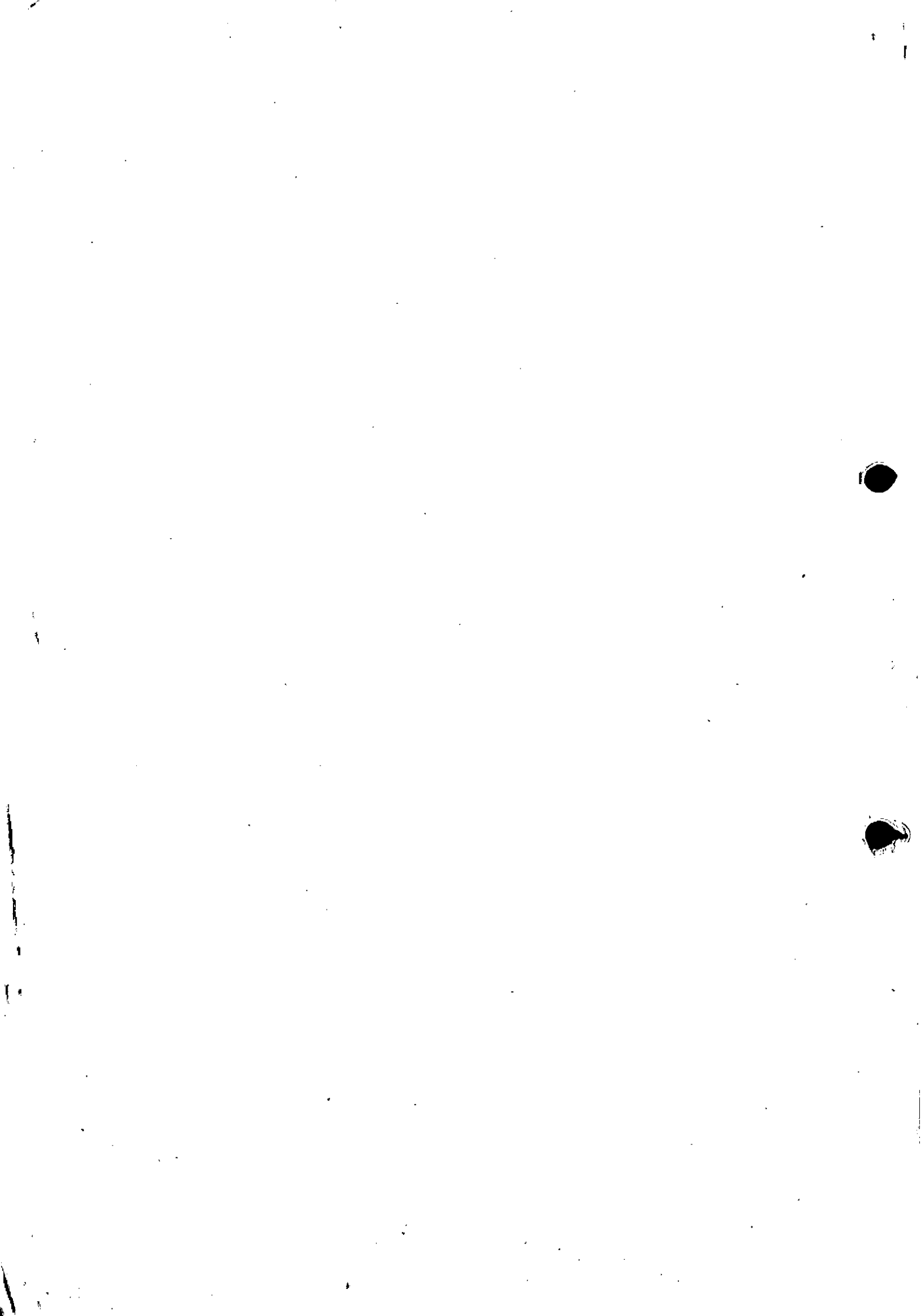


APPENDIX 7

CONDITIONS



SCHEDULE OF PROPOSED CONDITIONS

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Approved plans

2. The development hereby approved shall be carried out in accordance with the written application, dated 19 January 2007 submitted to the Secretary of State and made pursuant to the Electricity Act 1989 Section 36 and the following plans hereby approved:

