

DEPARTMENT OF ENERGY AND CLIMATE CHANGE

ELECTRICITY ACT 1989

CONSTRUCTION AND OPERATION OF A MULTI-FUEL GENERATING STATION
AT FERRYBRIDGE 'C' POWER STATION, STRANGLANDS LANE, KNOTTINGLEY,
WEST YORKSHIRE

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, on the area of land delineated by a solid red line on Figure 1-2 Jan 2011, annexed hereto and duly endorsed on behalf of the Secretary of State, of a multi-fuel generating station, burning both biomass fuel feedstocks and refuse derived fuel derived from various sources of processed municipal solid waste, commercial and industrial waste and waste wood, at Ferrybridge ‘C’ Power Station, Stranglands Lane, Knottingley, West Yorkshire (“the Development”), and to the operation of that generating station. This consent is granted to SSE Generation Limited and its assigns and successors (“the Company”).

2. Subject to paragraph 3(1), the Development shall be up to 108 MW capacity and comprise:

- (a) up to three boilers;
- (b) up to three steam turbines;
- (c) the necessary buildings and handling facilities required for (a) and (b);
- (d) hybrid or air cooling systems (or use of existing cooling towers);
- (e) the necessary enabling works;
- (f) the necessary pipework and ducting;
- (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 and the application dated 27 October 2009, as amended on 26 January 2011, subject to any minor changes which may be approved by the Council pursuant to the requirements of deemed planning permission.

- (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.

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

CONSTRUCTION AND OPERATION OF A 108 MW MULTI-FUEL ELECTRICITY
GENERATING STATION AT FERRYBRIDGE 'C' POWER STATION, STRANGLANDS
LANE, KNOTTINGLEY, WEST YORKSHIRE

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;

“BS 5228-1:2009” means British Standard 5228-1:2009 - Code of Practice for noise and vibration control on Construction and Open Sites: Noise;

“BS 5228-2:2009” means British Standard 5228-2:2009 - Code of Practice for noise and vibration control on Construction and Open Sites: Vibration;

"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;

“biomass fuel feedstocks” means fuel, excluding material which is, or is derived directly or indirectly from animal matter, which qualifies as “biomass” under:

- (i) Article 4 of the Renewables Obligation Order 2009 (S.I. 2009 No. 785); or
- (ii) such provisions of a relevant assistance regime incorporating applicable mandatory sustainability criteria as define biomass for the purposes of that regime;

“CHPQA Standard issue 3” means the CHPQA Standard document issued in January 2009 which sets out the definitions, criteria and methodologies for the operation of the UK’s CHP Quality Assurance (CHPQA) programme.

"the commencement of the Development" means the date on which the Development shall be taken to be initiated by the carrying out of material operations 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 SSE Generation Limited and its assigns and successors;

"the Council" means Wakefield Metropolitan District Council and its successors;

"the Development" means the multi-fuel electricity generating station proposed to be constructed on the Site at Ferrybridge 'C' Power Station, Stranglands Lane, Knottingley, West Yorkshire;

"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;

"Enabling Works Phase" means the first phase of works forming part of the Development, comprising works required to enable the subsequent construction of the multi-fuel electricity generating station, but not including such construction and consisting of: i) demolition and remediation of parts of the site required for access; ii) construction of access roads and bridges (including level crossing over rail offloading siding); iii) cleaning, demolition, construction and/or commissioning of replacement of heavy fuel oil tanks; iv) protection works in respect of existing services; v) installation of onsite surface and foul water drainage including retention and interceptors; vi) provision of replacement sport facilities (cricket pitch and pavilion); and vii) relocation of services, demolition of redundant services and isolation of services, necessary to allow construction of the multi-fuel electricity generating station but excluding the Permitted Preliminary Works;

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

"Generating Station Works Phase" means the second phase of works forming part of the Development, comprising construction of the multi-fuel electricity generating station, but excluding the Enabling Works Phase;

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

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

"mandatory sustainability criteria" means criteria relating to the sustainability of biomass for energy use, other than biofuels and bioliquids, which are prescribed in a relevant assistance regime, and for the purpose of these conditions:

(a) "applicable mandatory sustainability criteria" are:

- (i) the mandatory sustainability criteria which the Development must comply with from time to time as a condition of eligibility for financial assistance under a relevant assistance regime; or

(ii) if financial assistance has been granted under a relevant assistance regime in respect of the Development for a limited period of time, and that period has elapsed so that the Development is no longer eligible for financial assistance under any relevant assistance regime, those criteria, by compliance with which the operation of the Development was most recently eligible for such assistance; and

(b) at the time when they are burnt, biomass fuel feedstocks shall be taken to comply with the applicable mandatory sustainability criteria if, at that time, the Company has reason to believe that they comply with the applicable mandatory sustainability criteria;

