



Deadline 3: Applicant's Response to the Examining Authority's Further Written Questions (ExQ1A)

Appendix 1.13b – Tilbury Green Section 36 Consent – 26th March 2020

Wheelabrator Kemsley (K3 Generating Station) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility Development Consent Order

PINS Ref: EN010083

Document 11.2

April 2020 – Deadline 3



DEPARTMENT FOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

VARIATION OF CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT
1989

DIRECTION UNDER SECTION 90 (2ZA) OF THE TOWN AND COUNTRY
PLANNING ACT 1990 TO VARY THE CONDITIONS OF THE DEEMED
PLANNING PERMISSION

CONSTRUCTION AND OPERATION OF A BIOMASS AND ENERGY FROM WASTE
FUELLED ELECTRICITY GENERATING STATION AT TILBURY DOCKS, ESSEX

The Secretary of State in exercise of the powers conferred on him by section 36C of the Electricity Act 1989 hereby varies the consent granted for the biomass and energy from waste fuelled electricity generating station proposed to be constructed on the Site at Tilbury Docks, Essex in accordance with the variations shown in italic text in the Annex.

20 August 2014 26 March 2020

Giles Scott Gareth Leigh
Head of National Infrastructure Consents Energy
Infrastructure Planning
Department for Business, Energy and Industrial
Strategy of Energy and Climate Change

Our ref: 12.04.09.04/266C

Annex – Variation of Section 36 Consent

CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for Business, Energy and ~~Climate Change~~ Industrial Strategy (“the Secretary of State”) hereby consents to the construction by Tilbury Green Power Limited (and its successors and assigns) (“the Company”), on the area of land delineated by a solid red line on Figure 1.2, annexed hereto and duly endorsed on behalf of the Secretary of State, of an energy from waste and biomass fuelled generating station at Tilbury Docks, Essex (“the Development”), and to the operation of that generating station.
2. Subject to paragraph 3(1), the Development shall be up to 6080MW capacity and comprise:
 - (a) up to two boilers;
 - (b) two stacks;
 - (c) a two steam turbine hall buildings;
 - (d) two air cooled condensers;
 - (e) waste wood/biomass storage building;
 - (f) waste material reception and bunker storage facilities~~solid recovered fuel production building~~;
 - (g) ancillary plant and equipment buildings;
 - (h) up to three battery energy storage units; and
 - (~~h~~) the necessary buildings (including administration offices, workshops and stores), car parking, laydown areas, bridge and civil engineering works.
3. This consent is granted subject to the following conditions:
 - (1) The Development shall be constructed and operated in accordance with the details contained in paragraph 2 of this consent.
 - (2) The Development shall not be commenced later than 27 August 2015.

DIRECTION UNDER SECTION 90(2ZA) OF THE TOWN AND COUNTRY
PLANNING ACT 1990 TO DEEM PLANNING PERMISSION TO BE
GRANTED

CONSTRUCTION AND OPERATION OF A BIOMASS AND ENERGY FROM WASTE
FUELLED ELECTRICITY GENERATING STATION AT TILBURY
DOCKS, ESSEX

4. The Secretary of State in exercise of the powers conferred on him by section 90(2ZA) of the Town and Country Planning Act 1990 hereby directs that planning permission for the biomass and energy from waste fuelled electricity generating station proposed to be constructed on the Site at Tilbury Docks, Essex be deemed to be granted subject to the following conditions:

Definitions

(1) In these Conditions unless the context otherwise requires, the following definitions apply:

"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;~~

"Biomass", except in conditions (72) to (74), and unless otherwise agreed in writing with the Relevant Planning Authority, means material, other than fossil fuel, which is, or is derived directly or indirectly entirely from plant matter, but does not include Waste Wood. Such material includes but is not limited to the following:

- i. Softwoods or hardwoods (untreated with preservatives or coatings) including softwoods or hardwoods derived from forestry works or virgin wood processing; forest wood; arboriculture arisings; cuttings, brash and other woody residues from forestry management operations; and bark;
- ii. energy crops;
- iii. sawdust; and
- iv. coconut shells, olive stones, cocoa husk, olive stone pulp, sunflower hulls, palm kernel meal, rapeseed meal and cereal by-products.

“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 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 a phase of the Development (as defined under “the Development”) first supplies electricity on a commercial basis;*~~

"the Company" means Tilbury Green Power Limited and its assigns and successors;

"Creative Conservation" means the establishment of areas which are capable of sustaining indigenous species of flora and fauna;

“the Development” means an electricity generating station of up to 80MW, comprising,
Phase 1: a waste wood/biomass fuelled electricity generation unit and,
Phase 2: a SRF/RDF/MSW/C&I fuelled electricity generation unit; a biomass and energy from waste fuelled electricity generating station of up to 60MW at Tilbury Docks;

"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;

"Heavy Commercial Vehicle" has the meaning given by section 138 of the Road Traffic Regulation Act 1984;

“Natural England” means Natural England and its successors;

“Operating Weight” in relation to a goods vehicle has the meaning given by section 138 of the Road Traffic Act 1984;

“Permitted Preliminary Works” means:

