

Application Ref: 15/00721/WCPP

Proposal: Variation of condition 28 (catchment area restriction) of planning permission 08/01081/ELE - Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester, biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds, brown and green roofs, tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network

Site: Land Off Storeys Bar Road, Storeys Bar Road, Fengate, Peterborough
Applicant: KNM Project Services Lts

Agent: Mr John Dickie
 GEP Consulting

Site visit: 19.06.2016

Reason for Referral: EIA Development
Referred by: Director of Growth and Regeneration

Case officer: Mr A O Jones
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Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site currently comprises agricultural land lying within the eastern edge of the Peterborough urban area boundary, and includes a car park which has been provided and taken as a commencement of development. The site comprises some 3.42ha to the north of Storey's Bar Road, with a further 10.34ha to the south of the road.

Peterborough power station lies immediately to the west of the site, with agricultural land to all other sides. The Red Brick Farm allocated employment site (SA12) lies immediately to the north of the site. The Flag Fen Scheduled Monument site lies to the south and east of the site beyond the Cat's Water Drain.

The site benefits from an extant permission for an energy from waste and biomass fuelled generating station and sits within the Eastern General Employment Area (SA11, GEA3).

Proposal

The application seeks to vary condition 28 to extend the catchment restriction on the sourcing of waste from a 32km to a 50km radius of the site, thus providing the same flexibility as the Council's

own Energy from Waste facility with regard to the sourcing of fuel from which energy can be recovered.

Permission 08/01081/ELE was granted by the Secretary of State in 2009, and the original application was accompanied by an Environmental Assessment (EA), an updated addendum has been provided with this application to accompany the original Environmental Statement.

2 Planning History

Reference	Proposal	Decision	Date
11/00067/NONMAT	Variation of condition C10 of planning permission 08/01081/ELE - Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester, biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds , brown and green roofs , tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network. SUBMISSION OF APPENDIX D RESPONSE	Comments	02/02/2011
14/00077/DISCHG	Discharge of conditions attached to Permission 08/01081/ELE (Energy Park) as follows; C31 and C32 (site drainage)	Determined	04/04/2014
13/01913/DISCHG	Discharge of conditions attached to Permission 08/01081/ELE (Energy Park) as follows; C5 (Layout and design), C19 (Traffic management plan and access route), C37, C38 & C39 (Archaeology) and C46, C47 & C48 (Landscape and creative conservation)	Determined	17/02/2014
10/00876/WCPP	Variation of Condition 10 of planning permission 08/01081/ELE to allow the construction of temporary access road	Withdrawn	18/01/2011
10/00360/DISCHG	Discharge of conditions 4, 5, 10, 11, 13, 19, 30 and 40 of planning application 08/01081/ELE - Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester,	Determined	02/02/2011

biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds , brown and green roofs , tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network.

09/00125/ELE	Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester, biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds , brown and green roofs , tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network.	Application Returned	
06/00216/ELE	Overhead line modification and underground cable connection	Comments	05/04/2006
05/00678/ELE	Sustainable resource and recycling facility	Withdrawn	01/07/2010
92/00003/OUT	Industrial development for B1(c), B2 and B8 use classes	Refused	19/01/2004
08/01081/ELE	Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester, biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration	Called in by SoS	04/11/2009

building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds , brown and green roofs , tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network.
SUBMISSION OF APPENDIX D
RESPONSE

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Section 1 - Economic Growth

Planning should encourage sustainable growth and significant weight should be given to supporting economic development.

Section 10 - Renewable Energy Development

Applications for energy development should not be required to demonstrate the overall need for renewable or low carbon energy. Applications should be approved (unless material considerations indicate otherwise) if the impacts are or can be made acceptable.

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)

MW29 - The Need for Waste Management Development and the Movement of Waste

Proposals for new or extended waste management development will be permitted where they meet a demonstrated need within Cambridgeshire and Peterborough. Applicants will be required to enter into binding restrictions on catchment area, tonnages and/or types of waste. Permission may be granted for development involving importation of waste from outside the Plan area where it is demonstrated it is sustainable.

Community Infrastructure Levy (CIL) Regulations 2010

Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations:

Requests for planning obligations whether CIL is in place or not, are only lawful where they meet the following tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In addition obligations should be:

- (i) relevant to planning;
- (ii) reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

4 Consultations/Representations

PCC Transport & Engineering Services (05.06.15)

No comments.

