DEPARTMENT OF ENERGY AND CLIMATE CHANGE ELECTRICITY ACT 1989 CONSTRUCTION AND OPERATION OF AN ENERGY FROM WASTE AND BIOMASS FUELLED GENERATING STATION AT STOREY'S BAR ROAD, FENGATE, PETERBOROUGH

- 1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for Energy and Climate Change ("the Secretary of State") hereby consents to the construction by Peterborough Renewable Energy Limited ("the Company"), on the area of land outlined red on DRAWING NO JDA/PREL/A1/P.APP.OS.007A, annexed hereto and duly endorsed on behalf of the Secretary of State, of an energy from waste and biomass fuelled generating station at Storey's Bar Road, Fengate, Peterborough ("the Development"), and to the operation of that generating station.
- 2. Subject to paragraph 3(1), the Development shall be up to 80MW capacity and comprise:
 - (a) up to nine boilers;
 - (b) up to five steam turbines;
 - (c) air cooled condensers:
 - (d) materials recycling facility;
 - (e) plasma vitrification plant;
 - (f) carbon sequestration plant;
 - (g) ancillary plant and equipment; and
 - (h) the necessary buildings (including administration offices, workshops and stores) and civil engineering works.
- 3. This consent is granted subject to the following conditions:
 - (1) The Development shall be constructed and operated in accordance with the details contained in paragraph 2 of this consent.
 - (2) The commencement of the Development shall not be later than five years from the date of this consent, or such longer period as the Secretary of State may hereafter direct in writing.

<u>DIRECTION TO DEEM PLANNING PERMISSION TO BE GRANTED UNDER</u> <u>SECTION 90 OF THE TOWN AND COUNTRY PLANNING ACT 1990</u>

CONSTRUCTION AND OPERATION OF A 79MW BIOMASS AND ENERGY FROM WASTE FUELLED ELECTRICITY GENERATING STATION AT STOREY'S BAR ROAD, FENGATE, PETERBOROUGH

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

Definitions

(1) In these Conditions unless the context otherwise requires -

"BS 4142 1997" means British Standard 4142: 1997 - Method for rating industrial noise affecting mixed residential and industrial areas;

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

"BREEAM" means the Building Research Establishment Environmental Assessment Method (www.breeam.org);

"the commencement of the Development" means the date on which the Development shall be taken to be initiated in accordance with section 56 of the Town and Country Planning Act 1990, as amended;

"the commissioning of the Development" means the date on which, following completion of the testing of the Development, the Development first supplies electricity on a commercial basis;

"the Company" means Peterborough Renewable Energy Limited and its assigns and successors;

"the Council" means Peterborough City Council and its successors;

"creative conservation" means the establishment of areas which are capable of sustaining locally indigenous species of flora and fauna as well as habitat such as those outlined in the local biodiversity action plan or its equivalent from the UK Biodiversity Action Plan;

"the Development" means the energy from waste generating station at Storey's Bar Road, Fengate, Peterborough;

"EIA Statement" means the document entitled "Proposed Energypark Peterborough Environmental Statement Land off Storey's Bar Road, Peterborough August 2008";

"emergency" means circumstances in which there is reasonable cause for apprehending imminent injury to persons, serious damage to property or danger of serious pollution to the environment;

"Environment Agency" means the Environment Agency and its successors;

"FAT" means the Fenland Archaeological Trust which manages Flag Fen;

"Flag Fen" means the land adjacent to the Site on which there is situated an archaeology park containing prehistoric and Roman remains and a Bronze Age settlement;

"heavy commercial vehicle" has the meaning given by section 138 of the Road Traffic Regulation Act 1984;

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

"National Grid assets" means existing natural gas pipelines and overhead electricity transmission lines which cross the Site;

"Natural England" means Natural England and its successors;

"operating weight" in relation to a goods vehicle has the meaning given by section 138 of the Road Traffic Act 1984;

"Permitted Preliminary Works" means:

- (i) landscaping and creative conservation, providing these do not require the delivery or removal of bulk filling materials to or from the Site and have been approved pursuant to Condition (46);
- (ii) installation and diversion of utility services within the Site;
- (iii) surveys and geotechnical surveys;