Location Plan Drawing No.: 14839/00/13/00002, Sheet 1
Location Plan Drawing No.: 14839/00/13/00002, Sheet 2
Land Ownership Plan Drawing No.: 14839/00/13/00005
Plan of Existing Facilities Drawing No.: 14839/00/13/00006
Elevation on Existing Facilities Drawing No.: 14839/00/13/00007
Demolition Plan Drawing No.: 14839/00/13/00008
Construction Laydown Plan Drawing No.: 14839/00/13/00009
Proposed EfW Plant Layout Drawing No.: 14839/00/13/00016, Sheet 1
Proposed EfW Plant Layout Drawing No.: 14839/00/13/00016, Sheet 2
Proposed EfW Plant Drawing No.: 14839/00/13/00017, Sheet 1
Proposed EfW Plant Drawing No.: 14839/00/13/00017, Sheet 2

Planning Permission

3. From the date of commencement of the development until the date of restoration of the site, as detailed by condition [39] below, a copy of this planning permission, granted pursuant to the Electricity Act 1989 Section 36, including all documents approved in accordance with this planning permission shall be available for inspection on the site during working hours.

Environmental and Waste Management

4. Development shall not commence until a scheme for the environmental management of the site has been submitted to and approved in writing by the Planning Authority. The scheme shall detail the measures proposed to manage and mitigate the main environmental effects of development. The scheme shall relate to demolition and construction waste management, pollution prevention measures, soil resource management, noise, vibration, air quality, prevention of nuisance, and ecological protection/ mitigation measures.

5. Prior to commencement of development a scheme for waste management shall be submitted to and approved in writing by the Planning Authority. The scheme shall detail a strategy to identify the volume and type of material to be demolished and/or excavated, opportunities for the reuse and

recovery of materials and to demonstrate how disposal of waste will be minimised and managed.

6. No part of the development hereby permitted shall commence until;
 - a) Prior to the commencement of development an appropriate investigation and assessment of all potential pollutant linkages is submitted to, and approved by, the Planning Authority. The investigation and assessment should be carried out by suitably qualified personnel and carried out in accordance with current Government, Environment Agency and British Standard guidance, and;
 - b) Should any significant risks be identified by such an investigation a remediation plan, including suitable monitoring and verification methodologies, should also be agreed in writing by the Planning Authority. A completion statement shall be issued upon completion of any remediation.

In the event that unexpected significant contamination is encountered during any development works, including works required by an approved remediation statement, works in the affected part of the site must cease and the local planning authority shall be contacted immediately. The local planning authority may at this stage request that a remediation statement, outlining plans for further investigation and the proposed method of dealing with the contamination, be submitted for written approval prior to development works continuing in the affected part of the site.

Noise

7. The commencement of the development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Planning Authority a programme for the monitoring of noise generated during the construction of the development. The programme shall specify the measurement locations from which noise will be monitored and the maximum permissible levels at each such monitoring location. The programme shall make provision for such noise measurements to be undertaken as soon as possible following requests by the Planning Authority and such measurements shall be given to the Borough Council as soon as they are available. At each measurement location, noise levels during construction operations shall not exceed the levels specified in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

8. In any instance where the noise level referred to in Condition (7) is exceeded because of an emergency the Company shall within 2 working days provide the Planning Authority with a written statement detailing the nature of the emergency and the reason why the noise level could not be observed.