- i. landscaping and Creative Conservation, providing these operations do not require the delivery to or removal from the Site of bulk filling materials;

- 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 (4);
- v. provision for temporary contractors' facilities necessary for (i) to (iv) above within the Site;
- vi. erection of temporary fencing;
- vii. construction of a new access;
- viii. site security;
- ix. preparation of contractors' laydown areas; and
- x. any other works agreed in writing with the Relevant Planning Authority to constitute Permitted Preliminary Works;

~~"the Primary Catchment Area" means the administrative area of Thurrock;~~

~~"Public Holiday" means a day which is or is to be observed as a public holiday in England, including a bank holiday in England under the Banking and Financial Dealings Act 1971;~~

"the Relevant Planning Authority" means:

- i. Thurrock Thames Gateway Development Corporation in respect of any approval previously given by it in respect of the Development; and
- ii. for all other purposes, Thurrock Borough Council and its successors as local planning authority for the area in which the site is located;

~~"the Second Catchment Area" means the administrative areas of Essex, Hertfordshire, South Bedfordshire and Luton;~~

"the Site" means the area of land outlined red on Figure 1.2 annexed hereto.

"Steam Purging" means any planned release of steam likely to cause noise and be perceptible at residential properties or other land uses in the locality.

“SRF/RDF/MSW/C&I waste” means waste materials from solid recovered fuel/refuse derived fuel/municipal solid waste/commercial and industrial sources;

“Travel Plan Strategy” means the travel plan strategy dated 18 August 2008, reference 236400/3/A, submitted to DECC on 19 August 2008 and updated travel plan 393552[02]B, dated July 2018;

"Waste wood", unless otherwise agreed in writing with the Relevant Planning Authority, means, other than wood that is Biomass, wood that is waste due to it being discarded or intended to be discarded or required to be discarded by the holder of that waste (the holder being the producer of the waste or the person who is in possession of it and the producer being any person whose activities produce waste or any person who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of the waste). Such material includes but is not limited to the following:

- i railway sleepers;
- ii pallets;
- iii furniture off-cuts;
- iv wood recovered from construction and demolition waste;
- v wood recovered from any other waste stream including household and commercial/industrial waste; and
- vi utility poles;

The Site

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

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

Time Limits

- (3) Not used.¹The Commencement of the Development shall not be later than 27th August 2015.

¹ Condition (3) is no longer required as Commencement of the Development was confirmed by email to Thurrock Council on 24 August 2014 to have taken place.

Reason: ~~To reflect the time it may reasonably take to put in place the remaining and necessary pre-construction measures required for the Development, including discharge of planning conditions.~~

Suppression of Dust and Dirt during Demolition and Construction

- (4) Except for the Permitted Preliminary Works, the Gommencement of Phase 2 of the Development shall not take place until wheel cleansing facilities for Heavy Commercial Vehicles and any other vehicle which has an operating weight exceeding three tonnes has been provided in accordance with the scheme approved by the Relevant Planning Authority under application reference 10/50148/TTGCND. These facilities shall be installed in accordance with the timescale approved by the Relevant Planning Authority under application reference 10/50148/TTGCND and shall be maintained throughout the period of the construction of the Development unless otherwise agreed in writing with the Relevant Planning Authority.

Reason: To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment during construction.

- (5) All Heavy Commercial Vehicles and any other vehicle or mobile plant which has an operating weight exceeding three tonnes associated with the construction of the Development leaving the Site, other than those vehicles exclusively using tarmacadam or concrete roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities approved by the Relevant Planning Authority under application reference 10/50148/TTGCND.

Reason: To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment during construction.

- (6) The measures for the suppression of dust, approved by the Relevant Planning Authority under application reference 10/50179/TTGDGD, shall be employed throughout the period of construction of Phase 2 of the Development unless otherwise agreed in writing with the Relevant Planning Authority.

Reason: To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment during construction.

- (7) All open bodied Heavy Commercial Vehicles carrying dry loose aggregate, cement or soil into and out of the Site associated with the construction of Phase 2 of the Development shall be sheeted or sealed so as to prevent the release of such materials into the local environment.

Reason: To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment during construction.

Demolition Protocol

- (8) ~~Not used.²Following demolition of the existing buildings on-site, evidence of compliance with the material recovery target contained within the Demolition Protocol approved by the Relevant Planning Authority under application reference 10/50179/TTGDCD, shall be provided in writing to the Relevant Planning Authority.~~

Reason: ~~In order to minimise waste arising from the demolition and clearance of the Site and to maximise the re-use of demolition materials in the interests of sustainability.~~

Permitted Preliminary Works

- (9) Unless otherwise agreed in writing with the Relevant Planning Authority, the Permitted Preliminary Works shall be carried out in accordance with the "Scheme Pursuant to Condition 9 (March 2014)" approved by the Relevant Planning Authority under application reference 14/00239/CONDC.

Reason: To enable the Relevant Planning Authority to exercise reasonable and proper control over the temporary works associated with the Development.