- (iv) provision of wheel cleansing facilities required pursuant to Condition (11); and
- (v) provision for temporary contractors' facilities necessary for (i) to (iv) above within the Site;

"Peterborough Power Station" means the 400MW combined cycle gas turbine generating station at Storey's Bar Road, Peterborough PE1 5NT, owned and operated by Centrica Energy Limited;

"Sheffield stand" means a stand for cycles which has a flat top and two 90° bends with the option of a horizontal bar for added security;

"the Site" means the area of land outlined red on DRAWING NO JDA/PREL/A1/P.APP.OS.007A, annexed hereto; and

"Site access road" means the road identified on Drawing Number 15746/AO/Sk0800 B, annexed hereto.

The Site

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

Reason: To ensure that no construction takes place beyond the boundary of the area which is the subject of this planning permission.

Time Limits

(3) The commencement of the Development shall not be later than the expiry of five years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990, as amended.

Street Naming/Numbering

(4) The commissioning of the Development shall not take place until the Company has identified a name and/or number for the Development with the Council. Such name and/or number shall be displayed at the access of the Site or any other prominent position as may be agreed in writing by the Council.

Reason: In the interest of highway safety and to ensure that emergency services know where to go in the event of an emergency.

Layout and Design

- (5) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a scheme which shall include provisions for the:
 - (i) details of the siting, design, external appearance and dimensions of all new or modified buildings and structures which are to be retained following the commissioning of the Development;
 - (ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;
 - (iii) details of vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site;
 - (iv) details of all new or modified permanent fencing and gates required on the Site;
 - (v) details of artificial lighting required during the operation of the Development; and
 - (vi) phasing of works included in the scheme.
- (6) Notwithstanding any details approved by the Council pursuant to Condition (5) above, the following buildings shall be constructed to the following BREEAM standards:
 - (i) processing buildings to be assessed under BREEAM industrial;
 - (ii) reception/administration buildings and weighbridge to be assessed under BREEAM offices;
 - (iii) lorry store/compass building to be assessed under BREEAM industrial, providing the operational areas make up over 50% of the gross internal floor area of the building; and
 - (iv) research and development/visitors centre to be assessed under BREEAM bespoke.

or such standards that replace BREEAM in whole or in part before the start of construction of any of the buildings referred to in (i) to (iv) above.

- (7) The use of columns for artificial lighting shall not exceed the obtrusive light limitations of sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Obtrusive Light: GNO1 2005", nor shall such lighting be arranged so that danger or inconvenience is caused to users of the nearby public highways.
- (8) The Development shall proceed only in accordance with the scheme referred to in Condition (5) subject to any variation as may be approved in writing by the Council.

Reasons: Condition (5) is to enable the Council to exercise reasonable and proper control over the design and appearance of the Development. Condition (6) is to ensure that the energy efficiency of the proposed Development is maximised in accordance with policy U13 of the Peterborough Local Plan (First Replacement) 2005. Condition (7) is to reduce light pollution and protect the amenity of local residents and highway safety.

Provision and Retention of Cycle Parking

(9) Provision on the Site shall be made for 60 cycle places, consisting of 30 Sheffield stands, and situated next to the reception/administrative buildings and the research and development/visitors centre. The cycle parking areas shall be for the exclusive use of cycles and shall be retained for the duration of the operation of the Development.

Reason: To encourage the use of cycling by both staff and visitors and reduce the number of cars which could contribute to traffic congestion.

Site Access

(10) Except for Permitted Preliminary Works the commencement of the Development shall not take place until the Site access road has been completed to the satisfaction of the Council. Access to and from the Site shall only be via the approved Site access road.

Reason: To relieve congestion on Storey's Bar Road and provide a safe means of access and egress to and from the Site for pedestrians and cyclists.

Construction, Construction Noise and Construction Traffic

(11) The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a Construction Environmental Management Plan. The Plan shall include details of how noise, dust and other

airborne pollutants, vibration, smoke, and odour from construction work including from piling and associated traffic movements, from both inside and outside the Site boundary, will be controlled and mitigated. The Plan shall use the principles described in the document entitled "The Control of Dust Emissions from Construction and Best Practice Guidance (London Councils; Mayor of London, 2006) and utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The construction of the Development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by the Council.