“multi-fuel” means, in relation to a generating station, that it is designed to burn biomass fuel feedstocks and/or refuse derived fuel derived from various sources of processed municipal solid waste, commercial and industrial waste and waste wood;

"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 Regulation Act 1984;

"Permitted Preliminary Works" means:

- (i) surveys and geotechnical surveys;
- (ii) decontamination measures approved pursuant to Condition (41)
- (iii) erection of signage;
- (iv) erection of temporary fencing;
- (v) installation and diversion of utility services within the Site;
- (vi) preparation of contractors' laydown area and provision for temporary contractors' facilities necessary for (i) to (v) above; and
- (vii) provision of wheel cleansing facilities required pursuant to Condition (4);

“refuse derived fuel” means fuel, including solid recovered fuel, derived from various sources of processed municipal solid waste, commercial and industrial waste or waste wood;

“relevant assistance regime” means the provisions of any legislation or other legally binding arrangements established or approved by Government under or by virtue of which the generation of electricity from biomass fuel feedstocks on a commercial basis qualifies for financial assistance only if the biomass fuel feedstocks comply with prescribed sustainability criteria;

“steam purging” means any planned release of steam likely to cause noise that is audible at residential properties or other land uses in the locality;

"the Site" means the area of land outlined red on Figure 1-2 Jan 2011 annexed hereto;

“Sport England” means Sport England and its successors; and

“West Yorkshire Police” means West Yorkshire Police and its successors.

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 that 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 reflect the time it may reasonably take to put in place the necessary pre-construction measures required, for example – tendering, obtaining the necessary financing and detailed design of the proposal.

Construction Method Statements

- (4) Except for the Permitted Preliminary Works, the commencement of the Development, including any works of demolition, shall not take place until a Construction Method Statement for the Enabling Works Phase has been submitted to, approved in writing by, and deposited with the Council. The Statement shall include provision for:
- (i) the parking of site operatives’ and visitors’ vehicles;
 - (ii) loading and unloading of plant and materials;
 - (iii) management of construction traffic and access/haul routes;
 - (iv) storage of plant and materials to be used;
 - (v) wheel washing facilities;

- (vi) measures to control the emission of dust and dirt during demolition and construction;
- (vii) a scheme for recycling/disposing of waste from demolition and construction works;

and shall be implemented in accordance with its terms, subject to any variation which has the prior written approval of the Council.

(5) The commencement of the Generating Station Works Phase shall not take place until a Construction Method Statement for that phase of the Development has been submitted to, approved in writing by, and deposited with the Council. The Statement shall include provision for:

- (i) the parking of site operatives' and visitors' vehicles;
- (ii) loading and unloading of plant and materials;
- (iii) management of construction traffic and access/haul routes;
- (iv) storage of plant and materials to be used;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) a scheme for recycling/disposing of waste from construction works;

and shall be implemented in accordance with its terms, subject to any variation which has the prior written approval of the Council.

Reason: To reduce the impact of construction works on the locality.

Construction Traffic Management Plans

(6) 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 Highways Agency and West Yorkshire Police a construction traffic

management plan covering the Enabling Works Phase. The plan shall include as a minimum:

- (i) Specification of the haul route(s) and of any temporary signage to be provided to identify the route and promote its safe use;
- (ii) Identification of the construction programme and start and finish times of all personnel working on the construction site;
- (iii) Identification of the times when major items of plant and equipment are to be transported to and from the site;
- (iv) Identification of the routing strategy and procedures for the notification and conveyance of an abnormal or indivisible load authorised by the Highways Agency pursuant to the Road Vehicles (Authorisation of Special Types) (General) Order 2003. This includes any necessary measures for the temporary protection of carriageway surfaces; for the protection of statutory undertakers' plant and equipment; and for the temporary removal of street furniture;
- (v) A description of the methods of transport to be used by personnel to minimise overall traffic impact;
- (vi) Proposals for communicating information relating to the above plan to the Council,

and shall be implemented in accordance with its terms, subject to any variation which has the prior written approval of the Council in consultation with the Highways Agency and West Yorkshire Police.

- (7) The commencement of the Generating Station Works Phase shall not take place until there has been submitted to, approved in writing by, and deposited with the Council in consultation with the Highways Agency and West Yorkshire Police a construction traffic management plan covering that phase of the Development. The plan shall include as a minimum:
 - (i) Specification of the haul route(s) and of any temporary signage to be provided to identify the route and promote its safe use;
 - (ii) Identification of the construction programme and start and finish times of all personnel working on the construction site;
 - (iii) Identification of the times when major items of plant and equipment are to be transported to and from the site;

- (iv) Identification of the routing strategy and procedures for the notification and conveyance of indivisible 'out of gauge' loads. This includes any necessary measures for the temporary protection of carriageway surfaces; for the protection of statutory undertakers' plant and equipment; and for the temporary removal of street furniture;
- (v) A description of the methods of transport to be used by personnel to minimise overall traffic impact;
- (vi) Description of the arrangements to be made for on-site parking for personnel working on the Site and for visitors;
- (vii) Proposals for communicating information relating to the above plan to the Council;

and shall be implemented in accordance with its terms, subject to any variation which has the prior written approval of the Council in consultation with the Highways Agency and West Yorkshire Police.