Site Layout, Design and Fire Prevention

- (10) Except for the Permitted Preliminary Works, the Commencement of Phase 2 of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Relevant Planning Authority a scheme which shall include provisions for the:
- i details of the siting, design, and external appearance of all buildings and structures which are to be retained following the completion of the construction 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 ground levels and dimensions of all permanent buildings and structures together with cross-sections through the Site showing existing and proposed ground levels;

² Condition (8) is no longer required as evidence of compliance with material recovery targets was confirmed by Thurrock Council letter on 15 July 2014.

- iv details of vehicular circulation roads, parking, hardstandings, loading and unloading facilities and turning facilities on the Site;
- v details of all new or modified permanent fencing and gates and boundary treatments including the proposed acoustic barrier and its noise attenuation performance;
- vi details of fire suppression measures and access of fire appliances to all major buildings, structures and storage areas;
- vii details of permanent artificial lighting and its design and installation to prevent glare and lighting overspill from affecting residential areas; and
- viii phasing of works included in the scheme.

Reason: To enable the Relevant Planning Authority to exercise reasonable and proper control over the design and appearance of the Development and to ensure adequate fire prevention measures are in place

- (11) The principles set out within the Design and Access Statement Addendum (dated ~~November 2018~~ August 2008) together with the application drawings shall form the basis for submissions under Condition (10) (i) and (ii). The Development shall proceed thereafter only in accordance with the approved scheme, unless otherwise agreed in writing with the Relevant Planning Authority.

Reason: To enable the Relevant Planning Authority to exercise reasonable and proper control over the design and appearance of the Development and to ensure adequate fire prevention measures are in place.

Landscaping and Creative Conservation

- (12) Except for the Permitted Preliminary Works, prior to the Commencement of Phase 2 of the Development, a scheme of landscaping and Creative Conservation, ~~to include the proposed areas adjacent to the Botney Channel as shown on drawings 236400/B.2 and 235400/B.3 in the Ecology Review and Mitigation Plan (dated July 2008) as amended by Figure 4 Alternative Ground Level Habitat submitted to accompany application reference 13/01079/NMA,~~ shall be submitted to, approved in writing by, and deposited with, the Relevant Planning Authority. ~~(in consultation with Natural England). Unless otherwise agreed in writing with the Relevant Planning Authority the scheme shall be in accordance with the mitigation measures set out in the Ecology Review and Mitigation Plan (dated 18 July 2008) and in section 5.5 of the Design and Access Statement (dated 8 August 2008).~~

Reason: In order to ensure proper landscaping for the Development, Creative Conservation and to achieve the sustainable redevelopment of the Site. See also Conditions (50)-(51) below.

Rainwater Harvesting

- (13) The measures for the harvest of rainwater falling onto the Site approved by the Relevant Planning Authority under application reference 13/01170/CONDC shall be employed throughout the phase of construction permitted under the terms of application 13/01170/CONDC. Prior to the Commencement of *Phase 2 of the Development, a phase of construction not covered by the terms of application reference 13/01170/CONDC,* a scheme detailing measures to harvest rainwater falling onto the part of the Site occupied by the Phase 2 Development during such later phase shall be submitted to, approved in writing by, and deposited with, the Relevant Planning Authority, in consultation with the Environment Agency. The agreed details shall be installed and implemented prior to the Commissioning of the Development unless otherwise agreed in writing with the Relevant Planning Authority.

Reason: In order to reduce the mains water consumption of the facility and to achieve the sustainable redevelopment of the Site

River Thames Flood Defences

- (14) Subject to Flood Defence Consent FDC-ENS-2015-747 dated 17 April 2015, a horizontal strip 9 metres wide landward of, and adjacent to, the existing River Thames flood defences shall be left free of permanent built development and all other significant development unless otherwise agreed in writing with the Relevant Planning Authority, in consultation with the Environment Agency.

Reason: To retain access to the watercourse for the Environment Agency to carry out its functions and to protect the river environment.

- (15) Not used.³Prior to the commencement of construction of the proposed biomass storage building, details of the foundation design of this building shall be submitted to, approved in writing by, and deposited with the Relevant Planning Authority, in consultation with the Environment Agency. Construction of the biomass storage building shall proceed in accordance with the agreed details.

³ Condition (15) is no longer required as biomass building foundation details were submitted to Thurrock Council.

Reason: In order to maintain the integrity of the River Thames' flood defences.
Flood Protection Measures

- (16) In areas where personnel routinely work, as detailed in Section 4.2 of the submitted Flood Risk Assessment, Phase 2 of the Development shall be constructed with a minimum finished floor level at or above 3.85m Above Ordnance Datum (1:1,000 year level plus climate change) except for the boiler house where its construction shall be 3.72m Above Ordnance Datum with additional flood defence measures to protect up to the 1:1,000 year level plus climate change.

Reason: To ensure the appropriate protection of the development and occupants.

- (17) Prior to the Commissioning of Phase 2 of the Development a flood response plan shall be submitted to, approved in writing by, and deposited with, the Relevant Planning Authority in consultation with the relevant authority Emergency Planning Officer. The agreed measures within the plan shall be operated throughout the lifetime of the Development.

Reason: To ensure the appropriate protection of the development and occupants.