- (12) All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228, Parts 1 and 2: 1997 and Part 4: 1992; Noise and Vibration Control on Construction and Open Sites.
- (13) The commencement of the Development shall not take place until there has been submitted to, approved in writing by and deposited with the Council details of the use of reversing alarms to be fitted to all mobile plant on the Site. The approved reversing alarms shall be utilised on mobile plant throughout the period of the construction and operation of the Development.
- (14) No construction work associated with the Development shall take place on the Site except between the following times:

Monday to Friday 0700 - 1900 Saturday and Sunday 0800 - 1600

Unless such work -

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the Council; or
- (c) does not cause existing ambient background noise levels to be exceeded.
- (15) No impact piling approved under the Plan approved pursuant to Condition (11) shall take place on the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday 09.00 - 18.00Saturday 09.00 - 13.00

Unless such work -

(a) is associated with an emergency;

- (b) is carried out with the prior written approval of the Council.
- (16) No heavy commercial vehicles associated with the construction of the Development shall enter or leave the Site except between the following times:

Monday to Friday 0700 - 1900 Saturday and Sunday 0800 - 1600

Unless such movement:

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the Council.
- (17) Except in an emergency all heavy commercial traffic shall enter and exit the Site from the west via the junction of Storey's Bar Road/Vicarage Bar Road/Edgerley Drain Road.
- (18) In any instance where a time limitation referred to in Conditions (14), (15), or (16) is not adhered to; or a traffic movement referred to in Condition (17) does not follow the route prescribed in that Condition, the Company shall as soon as possible notify the Council and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation or traffic route could not be observed.
- (19) The commencement of the Development shall not take place until a Construction Traffic Management Plan and Access Route which incorporates adequate provision for addressing any abnormal wear and tear to the highway has been submitted to, approved in writing by and deposited with, the Council. The Construction Traffic Management Plan shall include proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure that no other local roads are used by construction traffic.
- (20) For the duration of the construction period of the Development all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the Construction Traffic Access Route and no other local roads unless approved in writing with the Council in consultation with the Highway Authority.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development and to reduce the number of traffic movements for the safety of other road users and pedestrians.

Operational Traffic

(21) All vehicles delivering or collecting materials shall enter or leave the Site between the following times:

Delivering: 07.00 - 19.00 hours Monday to Saturday 08.00 - 16.00 hours Sunday

Collecting: 06.00 - 18.00 hours Monday to Saturday 08.00 - 16.00 hours Sunday

except in an emergency or as otherwise agreed in writing by the Council.

Unless they are otherwise enclosed, the loads of all heavy commercial waste carrying dry loose waste and/or biomass into and out of the Site during the operational phase of the Development shall be covered, except when they are required to be uncovered in order to inspect incoming loads of waste and biomass.

Reason: In the interest of local amenity.

Operational Noise

- (23)The commissioning of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a programme for the monitoring and control of noise generated by the normal commercial operation of the Development. The programme shall specify the locations from which noise will be monitored, the method of noise measurement (which shall be in accordance with BS 4142 1997) and the maximum permissible levels of noise at each such monitoring location. The programme shall make provision for such noise measurements to be taken by the Company as soon as possible following requests by the Council and such measurements shall be given to the Council as soon as they are available. At such measurement locations noise levels shall not exceed the levels specified in the approved programme, except in an emergency or with the prior written approval of the Council. Such noise shall exhibit no tonal or impulse content at these locations in any weather conditions.
- (24) Notwithstanding any noise measurement and noise measurement location approved by the Council pursuant to Condition (23) the noise generated by the operation of the Development shall not cause noise levels, when measured at Red Brick Farm and the location within the Flag Fen Archaeology Park identified on DRAWING NO JDA/PREL/A1/P.APP.OS.007A, to exceed 44dB

LAeq (1 hour) between 07.00 and 23.00 Monday to Friday and 40dB LAeq (5 minutes) at all other times, when assessed in accordance with BS 4142 at a point 1.2 metres above the ground and not less than 4 metres from the façade of Red Brick Farm or the location within the Flag Fen Archaeology Park identified on DRAWING NO JDA/PREL/A1/P.APP.OS.007A, as appropriate. Such noise shall exhibit no tonal or impulse content at these locations in any weather conditions. These limitations as to noise levels or any such lower noise levels as have been approved by the Council under Condition (23) shall be adhered to at all times except in an emergency.