9. The testing and commissioning of the development shall not take place until there has been submitted to, approved in writing by, and deposited with the Planning Authority, a programme for the monitoring of noise generated



during the testing and commissioning of the development. The programme shall specify the measurement locations from which noise will be monitored, the method of noise measurement which shall be in accordance with BS4142 (1997) and the maximum permissible 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 Planning Authority and such measurements shall be given to the Planning Authority as soon as they are available. At such monitoring locations noise levels shall not exceed the levels specified in the approved programme, except in an emergency.

10. In any instance where a noise level approved pursuant to condition (7) is exceeded because of an emergency the Applicant shall within 2 working days provide the Planning Authority 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 Applicant shall inform those residents affected by the effects of the emergency of the reasons for the emergency and the expected duration.

11. Except in an emergency, the Applicant shall give at least 2 working days prior notice in writing to the Planning Authority of any proposed operation of emergency pressure valves or similar equipment.

So far as is reasonably practicable, any such operation

(a) shall take place between the hours of 09.00 and 17.00 ; and

(b) shall not take place on any Saturday , Sunday or Bank Holiday.

12. No pile driving or use of percussion equipment shall take place on the site on any Sunday or Bank Holiday. On any other day the use of such equipment shall take place only between the hours of 0800 – 1800 on Monday to Friday and 0800 - 1200 on Saturday.

13. All plant, equipment and vehicles used on the site shall be properly silenced and maintained in efficient working order in accordance with the manufacturers specifications.

Access

14. Development shall not begin until details of the proposed new access road have been approved in writing by the Planning Authority, in consultation with the Highway Authority. Prior to commencement of development, the new access road must be constructed and surfaced to the satisfaction of the Local Planning Authority.

Vehicle Movements

15. The maximum number of Heavy Goods Vehicle movements to and from the development shall not, unless otherwise agreed in writing with the Planning Authority, exceed 400 per day (200 in and 200 out) during concrete

pouring and at all other times during construction works shall not exceed 150 movements per day.

16. All vehicles travelling to and from the site shall use the road network routes submitted to the Planning Authority for approval and agreed in writing.

Travel plans. Operation phase

17. Prior to commencement of the development hereby approved, a travel plan detailing the infrastructure and the co-ordination facilities that will be made available to the employees of the application site and all other Ineos operations within the Borough, to encourage sustainable travel. Shall be submitted to and approved in writing by the Council as Local Planning Authority. Such details that are approved shall be implemented to a time scale agreed with the Local Planning Authority.

Parking

18. The building shall not be occupied until vehicle parking for 26 staff and visitors (including 2 disabled bays), 5 motor cycles and 10 cycles has been provided on site.

19. Fuel deliveries shall not commence until vehicle parking for 10 fuel delivery vehicles has been provided on site.

Landscape works

20. All hard and soft landscape works including details of boundary treatment shall be carried out in accordance with the approved details. The works shall submitted to and approved in writing by the Local Planning Authority and be carried out prior to the occupation of any part of the development or in accordance with the program agreed in writing with the Planning Authority.

Demolition Method Statement

21. Prior to commencement of demolition works a scheme detailing a demolition method statement shall be submitted to and approved in writing by the Planning Authority. The scheme shall include measures proposed to protect controlled water and its surrounding ecology from environmental impacts caused by demolition debris or solids capable of migration by water.

Earthworks

22. No development shall take place until details of earthworks have been submitted to and approved in writing by the Planning Authority. These



details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

Dust

23. The best practicable means shall be used to suppress the occurrence of dust. Internal roads shall be kept free of dust and debris and sweepers and or water bowsers used as appropriate.

24. The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Planning Authority, a scheme for the provision of wheel cleansing facilities for heavy commercial vehicles which has an operating weight exceeding three tonnes. Such approved facilities shall be installed in accordance with a timescale to be approved in writing by the Planning Authority and shall be maintained throughout the period of the construction of the Development unless any variation has been approved in writing by the Planning Authority.

25. The applicant shall provide a concrete or bituminous macadam road on the Site between the wheel cleansing facilities and any existing private roads or the public highway.