River Transport

- (18) Except for the Permitted Preliminary Works, the Commencement of Phase 2 of the Development shall not take place until an investigation has been carried out into the potential opportunities for the utilisation of river transport for the transportation of materials associated with the construction of the Development. The results of the investigation shall be submitted to the Relevant Planning Authority, and a scheme for the monitoring and reporting of potential opportunities for the use of river transport during the Construction of the Development shall be agreed in writing by, and deposited with, the Relevant Planning Authority. The scheme shall also make provision for taking advantage of such opportunities as it identifies as viable.

Reason: In order to ensure the most sustainable mode of transport for construction materials is used.

Road Traffic Management

- (19) The travel plan approved by the Relevant Planning Authority in 2014 and updated in 2018 shall be further ~~Prior to the commencement of the Development,~~ updated within 3 months of Phase 2 of the Development being operational and annually thereafter while the Development is in use. ~~a~~ The updated travel plan shall be submitted to, approved in writing by and deposited

with, the Relevant Planning Authority, in consultation with the Highways Agency. The travel plan shall address both the transport of materials and employees in order to minimise the impact of the development on local roads and shall reflect the objectives of the Travel Plan Strategy and incorporate further objectives to optimise HGV payloads. The travel plan shall be implemented on the Commissioning of Phase 2 of the Development and maintained thereafter unless otherwise agreed in writing with the Relevant Planning Authority.

Reason: To minimise the impact of construction and operational traffic on the motorway and trunk road network.

- (20) The Vehicle and Accident Monitoring Scheme approved by the Relevant Planning Authority in 2014 and updated in 2018 shall be further updated. Except for the Permitted Preliminary Works, the Commencement of Phase 2 of the Development shall not take place until the updated Vehicle and Accident Monitoring Scheme, which shall include a Construction Traffic Management Plan, has been submitted to, approved in writing by, and deposited with, the Relevant Planning Authority, in consultation with Highways England. -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 Relevant Planning Authority, in consultation with the Highways Agency, a Vehicle and Accident Monitoring Scheme based on Environmental Statement Technical Appendix L: Traffic & Transport ADDENDUM February 2009. Unless otherwise agreed in writing with the Relevant Planning Authority, in consultation with the Highways Agency, the construction and operation of the Development shall proceed in accordance with the approved scheme.

Reason: To minimise the impact of construction and operational traffic on the motorway and trunk road network.

- (21) During the period of construction of Phase 2 of the Development, transport movements of abnormal (indivisible) loads shall not be permitted on the M25 Motorway and A13 and A1089 Trunk Roads between the periods 07.00-09.00 hours and 16.30-18.30 hours, and outside these time periods, shall only be permitted in accordance with the requirements of the Essex Police Authority and the Highways Agency Abnormal Indivisible Loads Team.

Reason: To minimise the impact of construction and operational traffic on the motorway and trunk road network.

Demolition, Construction and Associated Noise and Vibration

- (22) All activities associated with the demolition of existing buildings and structures and the construction of Phase 2 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: To ensure reasonable and proper control is exercised over the methods of demolition of existing buildings and structures and construction of Phase 2 of the Development and to ensure the proper control of noise during demolition and construction activities.

- (23) The commencement of Phase 2 of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Relevant Planning Authority a scheme for impact pile, or other means of pile driving, including methods and duration and the scheme shall state criteria according to which the means of pile driving to be adopted have been chosen. The approved scheme shall be adhered to during the period of construction of Phase 2 of the Development.

Reason: To ensure reasonable and proper control is exercised over the methods of demolition of existing buildings and structures and construction of Phase 2 of the Development and to ensure the proper control of noise during demolition and construction activities.

- (24) No impact pile driving required during the construction of Phase 2 of the Development shall take place on the Site on any Sunday or Bank Public Holiday or on any other day except between the following times:

Monday to Friday 0900 – 1800 hours
Saturday 0900 – 1300 hours

Unless such pile driving:

- (a) is associated with an Emergency; or
- (b) is carried out with the prior approval of the Relevant Planning Authority.

Reason: To ensure reasonable and proper control is exercised over the methods of demolition of existing buildings and structures and construction of Phase 2 of the Development and to ensure the proper control of noise during demolition and construction activities.

- (25) No demolition or construction work associated with Phase 2 of the Development shall take place on the Site at any time on any Sunday or Bank Public Holiday or on any other day except between the following times:

Monday to Friday 0700 – 1900 hours
Saturday 0800 - 1700 hours

Unless such work:

- (i) is associated with an Emergency; or
- (ii) is carried out with the prior written approval of the Relevant Planning Authority; or
- (iii) does not cause existing background noise levels to be exceeded, such existing background noise levels to be set out in accordance with the scheme to be prepared pursuant to Condition (27).

Reason: To ensure reasonable and proper control is exercised over the methods of demolition of existing buildings and structures and construction of Phase 2 of the Development and to ensure the proper control of noise during demolition and construction activities.

- (26) Within 2 working days following any instance where a time limitation referred to in Conditions (24) and (25) is not observed because of an Emergency, the Relevant Planning Authority shall be notified and such notification shall be followed up within 2 working days with a written statement detailing the nature of the Emergency and the reason why the time limit could not be observed.