Reason: To reduce the impact of construction traffic movements on the locality.

Artificial Lighting

- (8) 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 for artificial lighting of external areas for the Enabling Works Phase. Such approved scheme shall include a programme for the installation of the artificial lighting. The approved scheme shall be implemented prior to the commencement of the Enabling Works Phase and shall thereafter be retained and operated throughout the life of the Enabling Works Phase of the Development.
- (9) The Generating Station Works Phase of the Development shall not commence until there has been submitted to, approved in writing by, and deposited with the Council a scheme for artificial lighting of external areas. Such approved scheme shall include a programme for the installation of the artificial lighting. The approved scheme shall be implemented prior to the commencement of the Generating Station Works Phase and shall thereafter be retained and operated throughout the life of the Development.

Reason: In the interests of amenity and highway safety.

Power Station Site Layout, Design and Fire Prevention

- (10) 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 for the Enabling Works Phase of the Development, excluding those works specifically required in respect of the relocation and provision of sports and leisure facilities, which shall include provisions for the:
- (i) details of the siting, design, external appearance, dimensions of any new or modified buildings and structures;
 - (ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above; and
 - (iii) details of all new, modified, temporary and permanent transport infrastructure, including new bridges, access road and level crossings;
 - (iv) details of all new or modified permanent fencing and gates; and
 - (v) phasing of works included in the scheme.

The Enabling Works Phase of the Development shall thereafter be carried out only in accordance with the approved scheme subject to any changes to such scheme that are agreed in writing with the Council.

- (11) The commencement of the Generating Station Works Phase of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Council a scheme for the generation station works phase of the Development, which shall include provisions for the:
- (i) details of the siting, design, external appearance, dimensions and floor levels of all new or modified buildings and structures, security fencing and gates 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, loading and unloading and turning facilities on the Site;

- (iv) details of all new or modified permanent fencing and gates required on the Site;
- (v) details of fire suppression measures and access of fire extinguishing appliances to all major buildings, structures and storage areas and
- (vi) phasing of works included in the scheme.

The Development shall thereafter be carried out only in accordance with the approved scheme subject to any changes to such scheme that are agreed in writing with the Council.

Reason: To enable the Council to exercise reasonable and proper control over the design and appearance of the Development.

Sport and Leisure Facilities

- (12) Except for the Permitted Preliminary Works, the Development shall not commence until a scheme setting out the arrangements for the relocation of the Ferrybridge 'C' Cricket Club and associated facilities and Ferrybridge 'C' Football Club and associated facilities has been submitted to, approved in writing by, and deposited with the Council, in consultation with Sport England. The scheme shall include details of:
 - (i) the arrangements for the relocation of the cricket club during all phases of the Development;
 - (ii) a specification of the replacement cricket pitch, pavilion and car park within the Ferrybridge 'C' Power Station site, to comply with Sport England or other relevant national governing body design guidance, such as Natural Turf for Sport (2010) and ECB Pavilions and Clubhouses guide TS5 (2009); and
 - (iii) the interim arrangements for the relocation of the football club following commencement of the Enabling Works Phase of the Development.
- (13) Except for the Permitted Preliminary Works, the Development shall not commence until a scheme detailing: the location; siting; height; design; materials; and colour finish of all mobile or permanent buildings and structures to be relocated to the southern area of the site adjoining

Stranglands Lane, has been submitted to, approved in writing by and deposited with the Council, in consultation with Sport England. The details set out in the scheme shall comply with Sport England or other relevant national governing body design guidance in respect of 'Accessible Sports Facilities' 'Pavilions and Clubhouses' 'Natural Turf for Sport' and 'Comparative sizes of Pitches and Courts', The works shall be carried out in accordance with the approved scheme and maintained for the lifetime of the Development, subject to any changes to such scheme that are agreed in writing with the Council, in consultation with Sport England.

Reason: In the interests of amenity to ensure the quality of pitches is satisfactory and they are available for use prior to development and to comply with Planning Policy Guidance 17: Planning for Open space, Sport and Recreation.

Ferrybridge Golf Club

- (14) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until a scheme detailing the arrangements for the relocation of the Ferrybridge Golf Club for the duration of the closure of the existing Ferrybridge Golf Course in consequence of the construction of the Development, has been submitted to, approved in writing by, and deposited with the Council, in consultation with Sport England. Except for the Permitted Preliminary Works, the Development shall not commence until the Golf Club has been re-located in accordance with the approved scheme.
- (15) The commissioning of the Development shall not take place until either:
- i) a scheme for the design and re-instatement of the existing Ferrybridge Golf Course, within agreed timescales, has first been submitted to, approved in writing by, and deposited with the Council, in consultation with Sport England; or
 - ii) permanent alternative facilities have been secured for Ferrybridge Golf Club in accordance with a scheme, which has first been submitted to, approved in writing by, and deposited with the Council, in consultation with Sport England.