- (25) In any instance where a noise level approved pursuant to Condition (23) or imposed pursuant to Condition (24) is exceeded because of an emergency the Company shall as soon as possible, and in any case within two working days, provide the Council with a written statement detailing the nature of the emergency and the reason why the noise level could not be observed. If the emergency period is expected to be for more than twenty-four hours then the Company shall inform those residents (including FAT) and businesses affected by the emergency of the reasons for the emergency and the expected duration.
- (26) Except in an emergency, the Company shall give at least 24 hours prior notice in writing to the Council and FAT of any proposed operation of emergency pressure relief valves or similar equipment. So far as is reasonably practicable any such operation should take place between the hours of 09.00 and 17.00 hours on any day other than Saturdays, Sundays, Bank Holidays or public holidays.

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

Noise Complaints Procedure

(27) If a local resident or local business complains direct to the Company or the Company has been notified in writing by the Council of any complaint about noise generated by the construction and/or operation of the Development the Company shall carry out investigations to establish the justification, or otherwise, of the complaint, the likely cause and possible remedial measures. A written report to the complainant, copied to the Council, shall be made as soon as reasonably practicable following the investigation and/or remedial work. The Company shall keep all such reports in an appropriate file and such file shall be made available to the Council on request.

Reason: To ensure that any complaints on the grounds of noise are properly dealt with so as to reduce the impact of the Development on local residents.

Source of Waste

- Unless otherwise agreed in writing with the Council waste that originates outside one or more of the three areas referred to below in (a) (c) shall not exceed 20% (dry volume by weight) of the total waste entering the Site as part of the Development in any year:
 - (a) an area within a 32km radius of the Site; or
 - (b) an area with the administrative boundary of the Council; or
 - c) an area within the administrative boundary of Cambridgeshire County Council.

with documentary records being made available for inspection by nominated officers of the Council in a form (paper or electronic) to be agreed prior to the commissioning of the Development.

For the purposes of this Condition:

- (A) "waste" means any load which:
 - (i) is brought to the Site for the purpose of being used as fuel in the operation of the Development;
 - (ii) contains matter which is not biomass; and
 - (iii) prior to being brought to the Site, has not been sorted so as to segregate any biomass contained within it; and
- (B) "biomass" means matter which qualifies as biomass under:
 - (i) Article 4 of the Renewables Obligation Order 2009 (S.I. 2009 No. 785); or
 - (ii) such subsequent provision as:
 - (aa) is made under section 32 of the Electricity Act 1989 or any legislation which replaces it from time to time:

- (bb) defines biomass for the purposes of a renewables obligation imposed on electricity suppliers; and
- (cc) is in force from time to time.

Reason: To ensure that waste is not brought in from further afield than the catchment areas of Peterborough and Cambridgeshire.

Storage and Handling of Materials

(29) All waste, biomass, ash and recyclables associated with the operation of the Development shall be stored and handled under cover at all times.

Reason: To ensure that dust does not have an impact on the local environment.

Peterborough Power Station and National Grid Assets

- (30) The commencement of the Development shall not take place until a method statement for the export of electricity from the Development to the National Grid which addresses in detail the following matters has been submitted to, approved in writing by, and deposited with the Council, in consultation with Centrica Energy and National Grid:
 - (i) how the Company intends to connect to the existing electrical network:
 - (ii) how the Company intends to protect the existing overhead electricity export line and infrastructure for the Peterborough Power Station which crosses the Site; and
 - (iii) how the Company intends to connect the Development into the electricity sub-station at the Peterborough Power Station.

Reason: To ensure that existing operations on the Site or adjacent to it are not affected by the construction or operation of the Development.