Reason: To ensure reasonable and proper control is exercised over the methods of demolition of existing buildings and structures and construction of Phase 2 of the Development and to ensure the proper control of noise during demolition and construction activities.

- (27) The demolition of the existing buildings and construction of Phase 2 of the Development shall be undertaken in accordance with the scheme of noise and vibration monitoring approved by the Relevant Planning Authority under application reference 10/50188/TTGDCCD. At the specified noise monitoring locations, noise and vibration levels during the demolition and construction operations shall not exceed the levels specified in the approved monitoring scheme approved under application reference 10/50188/TTGDCCD, unless otherwise agreed in writing with the Relevant Planning Authority or in an Emergency.

Reason: To ensure reasonable and proper control is exercised over the methods of demolition of existing buildings and structures and construction of Phase 2 of the

Development and to ensure the proper control of noise during demolition and construction activities.

- (28) In any instance where a noise level approved pursuant to Condition (27) is exceeded because of an Emergency the Relevant Planning Authority shall be notified. The notification shall be followed up within 2 working days with a written statement detailing the nature of the emergency and the reason why the maximum permissible noise level could not be observed.

Reason: To ensure reasonable and proper control is exercised over the methods of demolition of existing buildings and structures and construction of the Development and to ensure the proper control of noise during demolition and construction activities.

Operational Noise and Vibration

- (29) The Commissioning of *Phase 2 of* the Development shall not take place until there has been submitted to, approved by, and deposited with, the Relevant Planning Authority, a noise and vibration management plan including provision for the monitoring of noise and vibration generated by the normal commercial operation of the Development. The plan shall specify:

- (i) the locations from which noise and vibration will be monitored;
- (ii) the method of noise measurement (which shall be in accordance with BS 4142 1997);
- (iii) the maximum permissible levels of noise and vibration at each such monitoring location; and
- (iv) the arrangements for making noise and vibration monitoring results available to the Relevant Planning Authority and for notifying local residents affected by an Emergency (as provided for in Condition (30)).

The plan shall make provision for such noise and vibration measurements to be taken as soon as possible following requests by the Relevant Planning Authority and such measurements shall be given to the Relevant Planning Authority within 2 working days. At the approved monitoring locations, noise levels during the operation of the Development shall not exceed the levels specified in the approved plan, unless otherwise agreed in writing with the Relevant Planning Authority or in an Emergency.

Reason: To ensure the proper control of noise during the operation of the Development and to give advance warning of the timing of exceptionally noisy events.

- (30) In any instance where a noise or vibration limitation level approved pursuant to Condition (29) is exceeded because of an Emergency the Relevant Planning Authority shall be provided within two working days with a written statement detailing the nature of the Emergency and the reason why the noise level and/or vibration limitation could not be observed. If the emergency period is expected to be for more than twenty-four hours then those residents affected by the Emergency shall be informed of the reasons for the Emergency and the expected duration.

Reason: To ensure the proper control of noise during the operation of the Development and to give advance warning of the timing of exceptionally noisy events.

- (31) Except in an Emergency, at least 2 working day's written notice shall be given to the Relevant Planning Authority of any proposed operation of emergency pressure valves or similar equipment. In any instance where Steam Purging is to take place the Company shall give two working days prior notice to local residents and businesses affected by the noise of such purging.

So far as is reasonably practicable, any such operation should take place between 09.00 and 17.00 hours on any day other than Saturdays, Sundays, ~~Bank Holidays~~ or ~~Public Holidays~~.

Reason: To ensure the proper control of noise during the operation of the Development and to give advance warning of the timing of exceptionally noisy events.

Noise and Vibration Complaints Procedure

- (32) In any instance where a local resident makes a complaint about noise and/or vibration generated by demolition works or the construction or operation of the Development, investigations shall be carried out to establish the justification, or otherwise, of the complaint, the likely cause and possible remedial measures. A written report to the complainant shall be made as soon as reasonably practicable following the investigation and/or remedial work. All such reports shall be kept in an appropriate location on Site and made available to the Relevant Planning Authority on request.

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

Prevention of Contamination of Watercourses

- (33) Except for the Permitted Preliminary Works the ~~C~~ommencement of Phase 2 of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Relevant Planning Authority, in

consultation with the Environment Agency, a scheme showing the method and working of drainage facilities on the Site. Such facilities shall be put in place in accordance with the approved scheme.

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

(34) The scheme referred to in Condition (33) 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 so as 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; and
- (vi) phasing of works.

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

(35) Any surface water contaminated by hydrocarbons which are used during the construction of Phase 2 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: To ensure proper drainage of the Site and that proper containment facilities are built.

(36) All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of Phase 2 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.

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

- (37) All bunded compound(s) referred to in Condition (36) in which acids, alkalis or sulphides are stored shall, in addition to being contained in suitable facilities, have appropriate protective lining applied to the inner walls of the bunds.

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

- (38) Any storage facility to which Conditions (36) or (37) refer shall be completed in accordance with the requirements of those Conditions before being brought into use.