Any scheme approved in accordance with sub-paragraphs (i) or (ii) shall include provision for the relocated Golf Club as provided for in Condition 14 to be retained until either the re-instated course or permanent alternative facilities are available for use in accordance with the approved scheme, and shall be implemented in accordance with its terms.

Reason: To ensure that there is continuity of sporting use for members of the Ferrybridge Golf Club.

Construction, Construction Noise and Construction Traffic

- (16) 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 programme for the monitoring of noise during the demolition and construction phases of the Development. The programme shall specify the locations from which noise will be monitored, the method of noise measurement 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 following requests by the Council and such measurements shall be given to the Council within two working days. The programme shall be implemented in accordance with its terms.
- (17) All on site activities associated with the construction of the Development shall be carried out in accordance with British Standards 5228-1:2009 and 5228-2:2009.
- (18) No construction or demolition work associated with the Development shall take place on the Site at any time on any Sunday or Bank Holiday, or on any other day except between the following hours:
- | | |
|------------------|---------------|
| Monday to Friday | 07.30 – 18.30 |
| Saturday | 08.30 – 14.30 |
- 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 noise levels to be exceeded.
- (19) No heavy commercial vehicles associated with the construction of the Development shall enter or leave the Site on any Sunday or Bank Holiday, or on any other day except between the following hours:

Monday to Friday 07.30 – 18.30

Saturday 08.30 – 14.30

unless such movement:

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the Council.

- (20) In any instance where a time limitation referred to in Condition (18) or (19) is exceeded because of an emergency the Company shall notify the Council within 2 working days and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.

Reason: To ensure reasonable and proper control to be exercised over noise during construction activities.

Flood Risk

- (21) The commencement of the Development shall not take place until a scheme to minimise the risk of damage from flooding for the Enabling Works Phase has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency. The scheme shall be carried out in accordance with the Flood Risk Assessment (FRA) dated 22 October 2009 at Appendix 9 of Volume II of the Environmental Statement October 2009 and the Addendum to Flood Risk Assessment dated 10 December 2010 at Appendix 9A of the Environmental Statement -2011 Addendum January 2011 and mitigation measures shall include:
- i) the placement of main plant and flood sensitive equipment to be set no lower than 12.3 metres above Ordnance Datum (AOD);
 - ii) finished floor levels to be no lower than 300mm above adjacent ground levels; and
 - iii) installation of storm water flow attenuation limiting surface water run-off at a rate of 2.5 litres/second/hectare with an on Site storm water storage facility designed to accommodate the calculated flows for a 1 in 100 year return period plus an allowance for climate change as detailed in the FRA.

The measures approved in the scheme shall be implemented in accordance with a timescale approved by the Council, in consultation with the Environment Agency and maintained for the duration of the Enabling Works Phase of the Development, subject to any changes to such scheme that are agreed in writing with the Council, in consultation with the Environment Agency.

(22) The commencement of the Generating Station Works Phase shall not take place until a scheme to minimise the risk of damage from flooding for that phase of the Development has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency. The scheme shall be carried out in accordance with the Flood Risk Assessment (FRA) dated 22 October 2009 at Appendix 9 of Volume II of the Environmental Statement October 2009 and the Addendum to Flood Risk Assessment dated 10 December 2010 at Appendix 9A of the Environmental Statement -2011 Addendum January 2011 and mitigation measures shall include:

- i) the placement of main plant and flood sensitive equipment to be set no lower than 12.3 metres above Ordnance Datum (AOD);
- ii) finished floor levels to be no lower than 300mm above adjacent ground levels; and
- iii) installation of storm water flow attenuation limiting surface water run-off at a rate of 2.5 litres/second/hectare with an “on site” storm water storage facility designed to accommodate the calculated flows for a 1 in 100 year return period plus an allowance for climate change as detailed in the FRA.

The measures approved in the scheme shall be implemented in accordance with a timescale approved by the Council, in consultation with the Environment Agency and maintained for the duration of the operation of the Development, subject to any changes to such scheme that are agreed in writing with the Council, in consultation with the Environment Agency.

Reason: To protect the Development, the local environment and personnel from flooding.

Archaeology

(23) 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 of archaeological investigation and an associated implementation programme for the Enabling Works Phase.

- (24) The scheme approved pursuant to Condition (23) shall provide for:
- (i) any person nominated by the Council to be permitted safe access to the part of the Site where a find is made;
 - (ii) finds of national importance to be evaluated and, where practicable, preserved in situ;
 - (iii) phasing of works;

and shall be carried out in accordance with its terms subject to any variation approved in advance in writing by the Council.