26. All heavy commercial vehicles and any other which has an operating weight exceeding three tonnes associated with the construction of the development leaving the site, other than those vehicles exclusively using tarmac roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities.

27. The company shall as soon as reasonably practicable sweep or otherwise clear away any mud which may be carried onto the public highway by vehicles from the site during the period of construction.

Surface water

28. Throughout the period of construction, working and restoration all ground water will be tested and treated on site prior to discharging into surface water drains and all surface water drains shall be protected such that the flow of water is not impaired or the drainage on to and from adjoining land rendered less effective.

29. Prior to the commencement of development a scheme shall be submitted and approved in writing by the local planning authority in consultation with the Environment Agency showing the method and working of drainage facilities on the site. The scheme shall include 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. Such facilities shall be put in place in accordance with the approved scheme.



Pollution prevention

30. All oil, diesel oil and lubricants stored on site shall be stored on a base impervious to both oil and water and surrounded by an impermeable bund wall. The bunded area shall be capable of containing 110% of the largest tanks capacity and all drain pipes, fill pipes and sight gauges shall, where practicable, be enclosed within its curtilage.

31. Prior to the commencement of development the details of the transportation of the fuel and of waste products shall be submitted to and approved by the Local Planning Authority.

Working hours

32. All construction, engineering, earthmoving operations and loading and unloading of Heavy Good Vehicles shall be undertaken during the following hours only:

0700 - 1900 Monday to Friday

0700 - 1400 Saturday

No such operations shall take place outside these hours or on Sundays or Bank or Public Holidays unless such work -

(a) is associated with an emergency; or

(b) does not cause existing ambient noise levels to be exceeded and is carried out with the prior written approval of the Planning Authority.

Lighting

33. Details of construction lighting, including temporary floodlighting, shall be submitted to and approved in writing by the local planning authority before the construction works commence. Development shall be carried out in accordance with the approved details.

34. Prior to the plant being commissioned a lighting scheme shall be submitted to the Planning Authority in writing. The scheme shall include details of all outside lighting, including floodlighting and safety lighting and measures to prevent light pollution, including from illumination within the plant.

Materials

35. The commencement of the development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Borough Council a scheme which shall include:

(i) the siting, design, external appearance and dimensions of all 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 and

(iii) phasing of works included in the scheme.

36. No development shall take place until samples of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Planning Authority.

Drainage

37. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.

Reinstatement

38. The contractors' laydown area hereby permitted shall be removed and the land reinstated to its former condition in accordance with a scheme to be submitted to and approved in writing by the Planning Authority.

Contaminated land

39. Development shall not begin until a scheme for decontamination of the site has been submitted to and approved in writing by the Planning Authority and the scheme shall be fully implemented and completed before any building hereby permitted is occupied.

Storage

40. Waste and fuel materials and or containers shall not be stored, stacked or deposited on the site to a height exceeding [] metres.

41. Following commissioning there shall be no outside storage of waste, unless otherwise agreed in writing by the Planning Authority.

Restoration

42. Within twelve months of the permanent cessation of the use hereby permitted the generating station and all associated above ground infrastructure shall be demolished and the site restored within a period of twenty four months, in compliance with a scheme to be submitted to, and approved in writing by, the Planning Authority.

Prior approval

43. With respect to any condition that requires the prior written approval of the local planning authority, the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise approved in writing by that local planning authority.

44. The source and nature of refuse derived fuel or biomass incinerated at the plant shall be agreed in writing with the Local Planning Authority.

It is recognised that the above condition may not be suitable as a condition and may be more appropriate within the legal agreement. The Planning Authority wish to see some control over the source and nature of the fuel to address the Council's concern.

The Council also agree with the recommendations of the report from the Director of Public Health and ask for a Health Impact Assessment to be commissioned. The scope of the Health Impact Assessment should be agreed by the Council and the Director of Public Health and engage the local community.