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

Archaeology

- (39) ~~Not used.⁴The construction of the Development, including the Permitted Preliminary Works, shall be undertaken in accordance with the Written Scheme of Investigation for Archaeology approved by the Relevant Planning Authority under application reference 10/50148/TTGCND.~~

~~Reason: To allow the surveying of the Site for archaeological artefacts and the recovery of any important archaeological discovery before construction of the main Development begins.~~

- (40) ~~Not used. Any further investigations and recording of such finds as are considered necessary by the Relevant Planning Authority 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 within the Written Scheme of Investigation for Archaeology approved by the Relevant Planning Authority under application reference 10/50148/TTGCND, unless otherwise agreed in writing with the Relevant Planning Authority.~~

⁴ Conditions (39) and (40) are no longer required as a Written Scheme of Investigation was approved by Thurrock Council and a report on subsequent archaeological investigations at site was provided to Thurrock Council by email on 8 July 2014.

Reason: To allow the surveying of the Site for archaeological artefacts and the recovery of any important archaeological discovery before construction of the main Development begins.

Contamination

- (41) Unless any variation has been agreed in writing with the Relevant Planning Authority in consultation with the Environment Agency, the construction of Phase 2 of the Development shall take place in line with the scheme approved by the Relevant Planning Authority under application reference 12/01088/CONDC, being a scheme covering the following matters:
- (a) a desk study identifying
- all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the Site indicating sources, pathways and receptors; and
 - 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 and how they are to be undertaken.

Reason: To ensure that Phase 2 of the Development does not cause pollution of Controlled Waters and that it complies with approved details in the interest of protection of Controlled Waters. To ensure that any potential contaminated waste found on the Site is disposed of properly.

(42) Not used.⁵

(43) If, during construction of Phase 2 of the Development, contamination not previously identified is found to be present at the Site then no further work shall be carried out until there has been submitted to, approved in writing by, and deposited with, the Relevant Planning Authority an amendment of the scheme

⁵ Condition 42 is no longer required as it required compliance with the scheme approved under Condition 41. Condition 41 covers compliance.

approved under application reference 12/01088/CONDC detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that Phase 2 of the Development does not cause pollution of Controlled

Waters and that it complies with approved details in the interest of protection of Controlled Waters. To ensure that any potential contaminated waste found on the Site is disposed of properly.

- (44) Contaminated material arising from Phase 2 of the construction of the Development shall be treated on the Site in accordance with a scheme to be submitted to, approved in writing by, and deposited with, the Relevant Planning Authority, in consultation with the Environment Agency, or shall be disposed of to licensed disposal facilities.

Reason: To ensure that Phase 2 of the Development does not cause pollution of Controlled

Waters and that it complies with approved details in the interest of protection of Controlled Waters. To ensure that any potential contaminated waste found on the Site is disposed of properly.

- (45) Prior to the Commissioning of Phase 2 of the Development, a verification report shall be provided on completion of the works set out in Condition (41)(c) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Reason: To ensure that Phase 2 of the Development does not cause pollution of Controlled

Waters and that it complies with approved details in the interest of protection of Controlled Waters. To ensure that any potential contaminated waste found on the Site is disposed of properly.

Protection and Mitigation for Bats

- (46) ~~Not used.⁶ The demolition of existing buildings and construction of the Development shall be undertaken in accordance with the Bat Mitigation and Enhancement measures approved by the Relevant Planning Authority under application reference 10/50250/TTGDGD.~~

⁶ Condition (46) is no longer required as investigations in 2017 and 2018 indicate that bats are not present on the site.

Reason: For the protection of bats which are protected under the Wildlife and Countryside Act 1981 (as amended).

Protection and Mitigation for Reptiles

(47) Not used.⁷ Construction of the Development shall be undertaken in accordance with the Scheme for the Protection and Mitigation of Reptiles approved under application reference 10/50250/TTGDGD.

Reason: For the protection of reptiles which are protected under the Wildlife and Countryside Act 1981 (as amended).

Protection and Mitigation for Birds

(48) No trees, hedges, scrub, dense vegetation or other nesting sites shall be cleared from the Site during the bird breeding season of 1 March to 30 September inclusive, except where a suitably qualified ecological consultant, appointed by the Company, has confirmed that such clearance works should not affect any nesting birds, unless otherwise agreed in writing with the Relevant Planning Authority.

Reason: To cause that breeding birds are not disturbed or nests destroyed. Breeding birds are protected under the Wildlife and Countryside Act 1981 (as amended).

(49) Not used.⁸

Landscaping and Creative Conservation

(50) The scheme referred to in Condition (12) shall deal with the treatment of any environmentally sensitive areas as well as the general provision of screening, shrub and tree planting and grassed areas and means of integrating the Development with the surrounding landscape and shall include the following matters:

- (i) planting;
- (ii) management of existing and new planted areas including the protection of existing planting during construction;
- (iii) restoration of areas affected by construction works;

⁷ Condition (47) is no longer required as investigations in 2018 indicate that reptiles are not present on the site.

⁸ Condition 49 is no longer required as it duplicated provision made in Condition 12.