- (25) 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 importance in accordance with the phasing of works approved pursuant to Condition (24)(iii), subject to any changes to such scheme that are agreed in writing with the Council.

- (26) The commencement of the Generating Station Works Phase of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a scheme of archaeological investigation and an associated implementation programme for that phase of the Development.

- (27) The scheme approved pursuant to Condition (26) shall provide for:
- (i) any person nominated by the Council to be permitted safe access to the part of the Site where a find is made;
 - (ii) finds of national importance to be evaluated and, where practicable, preserved in situ;
 - (iii) phasing of works;

and shall be carried out in accordance with its terms subject to any variation approved in advance in writing by the Council.

- (28) 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 importance in accordance with the phasing of works approved pursuant to Condition (27)(iii), subject to any changes to such scheme that are agreed in writing with the Council.

Reason: To allow the surveying of the site for archaeological artefacts and the recovery of any important archaeological discoveries before construction of the Enabling Works and Generating Station Phases of the Development begin.

Prevention of Contamination of Watercourses

- (29) 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, a scheme showing the method and working of drainage facilities, including sustainable drainage, on the Site for the Enabling Works Phase. Such facilities shall be put in place in accordance with the approved scheme.
- (30) The scheme referred to in Condition (29) 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 must drain to an approved foul sewerage and/or sewage disposal system;

- (v) provisions to distinguish between temporary and permanent parts of the works;
 - (vi) provision to ensure all surface water storage lagoons are fitted with inlet and outlet oil/petrol interceptors and an outlet penstock;
 - (vii) Provision to ensure roof drainage downwater pipes are at all times sealed at ground level; and
 - (viii) phasing of works.
- (31) Any surface water contaminated with hydrocarbons or silt arising during the construction of the Enabling Works Phase of the Development shall be treated to remove contamination, in a manner approved by the Council, in consultation with the Environment Agency, prior to being discharged to any public sewer or watercourse.
- (32) All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the Enabling Works Phase 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.
- (33) In all bunded compound(s) referred to in Condition (32) in which acids, alkalis or sulphides are kept, in addition to their being contained in suitable facilities, appropriate protective lining shall be applied to the inner walls of the bunds.
- (34) Any storage facility to which Conditions (32) or (33) refer shall be completed in accordance with the requirements of those Conditions before being brought into use.
- (35) The commencement of the Generating Station Works Phase 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, a scheme

showing the method and working of drainage facilities, including sustainable drainage, on the Site for that phase of the Development. Such facilities shall be put in place in accordance with the approved scheme.

- (36) The scheme referred to in Condition (35) 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 must drain to an approved foul sewerage and/or sewage disposal system;
 - (v) provisions to distinguish between temporary and permanent parts of the works;
 - (vi) provision to ensure all surface water storage lagoons are fitted with inlet and outlet oil/petrol interceptors and an outlet penstock;
 - (vii) Provision to ensure roof drainage downwater pipes are at all times sealed at ground level; and
 - (viii) phasing of works.
- (37) Any surface water contaminated with hydrocarbons or silt arising during the construction of the Generating Station Works Phase of the Development shall be treated to remove contamination, in a manner approved by the Council, in consultation with the Environment Agency, prior to being discharged to any public sewer or watercourse.
- (38) All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the Generating Station Works Phase 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.

- (39) In all bunded compound(s) referred to in Condition (38) in which acids, alkalis or sulphides are kept, in addition to their being contained in suitable facilities, appropriate protective lining shall be applied to the inner walls of the bunds.
- (40) Any storage facility to which Conditions (38) or (39) 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.

Contaminated Land

- (41) Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until a scheme to deal with the risks associated with contamination of the Site has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency. The scheme shall include details of the following matters:
- (a) a desk study identifying;
 - potentially contaminating previous uses of the Site and contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the Site;
 - (b) a site investigation scheme based on (a) to provide information for an assessment of the risk to all receptors that may be affected, including those off-Site; and

- (c) the results of the Site Investigation and risk assessment pursuant to (b) and a method statement based on those results giving full details of the remediation measures required, how they are to be undertaken and the timing of the remediation measures.

- (42) The measures approved pursuant to Condition (41)(b) shall be adhered to unless any variation has been approved in writing by the Council in consultation with the Environment Agency.

- (43) Prior to commencement of the Generating Station Works Phase, a verification report demonstrating completion of the works set out in the approved remediation strategy pursuant to Condition (41)(c) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Council in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the Site remediation criteria have been met.

- (44) In the event that the verification report to be submitted pursuant to Condition (43) indicates that the remediation was not effective the Company shall submit a programme of contingency action for approval by the Council in consultation with the Environment Agency. The approved programme of contingency action shall be implemented unless any variation has been approved in writing by the Council, in consultation with the Environment Agency.