Archaeological Officer (18.06.15)

Variation of condition 28 has no archaeological implications.

Lead Local Drainage Authority (05.06.15)

No comments.

Historic England (23.12.15)

No comments.

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

Three objections have been received.

Concerns expressed regarding the area being blighted, the original permission not being implemented, and calls for a full Public Inquiry. Concerns also expressed regarding the potential of the proposed facility to compete with recycling plants and the preference for waste materials to be re-used and recycled. The application does not explain what role the facility would have in the export of waste derived fuels.

5 Assessment of the planning issues

Principle of development

An energy from waste and biomass fuelled generating station was approved by the Secretary of State under section 36 of the Electricity Act 1989. Groundworks including the provision of a car park have been undertaken on the site and it is accepted that the development has commenced and therefore the permission has been kept 'alive'. The principle of development at the site is therefore established. In addition to the proposal to vary condition 28 of the extant consent in respect of catchment restrictions, consideration has been given to any material circumstantial changes since the permission was first granted, and to the previously discharged conditions and approved non-material variations presented with the application, and the suitability of all conditions and obligations attached to the extant permission.

There are limited circumstantial changes to give consideration to. Of note is the change in designation to Flag Fen, which is now a Scheduled Monument, although Heritage England have raised no objections despite this change in designation. The change to the catchment area does not impact on Flag Fen to any greater extent and although the importance of Flag Fen as a heritage asset is greater now than at the time of the Secretary of States granting of planning permission, it should be noted that that permission can be built out. Notwithstanding this, the level of analysis of the original ES, and the updated addendum, and proposed mitigation is considered to be sufficiently robust.

With regards to the objections received the issues of blight, competition with recycling plants, the preference for waste to be re-used and recycled, and the role the facility may have with regards export of waste derived fuels, are not considered to be relevant as the principle of the development

has been established by virtue of the Secretary of State's original decision. The Local Planning Authority have already accepted that development has commenced on site, by virtue of the groundworks and provision of a car park that has already taken place. The decision making process is such that the Planning Committee is the decision making body and there is no basis for the application being determined by the Secretary of State by way of Inquiry.

Catchment restrictions

The proposal itself is limited in scope to increasing the catchment restrictions from 32 to 50km. Catchment restrictions (on the importation of waste) help ensure that locally generated waste is effectively managed at local facilities, reflecting the application of the proximity principle established through Article 16 of the European Waste Framework Directive, and contributing towards the objective of self sufficiency for non-specialist waste streams. Since the original grant of consent there has been a greater acceptance of the limitations of imposing catchment restrictions in terms of the economic impact of such decision. It is therefore considered that the slight increase in the catchment restrictions still provides sufficient grounds for enabling the majority of locally sourced waste to be treated at local facilities in line with Local Plan objectives, whilst enabling greater economic freedom to the waste operators in accordance with a number of recent decision nationally in respect of waste catchment restrictions. The proposed catchment increase would align with recent decisions for other waste operations within the Peterborough City Council area.

Planning Obligations

The original planning permission was accompanied by a legal agreement requiring a Travel Plan, Highway Works, Noise restrictions, junction improvement contributions, groundwater monitoring, provision of Greenwheel Extension, landscape planting and maintenance, and a Nature Conservation Strategy. Changes to the required S106 legal agreement will be limited to reflect those contributions and schemes already completed.

EIA updates / impacts.

The original application to the Secretary of state was accompanied by an Environmental Statement. This has been re-submitted and an Addendum provided, which does not identify any significant impacts arising from the proposed change to the catchment restrictions.

6 Conclusions

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision taking this means approving development proposals that accord with the development plan without delay. The principle of development is in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS29.

The proposal is demonstrably sustainable and Historic England have no objections with regards to the changed status of Flag Fen. The increase in the area from which waste can be imported to the site is not considered to be detrimental to the overall provision of waste management within the plan area and is considered to be an acceptable compromise in light of the economic viability of such an operation.

The applicant has presented previously discharged conditions and non-material amendments for consideration, and a review of all conditions and obligations has been undertaken, resulting in appropriate updated conditions and obligations as required. The objections received have been considered and no issues have been raised by statutory consultees. There is no reason not to approve the application in line with Section 38(6) of the Planning and Compensation Act.