- (iv) details of grass seed mix for areas of the Site set out in the scheme referred to in Condition (12) to be restored to grassland;
- (v) details of the height, type, size and species of the shrubs and trees to be planted;
- (vi) details of the measures to be taken to create new flora and fauna habitats and the management of such new habitats; and
- (vii) phasing of works to be included in the scheme referred to in Condition (12).

Reason: To ensure proper landscaping for *Phase 2 of* the Development, Creative Conservation and to achieve the sustainable redevelopment of the Site.

- (51) The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works specified in Condition (50)(vii) and no later than the appropriate planting and sowing season following the completion of construction of the Development and shall be carried out in accordance with the scheme approved under Condition (12) unless otherwise agreed in writing with the Relevant Planning Authority. Any trees or shrubs, including hedges, which die, become seriously damaged or diseased or are removed within five years from the date of planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Relevant Planning Authority.

Reason: To ensure proper landscaping for *Phase 2 of* the Development, Creative Conservation and to achieve the sustainable redevelopment of the Site.

Fugitive Odour

- (52) The Commissioning of *Phase 2 of* the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Relevant Planning Authority a scheme for the control of fugitive odours from *Phase 2 of the Development the Solid Recovered Fuel (SRF) production facility.* Unless otherwise agreed in writing with the Relevant Planning Authority, the Development shall proceed in accordance with the approved scheme.

Reason: In the interests of amenity.

Pest/Vermin Control

(53) The Commissioning of Phase 2 of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Relevant Planning Authority a scheme for the control of pests and vermin at the Site. Unless otherwise agreed in writing with the Relevant Planning Authority, the Development shall proceed in accordance with the approved scheme.

Reason: In the interests of amenity.

Hours of Operation

(54) Unless otherwise agreed in writing with the Relevant Planning Authority, the operating hours of the Development will be between the following times:

Phase 2 of the Development: ~~SRF Production Facility:~~

Activity:	Operation:
Materials delivery	0700-1830 Mon-Fri 0700-1300 Sat
Materials processing and fuel production	Continuous
Removal of recyclate and residues	0700-1830 Mon-Fri 0700-1300 Sat

Phase 1 of the Development: ~~Biomass Store:~~

Activity:	Operation:
Delivery by river	At any time during a 24 hour period
Delivery by road	0700-1830 Mon-Fri 0700-1300 Sat

Power Island:

Activity:	Operation:
Power generation and CHP	Continuous

Reason: In the interests of amenity.

Material Inputs

(55) No more than 650,000 tonnes of Biomass, Waste Wood, Refused Derived Fuel, Solid Recovered Fuel, Commercial & Industrial Waste and ~~or~~ Municipal Solid

Waste (MSW) shall be brought onto the site per annum. This will include no more than 350,000 tonnes per annum of MSW, Commercial & Industrial Waste, Solid Recovered Fuel and Refuse Derived Fuel. 40,000 tonnes per annum of MSW and no more than a combined total of 300,000 tonnes per annum of MSW, Commercial & Industrial Waste and Solid recovered Fuel.

Reason: In order for the Relevant Planning Authority to exercise reasonable control over the input of materials into the Site.

- (56) No more than 450,000 tonnes of Biomass, Waste Wood, Solid Recovered Fuel, Commercial & Industrial Waste and/or Municipal Solid Waste shall be delivered by road to the Site per annum.

Reason: To minimise the impact of imports on the road network.

~~Source of Municipal Solid Waste, Solid Recovered Fuel or Waste Wood, Commercial & Industrial Waste and Biomass~~

- (57) ~~Not used. No Municipal Solid Waste other than that derived from within Thurrock, Essex, Hertfordshire, South Bedfordshire and Luton shall enter the site.~~

~~**Reason:** In order for the Relevant Planning Authority to exercise reasonable control over the input of materials into the Site.~~

- (58) ~~Not used. No Solid Recovered Fuel or Waste Wood other than that derived from within the East of England region and / or within a radius of 50 miles from the Site boundary shall enter the Site.~~

~~**Reason:** In order for the Relevant Planning Authority to exercise reasonable control over the input of materials into the Site.~~

- (59) ~~Not used. No Commercial & Industrial Waste other than that derived from within the East of England Region shall enter the site.~~

~~**Reason:** In order for the Relevant Planning Authority to exercise reasonable control over the input of materials into the Site.~~

- (60) ~~Not used. No Biomass other than that derived from within the East of England region and / or within a radius of 50 miles from the Site boundary shall enter the Site unless delivered by river.~~

~~**Reason:** In order for the Relevant Planning Authority to exercise reasonable control over the input of materials into the Site.~~

- (61) Records of the type and origin of material entering the Site and the mode of transport used for delivery shall be kept by the operator and made available to the Relevant Planning Authority within 7 days of a written request.

Reason: In order for the Relevant Planning Authority to exercise reasonable control over the input of materials into the Site.

External Storage

- (62) Unless otherwise agreed in writing with the Relevant Planning Authority, or unless in an Emergency, the external handling of biomass, waste, materials or products shall be under cover at all times during the operation of the Development.

Reason: In the interests of amenity.