- (45) Prior to the commencement of the Generating Station Works Phase a long term monitoring, maintenance and contingency action plan incorporating a timescale for long term monitoring of the Site shall be submitted to and approved in writing with the Council, in consultation with the Environment Agency. Reports on monitoring, maintenance and any contingency action carried out in accordance with the approved plan shall be submitted to the Council, in consultation with the Environment Agency, as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term Site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Council in consultation with the Environment Agency.

- (46) In the event that contamination is found at any time when carrying out the Development that was not previously identified, work on that part of the Site shall cease immediately and shall be reported in writing to the Council. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: Model Procedures for the Management of Land Contamination CLR11. This document shall be submitted to and agreed in writing with the Council, in consultation with the Environment Agency, prior to the resumption of work on that part of the Site.

Reason: To ensure that contamination is controlled and not allowed to cause harm to the health of human beings nor impact on the integrity of environmentally sensitive areas nor pose a risk to controlled waters.

Landscaping and Creative Conservation

- (47) The commencement of the Generating Station Works Phase of the Development shall not take place until a scheme of landscaping and creative conservation for the Site has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency and Natural England.
- (48) The scheme referred to in Condition (47) shall deal with 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) earthworks including the proposed grading and mounding of land areas and the levels and contours to be formed and the relationship of proposed mounding to existing vegetation and surrounding landform;
 - (ii) planting;
 - (iii) management of existing and new planted areas including protection of existing planting during construction;
 - (iv) restoration of areas affected by construction works;
 - (v) details of grass seed mix for areas of the Site to be restored to grassland;

- (vi) details of the height, type, size and species of the shrubs and trees to be planted;
 - (vii) details of the measures to be taken to create new flora and fauna habitats and of the management of such new habitats; and
 - (viii) phasing of works included in the scheme.
- (49) The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works specified in Condition (48)(viii) and no later than the appropriate planting or sowing season following the completion of the Generating Station Works Phase of the Development and shall be carried out in accordance with the scheme approved under Condition (47). 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, subject to any changes to such scheme that are agreed in writing with the Council.

Reason: To ensure proper landscaping for the Development and creative conservation on the Site.

Fryston Beck Pond & Brotherton Ings

- (50) The commencement of the Generating Station Works Phase of the Development shall not take place until:
- i) a 10 year Biodiversity Management Plan for the conservation of Fryston Beck Pond; and
 - ii) a Woodland Management Plan for Brotherton Ings,

which are situated on land that does not form part of the Site, has been submitted to, approved in writing by, and deposited with the Council.

The Plans shall be implemented in accordance with their terms subject to any variation approved in advance in writing by the Council.

Reason: To ensure landscaping and creative conservation mitigation, compensation and enhancement measures are put in place on land which does not form part of the Site.

Protection of Flora and Fauna

- (51) 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 Natural England and the Environment Agency, a scheme detailing the measures to be taken to secure the welfare, on the Site, of legally protected flora and fauna which are found on, inhabit or use the Site during the construction, operation and decommissioning of the Development.

Reason: For the protection of legally protected species under the Wildlife and Countryside Act 1981(as amended) and the Conservation of Habitats and Species Regulations 2010.

Road Surfaces

- (52) Prior to operation of the Development all roadways and footpaths, indicated to be used by vehicles and/or pedestrians shall have been laid out with a hardened, sealed and drained surface. Such areas shall be retained for the lifetime of the Development.

Reason: In the interests of highway safety.

Fuel Storage Bunkers

- (53) The commencement of the Generating Station Works Phase 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, a scheme detailing the design and construction, together with a hydro-geological risk assessment, of the fuel storage bunkers. The scheme shall include details to demonstrate that the design and construction methods will not give rise to the risk of pollution to groundwater, and shall be implemented, subject to any changes to such scheme that are agreed in writing with the Council, in consultation with the Environment Agency.

Reason: To provide adequate long-term protection to the water environment at the site, comprising: groundwater in the underlying principal aquifer of the Cadeby Formation/Lower Magnesian Limestone; and surface water in the adjacent Fryston Beck, a tributary of the nearby River Aire.

Operational Noise

- (54) 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 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 in the scenarios set out in Condition (56) 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.
- (55) In any instance where a noise level pursuant to Conditions (54) 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 and businesses affected by the emergency of the reasons for the emergency and expected duration.
- (56) Except in an emergency, the Company shall give at least 24 hours prior notice in writing to the Council of any proposed steam purging, operation of emergency pressure relief valves or similar equipment. So far as is reasonably practicable any such operation shall not take place on any Sunday or Bank Holiday or any other day except during the following hours:

Monday to Friday	09.00 - 17.00
Saturday	09.00 – 13.00

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

Noise and Dust Complaints Procedure

- (57) If a local resident or local business complains direct to the Company about noise or dust generated by the construction and/or operation of the Development or the Company has been notified in writing by the Council of any complaint about such noise or dust, the Company shall carry out investigations to establish the justification, or otherwise, of the complaint, the likely cause and remedial measures which would be capable of preventing a recurrence of the circumstances which have given rise to the complaint. 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 and dust are properly dealt with so as to reduce the impact of the Development on local residents.