7 Recommendation

The case officer recommends that Amendment to an existing Planning Permission is **GRANTED** subject to the following conditions:

If the required Section 106 legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Director of Growth and Regeneration on the grounds that the development has failed to adequately mitigate its impacts.

C 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 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;

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

"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;

"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;

"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 30;

(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 9; and

(v) provision for temporary contractors' facilities necessary for (i) to (iv) above within the Site;

"Sheffield stand" means a stand for cycles which has a flat top and two 90o 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.007;

"Site access road" means the road identified on Drawing Number 15746/AO/Sk0800 B; and

"Vivacity" means the entity which manages Flag Fen or its successors.

Reason: In the interests of clarity and for the avoidance of doubt.

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

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

C 3 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, in accordance with Peterborough Core Strategy policy CS16

C 4 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.

and, the development hereby approved shall be carried out in complete accordance with;

- Site Location Plan, Drawing no. JDA/PREL/A1/P.APP.OS.007
- Site Layout drawing, ref. NK015746_SK1003 dated 16.12.13
- Proposed Floor Layouts, drawing ref. JDA/PREL/A1/COND.FLOORS.008A Rev B dated February 27 2010
- Proposed Elevations - Ethel, drawing ref. JDA/PREL/A1/COND.ELEVS.006D Rev E dated January 2011
- Proposed Elevations - George, drawing ref. JDA/PREL/A1/COND.ELEVS.007D dated March 13 2010
- Floor Layouts for the Research and Development / Visitors Centre, drawing ref. JDA/PREL/A1/P.APP/DETAILS/011 dated August 2008
- Proposed Elevations for the Research and Development / Visitors Centre, drawing ref. JDA/PREL/A1/P.APP/DETAILS/012 dated August 2008
- Phase 1 Gatehouse, drawing ref. NK015746_SK1001 Rev A dated 09.12.13
- Reception /Admin Building, drawing ref. JDA/PREL/A3/P/APP/DETAILS/008 dated August 2008
- Weighbridge Kiosks, drawing ref. JDA/PREL/A3/WD/DETAILS/009 dated February 2010
- Utility Routes, drawing ref. JDA/PREL/A1/P.APP/SUR.003 dated July 2008

- Proposed Site Layout with Hard Surfaces, drawing ref. JDA/PREL/A1/09/WD/SURFACES/001A dated July 2010 - insofar as it relates to surfacing details
- Boundary Treatment, drawing ref. NK015746_SK1005 dated 19.12.13
- Lighting Layout and Strategy, drawing ref. NK015746_SK1004 dated 18.12.13
- Further phase specific details are required to be submitted and approved in respect of lighting no less than 3 months prior to the commencement of each subsequent phase.
- Phasing Plan drawing, ref. NK015746_SK1002 dated 09.12.13
- Existing Vegetation Removal and Protection and Phasing Plan, drawing ref. B07040.17B dated 19.12.13

Reason: To clarify what is hereby approved.

- C 5 Notwithstanding any details approved by the Council pursuant to Condition 4 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.

Reason: In the interests of sustainability in accordance with Peterborough Core Strategy policy CS10.

- C 6 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.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C 7 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 ensure appropriate provision is made for safe, convenient and sustainable access to the site in accordance with Peterborough Planning Policies policy PP12.

- C 8 Except for Permitted Preliminary Works, provision of a car park and internal roadway and access improvements, no construction shall take place until the temporary vehicular access, as depicted on Proposed Temporary Access drawing ref. JDA/PREL/A1/09/TEMP/001E Rev E dated January 2011 has been completed to the satisfaction of the Council.

Visibility splays clear of any obstruction over a height of 600mm above verge level shall be provided on either side of the junction of the proposed temporary access road with the public highway, and 215m measured along the channel line of the public highway from the centre line of the proposed access road

The use of the temporary access shall cease and the construction removed and reinstated to grass verge within 2 months of the permanent access on Storey's Bar Road (and associated highway into the site) first coming into use. The permanent access shall be fully operational prior to the importation of waste or the production of energy by the plant. Access to and from the site shall thereafter only be via the permanent site access road.

Reason: To ensure appropriate provision is made for safe, convenient and sustainable access to the site in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS32 and Peterborough Planning Policies policy PP12.

