank Business for a sum equal to that amount. Where the Land Bank Amount is negative, the Land Bank Business shall account to the Distribution Business for a sum equal to the absolute value of that amount.
- 4 The Land Bank Amount shall be calculated, in respect of each relevant year, as follows:
- (a) an amount equal to the costs of the Land Bank Business:
- (i) in dealing with the land bank in accordance with the directions issued to it by the Authority pursuant to paragraph 1; and
- (ii) if and to the extent that no such directions have been issued in relation to any part of the land bank, in dealing with any such part;
- less
- (b) any amount which the Land Bank Business has received (or is entitled to receive) from any person in connection with the land bank, including any amount in consideration of the grant, or consent to the assignment, of any relevant lease or the disposal of any part of the land bank.
- 5 In this Condition:
- “**disposal**” includes any sale, assignment, gift, lease,

licence, the grant of any right of possession, loan, security, mortgage, charge or the grant of any other encumbrance or the permitting of any encumbrance to subsist or any other disposition to any third party and “dispose” shall be construed accordingly;

“Land Bank Amount”

has the meaning given to that expression in paragraph 3;

“initial lease”

means a designated lease granted to one of Ballylumford Power Limited, Belfast West Power Limited, Coolkeeragh Power Limited or Kilroot Power Limited;

“relevant year”

has the meaning given to that expression in Annex 1;

“subsequent lease”

means a lease of any land forming part of the land bank other than an initial lease; and

“unlet land”

means any land forming part of the land bank and which is not subject to a relevant lease.