Local Liaison Committee

- (58) The Development shall not commence until the Company has established a committee to liaise with local residents and organisations about matters relating to the Development (a "local liaison committee"). The committee shall be made up of representatives of the Company and main contractors for the Development. The Company shall invite the Council, Selby District Council, North Yorkshire County Council, the Environment Agency, West Yorkshire Police and other relevant interest groups, as may be agreed with the Council, to nominate representatives to join the local liaison committee. The Company shall provide a full secretariat service and supply an appropriate venue. The local liaison committee shall meet at least once a year during the operation of the Development unless otherwise agreed in writing by the majority of the members of the committee.

Reason: To provide a forum for the exchange of information relating to the Development.

Fuel Type and Sustainability

- (59) With the exception of any other fuels used during boiler start up or stabilisation (excluding coal, which shall not be used in the operation of the Development) only refuse derived fuel and biomass fuel feedstocks shall be burnt in its main boiler(s). From the first date on which the Development is subject to mandatory sustainability criteria as a condition of eligibility for financial assistance under a relevant assistance regime any biomass fuel feedstocks which are not waste (within the meaning of the Waste Framework Directive (2008/98/EC)), or wholly derived from waste and are burnt in the main boilers(s) after that time must comply with the applicable mandatory sustainability criteria.
- (60) Throughout the operational life of the Development, there shall be submitted to the Council an annual report on the sustainability of all biomass fuel feedstocks which are not waste (within the meaning of the Waste Framework Directive (2008/98/EC)), or wholly derived from waste and are burnt in the main boiler(s) which provides the same information and level of assurance and verification which the operator of the Development is required (or would be required, if claiming financial assistance in respect of the electricity generated for such biomass fuel feedstocks) to provide in respect of the sustainability of biomass under any relevant assistance regime.

Reason: To ensure the scheme is fuelled only by sustainable biomass fuel feedstocks as proposed by the Company in its application for consent under s. 36 of the Electricity Act 1989.

Sustainable Fuel Transport Management Plan

- (61) The commissioning of the Development shall not take place until a plan based on the measures detailed in the submitted Sustainable Fuel Transport Management Plan at Appendix 6B of the Environmental Statement - Addendum January 2011 for the management of sustainable movement of fuel to the Development, including by means other than road, has been submitted to, approved in writing by, and deposited with the Council. The approved

plan shall be implemented in accordance with its terms, subject to any variation which has the prior written approval of the Council, and shall be operated throughout the lifetime of the Development.

Reason: To provide management measures for the movement of fuel to the Development by sustainable means.

Odour

- (62) The commissioning of the Development shall not take place until a scheme detailing measures for the control of odour generated from the operation of the Development has been submitted to, approved in writing by, and deposited with the Council. The commissioning of the Development shall not take place until the approved scheme has been implemented. The scheme shall thereafter be retained, maintained and operated throughout the life of the Development.

Reason: In the interests of local amenity.

Fogging

- (63) The commissioning of the Development shall not take place until a scheme for mitigating the risk of fogging of the A1(M) motorway as a result of emissions from the Development has been submitted to, approved in writing by and deposited with the Council, in consultation with the Highways Agency. The Development shall be carried out in accordance with the approved scheme subject to any changes to such scheme that are agreed in writing with the Council, in consultation with the Highways Agency.

Reason: To reduce the risk of fogging on the A1(M) motorway as a result of emissions from the Development.

Site Security

- (64) The commissioning of the Development shall not take place until a scheme detailing security measures to minimise the risk of crime at the Site has been submitted to, approved in writing by, and deposited with the Council, in

consultation with West Yorkshire Police. The commissioning of the Development shall not take place until the approved scheme has been implemented. The scheme shall thereafter be retained, maintained and operated throughout the life of the Development.

Reason: To ensure adequate security measures are in place to minimise the risk of crime.

Waste Hierarchy

- (65) The commissioning of the Development shall not take place until a scheme setting out arrangements for the maintenance of the waste hierarchy in priority order by minimising recyclable and reusable waste received as a fuel feedstock during the operational life of the Development has been submitted to, approved in writing by, and deposited with the Council. The scheme shall include details of:
- i) the type of information that shall be collected and retained on the sources of the residual waste after recyclable and reusable waste has been removed;
 - ii) the arrangements that shall be put in place for ensuring that as much reusable and recyclable waste as is reasonably possible is removed from waste to be supplied for use as a fuel feedstock in the Development;
 - iii) the arrangements that shall be put in place for ensuring that suppliers of residual waste operate a written Environmental Management System which include establishing a baseline for recyclable and reusable waste removed from residual waste and specific targets for improving the percentage of such removed reusable and recyclable waste;
 - iv) the arrangements that shall be put in place for discontinuing supply arrangements from suppliers who fail to remove as much reusable and recyclable waste as is reasonably possible from residual waste or who fail to retain Environmental Management Systems; and
 - v) the form of records that shall be kept for the purpose of demonstrating compliance with the above details and the arrangements in place for allowing inspection of such records by the Council.