Prevention of Contamination of Watercourses

(31) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency and FAT, a scheme showing the method and working of drainage facilities on

the Site. Such facilities shall be put in place in accordance with the approved scheme.

- (32) The scheme referred to in Condition (31) shall include:
 - (i) measures to ensure that no leachate or any contaminated surface water from the Site shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;
 - (ii) provision to ensure that all existing drainage systems continue to operate and that riparian owners upstream and downstream of the Site are not adversely affected;
 - (iii) provision for trapped gullies in car parks, hardstandings and roadways;
 - (iv) measures to ensure that all foul sewage drains to an approved foul sewerage and/or sewage disposal system;
 - (v) provisions to distinguish between temporary and permanent parts of the works; and
 - (vi) phasing of works.
- (33) Any surface water contaminated by hydrocarbons which are used during the construction of the Development shall be passed through oil/grit interceptor(s) prior to being discharged to any public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.
- (34) All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the Development must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.
- (35) All bunded compound(s) referred to in Condition (34) containing acids, alkalis or sulphides in addition to being contained in suitable facilities shall have appropriate protective lining applied to the inner walls of the bunds.
- (36) Any storage facility to which Conditions (34) or (35) refer shall be completed in accordance with the requirements of those Conditions before being brought into use.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built.

Archaeology

- (37) The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council, in consultation with FAT, a scheme of archaeological investigation, implementation and reporting only in respect of that part of the Site hatched red on DRAWING NO JDA/PREL/A1/P.APP/OS.007A.
- (38) The scheme approved pursuant to Condition (37) shall provide for:
 - (i) any person nominated by the Council to be permitted safe access to the part of the Site where an archaeological find is made;
 - (ii) finds of national or significant local importance to be evaluated and, where practicable, preserved in situ;
 - (iii) phasing of works; and
 - (iv) the results made available to FAT.
- (39) Any further investigations and recording of such finds as are considered necessary by the Council shall be undertaken prior to the construction of any part of the Development on that part of the Site where such finds are identified, and in the case of finds of national or local importance in accordance with the phasing of works referred to in Condition (38)(iii) or as otherwise approved in writing by the Council.

Reason: To allow the surveying of that part of the Site that has not already been assessed for archaeological artefacts and the recovery of any important archaeological discovery before construction of that part of the Development begins.

Contaminated Waste

(40) The commencement of the Development shall not take place until the Company has carried out an investigation to assess the degree of ground contamination of the Site and submitted a written report of the findings to the Council, the Environment Agency and FAT. The investigation shall include testing for hydrocarbons and other contaminants, together with leachability testing. The survey shall include the leachability test results along with the locations at which they were sampled. Any groundwater encountered during the survey shall also be tested for contaminants, in order to assess the mobility of any contaminants encountered.

- (41) No work associated with the construction of the Development shall take place until the Council, in consultation with the Environment Agency, has approved in writing the report produced pursuant to Condition (40).
- (42) The commencement of the Development shall not take place until a scheme of any necessary remedial measures and monitoring has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency.
- (43) The scheme approved pursuant to Condition (42) shall be adhered to during the construction of the Development, unless any variation has been approved in writing by the Council, in consultation with the Environment Agency.
- (44) Should contaminated materials be found on any area of the Site which had been identified as being free of contaminants pursuant to Condition (40) then such area shall be subject to the remedial and monitoring scheme approved pursuant to Condition (42).
- (45) Contaminated material arising from the construction of the Development shall be treated on the Site in accordance with a scheme to be submitted to, approved in writing by, and deposited with, the Council, in consultation with the Environment Agency, or shall be disposed of to licensed disposal facilities.

Reason: To ensure that contaminated waste found on the Site is disposed of properly.