Disposal and Re-use of Post-Combustion Residues

- (63) The Commissioning of *Phase 2 of* the Development shall not take place until a scheme detailing the proposed disposal and potential re-use and recycling of post-combustion residues, including means of transport, has been submitted to, approved in writing by, and deposited with, the Relevant Planning Authority. Unless otherwise agreed in writing with the Relevant Planning Authority, the agreed scheme shall be implemented for the duration of the Development.

Reason: In order to ensure the appropriate disposal of and sustainable re-use of post-combustion residues.

Air Pollution Monitoring

- (64) The Commissioning of *Phase 2 of* the Development shall not take place until there has been submitted to, and approved in writing by, the Relevant Planning Authority, in consultation with the Environment Agency, a scheme for monitoring air pollution in their 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. Unless otherwise agreed in writing with the Relevant Planning Authority, the scheme shall provide for the first measurement to be taken not less than 12 months prior to the Commissioning of *Phase 2 of* the Development and for the final measurement to be taken not more than 24 months after Commissioning of *Phase 2 of* the Development. Full details of the measurements obtained in accordance with the scheme shall be

supplied to the Relevant Planning Authority as soon as reasonably practicable after they become available.

Reason: To ensure that the Relevant Planning Authority is kept informed on a regular and programmed basis about the changes in the level of air pollution at locations within its area.

- (65) Should the Relevant Planning Authority require continued monitoring of air pollution the Scheme pursuant to Condition (64) shall be extended for a period of up to 36 months from the date of the last measurement taken pursuant to that Condition. Full details of the measurements obtained during the extended period shall be provided to the Relevant Planning Authority as soon as reasonably practicable after they become available.

Reason: To ensure that the Relevant Planning Authority is kept informed on a regular and programmed basis about the changes in the level of air pollution at locations within its area.

Stack Lighting

- (66) The Commissioning of Phase 2 of the Development shall not take place until a scheme detailing the lighting of the flue stacks with a steady red light of 200 candelas visible from the highest most practicable point, have been submitted to, approved in writing by, and deposited with, the Relevant Planning Authority. The stacks shall be lit in accordance with the approved scheme prior to the Commissioning of Phase 2 of the development and maintained thereafter.

Reason: In the interests of air traffic safety.

Use of Waste Heat

- (67) The Commissioning of Phase 2 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 (68) at a later date if opportunities to do so are identified pursuant to Condition (68).

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.

- (68) Prior to the Commissioning of Phase 2 of the Development, an updated CHP Feasibility Review assessing potential opportunities for the use of heat from the Development shall be submitted to, approved in writing by, and deposited with, the Relevant Planning Authority. This shall provide for the ongoing monitoring and full exploration of potential 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 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 Relevant Planning Authority. 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

(69) Unless otherwise agreed in writing with the Relevant Planning Authority, within 12 months of Phase 1 or Phase 2 the Site ceasing to be used for the purposes of electricity generation, a scheme for the demolition and removal of that Phase of the Development from the Site shall be submitted to the Relevant Planning Authority, for approval in writing.

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

(70) The scheme referred to in Condition (69) 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.

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

(71) The demolition and removal of a Phase 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 (69), unless otherwise agreed in writing with the Relevant Planning Authority.

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

Biomass Sustainability

- (72) 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 the material inputs referred to in Condition (55) shall be burnt in the 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 burnt in the main boilers(s) after that time must comply with the applicable mandatory sustainability criteria.
- (73) 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 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. Where other forms of biomass are burnt in the main boiler(s), the report should provide equivalent information, assurance and verification in respect of those fuels.
- (74) For the purposes of conditions (72) and (73):

“applicable mandatory sustainability criteria” means:

- 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 financial 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 unless otherwise agreed in writing with the Relevant Planning Authority,

and, 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;

“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. 2009/785) (as amended);
- ii. such provisions of a relevant assistance regime incorporating applicable mandatory sustainability criteria as define biomass for the purposes of that regime from time to time;

“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

“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 by reason of the burning of biomass fuel feedstocks which comply with prescribed sustainability criteria.

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.

Immaterial Changes to Conditions by the Council

(75) Where the words, “any other works agreed in writing with the Relevant Planning Authority”, “unless otherwise agreed in writing with the Relevant Planning Authority” or “with the prior written approval of the Relevant Planning Authority” appear, such agreement or approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the Council that the subject matter of the approval is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Reason: To make clear that where provision is made for the Council to agree to variations to the application of planning conditions, the scope of any such variations will be limited to immaterial changes.

Bridge over Botney Channel

(76) Except for the Permitted Preliminary Works, the commencement of Phase 2 of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Relevant Planning Authority, in consultation with the Environment Agency, a scheme for the construction of the bridge over the Botney Channel. The bridge shall be constructed in accordance with the agreed scheme.

Reason: To ensure that the necessary scheme has been approved by the Relevant Planning Authority in consultation with the Environment Agency before construction work commences on the bridge over Botney Channel.

Date: 26 March 2020 ~~20 August 2014~~

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Giles Scott Gareth Leigh
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National Infrastructure Consents
Department of Business, Energy and
Industrial Strategy ~~Energy and Climate~~
Change