The approved scheme shall be adhered to at all times that the Development is operational. The records referred to Condition (65)(v) shall be made available for inspection by the Council at all reasonable times.

Reason: To ensure the proposed facility accords with national, regional and local waste strategies.

Travel Plan

- (66) The measures detailed in the Travel Plan document ‘URS Ferrybridge Multi-fuel Power Station Travel Plan May 2010 Final 49307965’ (submitted to the Highways Agency and attached to these Conditions) shall be implemented in full, subject to any variation which has the prior written approval of the Council, in consultation with the Highways Agency, and shall be operated from the commencement of the Development and throughout the operational life of the Development.

Reason: To establish measures to encourage more use of sustainable non-car modes of transport during the construction and operation of the Development.

Road Deliveries of Fuel

- (67) During the operation of the Development, no road deliveries of refuse derived fuel and biomass fuel feedstocks shall take place on any Sunday or Bank Holiday or any other day except during the following hours:

Monday to Saturday 07.00 - 18.30

unless such movement:

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the Council.

In any instance where a time limitation referred to in Condition (67) is exceeded because of an emergency the Company shall notify the Council within 2 working days and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.

Reason: To reduce the impact of operational traffic movements on the locality.

Air Pollution Monitoring

- (68) The commissioning of the Development shall not take place until there has been submitted to and approved in writing by, and deposited with the Council, in consultation with the Environment Agency, a scheme for the monitoring of air pollution in the area. The scheme shall include the measurement location or locations within the relevant area from which air pollution will be monitored, the equipment and methods to be used and the frequency of measurement. The scheme shall provide for the first measurement to be taken not less than 12 months prior to the commissioning of the Development and for the final measurement to be taken not more than 24 months after commissioning of the Development. The Company shall implement the scheme in accordance with its terms, subject to any variation approved in writing in advance by the Council in consultation with the Environment Agency, and shall supply full details of the measurements obtained in accordance with the scheme to the Council as soon as possible after they become available.
- (69) Should the Council require continued monitoring of air pollution the Company shall extend the Scheme pursuant to Condition (68) for a period of up to 36 months from the date of the last measurement taken pursuant to Condition (68). The Company shall supply full details of the measurements obtained during the extended period to the Council as soon as possible after they become available.

Reason: To ensure the Council are kept informed on a regular and programmed basis about any changes in the level of air pollution at locations within its area.

Aviation

- (70) The commencement of the Generating Station Works Phase of the Development shall not take place until the Council has received confirmation in writing that the Defence Geographic & Imagery Agency has been notified of the Development and has received the following information:
- (i) the precise location of the Development;

- (ii) the date of commencement of construction;
- (iii) the estimated date of completion of construction;
- (iv) the height above ground of the tallest structure;
- (v) the maximum extension height of any construction equipment;
and
- (vi) external lighting details.

Reason: To ensure the Ministry of Defence aeronautical charts and mapping records are updated in the interests of aviation safety.

Use of Waste Heat

- (71) The commissioning of the Development shall not take place until sufficient plant and pipework has been installed to facilitate the future supply of heat to the boundary of the Site under Condition (72) at a later date if opportunities to do so are identified pursuant to Condition (72).

- (72) Prior to the commissioning of the Development, an updated CHP Feasibility Review assessing potential commercial opportunities for the use of heat from the Development shall be submitted to, approved in writing by, and deposited with the Council. This shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the Development as part of a Good Quality CHP scheme (as defined in the CHPQA Standard issue 3), and for the provision of subsequent reviews of such commercial opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to, approved in writing by, and deposited with the Council. Any plant and pipework installed to the boundary of the Site to enable the use of heat shall be installed in accordance with the agreed details.

Reason: To ensure that waste heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.

Cessation of works and restoration of the Site

- (73) Within 12 months of the Site ceasing to be used for the purposes of electricity generation, a scheme for the demolition and removal of the Development from the Site shall be submitted to the Council, for approval in writing.

- (74) The scheme referred to in Condition (73) 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 and methods for the control of dust and noise;
 - (iii) the phasing of the demolition and removal;
 - (iv) details of the restoration works; and
 - (v) the phasing of the restoration works.
- (75) The demolition and removal of the Development (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access roads) and subsequent restoration of the Site shall thereafter be implemented in accordance with the approved scheme referred to in Condition (73), subject to any changes to such scheme that are agreed in writing with the Council.

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

Date: 31 October 2011

Giles Scott
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and Climate Change