Landscaping and creative conservation

- (46) The commencement of the main Development shall not take place until a scheme of landscaping and creative conservation which shall accord with the approach outlined in the landscape and ecology chapters and appendices of the EIA Statement, has been submitted to and approved in writing by the Council, in consultation with Natural England, the Environment Agency and Flag Fen Archaeological Park.
- (47) The scheme referred to in Condition (46) shall deal with the treatment of any environmentally sensitive areas their aftercare and maintenance as well as the general provision of screening, shrub and tree planting and grassed areas and means of integrating the Development with the surrounding landscape and shall include details of the following matters:
 - (i) planting (which should be mainly of locally native species, ideally with a local provenance);

- (ii) management of existing and new planted areas including protection of existing planting during construction;
- (iii) restoration of areas affected by construction works;
- (iv) details of grass seed mix for areas of the Site to be restored to grassland;
- (v) details of the height, type, size and species of the shrubs and trees to be planted;
- (vi) details of the measures to be taken to create new flora and fauna habitats and of the management of such new habitats;
- (vii) phasing of works included in the scheme.
- (48) The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works referred to in Condition (47)(vii) and no later than the appropriate planting or sowing season following the completion of the construction of the Development and shall be carried out in accordance with the scheme approved under Condition (46), unless any variation has been approved in writing by the Council. Any trees or shrubs, including hedges, which die, become seriously damaged or diseased or are removed within five years from the date of planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise approved in writing by the Council.

Reason: To ensure proper landscaping for the Development.

Cessation of works and restoration of the Site

- (49) Within 6 months of the Development ceasing to be used for the purposes of electricity generation the Company shall submit to the Council, for approval in writing, a scheme for the demolition and removal of redundant buildings and structures from the Site and the restoration of the Site.
- (50) The scheme referred to in Condition (49) shall include:
 - (i) details of all structures and buildings which are to be demolished;
 - (ii) details of the means of removal of materials resulting from the demolition;
 - (iii) the phasing of the demolition and removal;

- (iv) the means of de-contaminating the Site;
- (v) the means of removal of any contaminated material;
- (vi) the phasing of the de-contamination works;
- (vii) details of the restoration works; and
- (viii) the phasing of the restoration works.

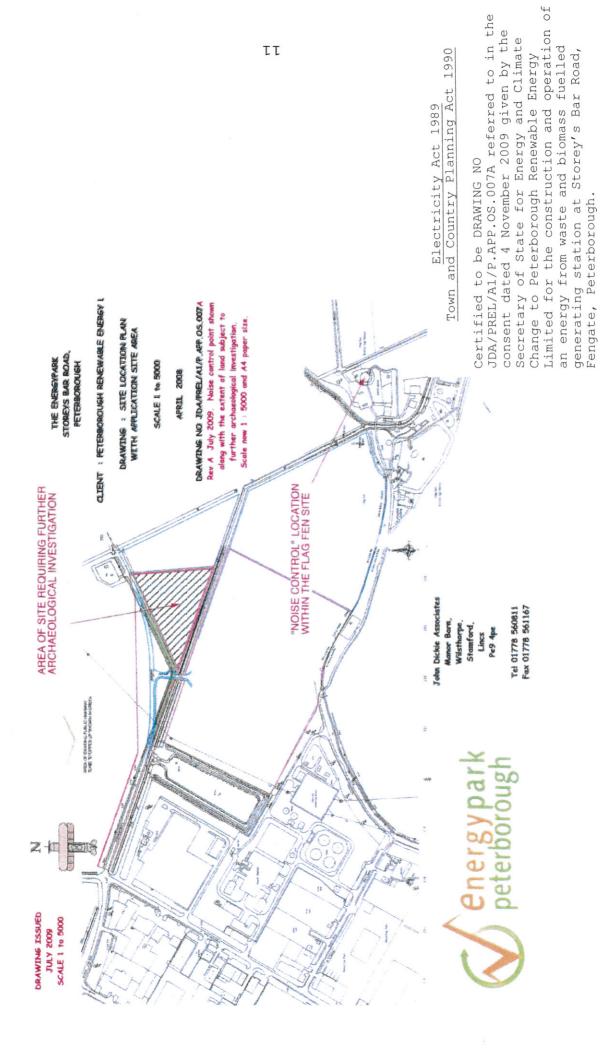
Reason: To ensure the Site is not allowed to become derelict after the cessation of electricity generation.

Date: November 2009

Richard Mellish Head of Development Consents and Planning reform Department of Energy and Climate Change

RPMU





Department for Energy and Climate Change Signed: Gory