- C 9 The development hereby approved shall be carried out in complete accordance with;
- Construction Method Statement
 - Proposed Temporary Access, drawing ref. JDA/PREL/A1/09/TEMP/001C dated February 2010 - insofar as it relates to the 'contractors village layout' only.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C10 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.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C11 Only bbs-tek medium or heavy duty "White Sound" type reversing alarms shall be used on all mobile plant.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C12 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.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C13 No impact piling approved under the Plan approved pursuant to Condition 9 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 - 18.00
- Saturday 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.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C14 The development hereby approved shall be carried out in complete accordance with;
- Construction Traffic management Plan, dated 19 December 2013

- Wheelwash Product Details of the Rhino Multi
- Phase 1 Construction Compound (with wheelwash location), drawing ref. NK015746_SK1006, dated 10.02.2014

and no heavy commercial traffic shall enter or leave the site other than from the west and in accordance with the times stated in the Construction Traffic Management Plan.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C15 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: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C16 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.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C17 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 interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C18 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.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

C19 Notwithstanding any noise measurement and noise measurement location approved by the Council pursuant to Condition 18 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.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

C20 In any instance where a noise level approved pursuant to Condition 18 or imposed pursuant to Condition 19 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 Vivacity) and businesses affected by the emergency of the reasons for the emergency and the expected duration.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

C21 Except in an emergency, the Company shall give at least 24 hours prior notice in writing to the Council and Vivacity 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: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

C22 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: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

C23 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 50km 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 limit the area from which waste can be imported to seek to ensure that waste is treated at the nearest appropriate facility and that transportation is limited as far as practicable in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS29.

C24 All waste, biomass, ash and recyclables associated with the operation of the Development shall be stored and handled under cover at all times.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

C25 The scheme for the prevention of contamination of watercourses site shall be carried out in complete accordance with;

- Drawing no. 15746_SK0320 Rev A Surface/Foul/Process Water Drainage Layout,
- Drawing no. 15746_SK0321 Drainage Details Sheet 1 of 2,
- Drawing no. 15746_SK0322 Drainage Details Sheet 2 of 2,
- Calculations for Drainage (100 year return period + 20%, 200 year return period +20%),
- Site Surface, Process and Foul Water Drainage: Basis of Design Statement December 2013,

and 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.

Reason: In order to protect the quality of groundwater in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS39.

C26 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. All bunded compound(s) 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. Any such storage facilities shall be

completed in accordance with the requirements of this Condition before being brought into use.

Reason: In order to protect the quality of groundwater in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS39.

- C27 The scheme of archaeological investigation shall be carried out in complete accordance with Report 13/245 by Mo Muldownet, dated December 2013. All records must be compiled in a structured archive in accordance with part 5 of the aforementioned report, and the results made available to Vivacity.

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 Report 13/245 or as otherwise approved in writing by the Council.

Reason: In the interests of protecting the historic environment in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS36.

- C28 Prior to the construction of any buildings, further monitoring of the soil gas characteristics as identified in the Site Investigation Report, reference C11627, dated January 2009, shall be undertaken and any requisite remedial measures identified shall be presented to the Local Planning Authority in the form of a Method Statement. No works, other than investigative works, shall be carried out on the site prior to receipt and approval of the preferred remedial option by the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved remedial details unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s).

Reason: To ensure the proposed remediation plan is appropriate and to provide verification that the required remediation has been carried out to appropriate standards in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C29 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C30 The development shall be carried out in complete accordance with the;
- Landscape and Habitat Management Plan, dated December 2013, except where amended by the Phasing Plan incorporated into drawing ref. B07040.17B,

- Existing Vegetation Removal and Protection and Phasing Plan, ref. B07040.17B, dated 19.12.13,
- Landscape & Ecology Masterplan, ref. B07040.15, dated 19.12.13,
- Planting Proposals Sheets 1 through to 5, ref. B07040 10-14, dated 18.12.13,
- Wetland Ponds Cross Sections B07040.16, dated 16.12.13

With regards to the Vole Fencing, there will be a minimum of 5 metres clearance from the waters edge to the Vole fencing as set out in the email and indicative section drawings in the email from Jo Parmenter dated 14.02.14.

Reason To ensure the development can be properly assimilated into its surroundings in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS33.

- C31 The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works referred to in Condition 30 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 30, 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.

Reason To ensure the development can be properly assimilated into its surroundings in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS33.

- C32 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.

The scheme 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 can be returned to a beneficial afteruse in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS25.

Copies to Cllr Azher Iqbal, Cllr Jo Johnson and Cllr Nabil Shabbir

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