Mohammed Gary (Mr A) EDU

From: Mohammed Gary (Mr A) EDU
Sent: 18 January 2008 09:21
To: 'Martin Land'; Waters, Doug (Energy Wholesale); michaela.kennard@environment-agency.gov.uk; 'Chris Butler'; 'cooper, robin'; Rebecca Moberly
Subject: Kingsnorth coal fired station

Attachments: kingsnorth conditions.doc

All

Attached is a set of draft conditions should my Secretary of State be minded to grant consent to build the new Kingsnorth coal-fired station. They take into account the views expressed but are in our style rather than that contained in Medway Council's comments. I believe, however, that they cover the main issues.

kingsnorth
:onditions.doc (88 ..

Grateful for any comments you may have on them.

Regards

Gary

Gary Mohammed
Manager, Power Station and Pipeline Consents
Department for Business, Enterprise and Regulatory Reform
Room 2121
1 Victoria Street
London SW1H 0ET

Tel: 020 7215 2880
Fax: 020 7215 2601

email: gary.mohammed@berr.gsi.gov.uk

Definitions

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

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

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

"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 the Development first supplies electricity on a commercial basis;

"the Company" means E.ON UK plc and its assigns and successors;

"the Council" means Medway Council and its successors;

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

"the Development" means the supercritical boiler coal fired generating station at Kingsnorth, Hoo St. Wenburg, Rochester in the County of Kent;

"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;

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

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

"Permitted Preliminary Works" means:

(i) landscaping and creative conservation, providing these do not require the delivery or removal of bulk filling materials to or from the Site;

(ii) installation and diversion of utility services within the Site;

(iii) surveys and geotechnical surveys;

(iv) relocation of existing auxiliary plant and facilities on the Site;

(v) provision of wheel cleansing facilities required pursuant to Condition (4); and

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

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

The Site

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

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

Time Limits

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

Reason: To be consistent with the section 36 consent.

Trafffic Movements

(4) The commencement of the Development shall not take place until a travel plan has been submitted to and approved in writing by the Council, such travel plan to include positive scheduling to encourage heavy commercial vehicles carrying materials to or from the site to avoid peak hours and measures to reduce car traffic by encouraging staff and visitors to travel to or from the site by other means. The Development shall not be operated other than in accordance with the approved travel plan.

(5) Except for the Permitted Preliminary Works, the construction of the Development shall not take place until the Company has carried out an investigation as to whether the Rivers Medway and/or Thames can be utilised for the transportation of materials associated with the construction of the Development. The results of the investigation shall be submitted to and agreed in writing by the Council.

Reason: To encourage non-road transport in order to reduce emissions of gases which contribute to global warming and to reduce instances of traffic congestion.

Suppression of Dust and Dirt

(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 a scheme for the provision of wheel cleansing facilities for heavy commercial vehicles and any other mobile plant which has an operating weight exceeding three tonnes. Such approved facilities shall be installed in accordance with a timescale to be approved in writing by the Council and shall be maintained throughout the period of the construction of the Development unless any variation has been approved in writing by the Council.

(7) All heavy commercial vehicles and any other 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 provided pursuant to Condition (6).

(8) 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 employing all possible measures for the suppression of dust during the period of the construction of the Development. The measures approved in the scheme shall be employed throughout the period of construction unless any variation has been approved in writing by the Council.

(9) All heavy commercial vehicles carrying loose bulk materials into and out of the Site during the construction, operational and decommissioning phases of the Development shall be covered unless the load is otherwise enclosed.

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

Layout and Design

(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 which shall include provisions for the:

(i) details of the siting, design, external appearance and dimensions of all new or modified buildings and structures which are to be retained following the commissioning of the Development;

(ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;

(iii) details of vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site;

(iv) details of artificial lighting required during the operation of the Development;

(v) details of all new or modified permanent fencing and gates required o the Site; and

(vi) phasing of works included in the scheme.

(11) The Development shall proceed only in accordance with the scheme referred to in Condition (10) subject to any variation as may be approved in writing by the Council.

(12) 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 scheme for the removal of all temporary buildings, structures and ancillary works connected with the construction of the Development. Such scheme shall include the timing and phasing of removal and details of for the reinstatement of the land. The measures approved in the scheme shall be employed throughout the period of removal unless any variation has been approved in writing by the Council.

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

Construction and Construction Noise

(13) All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228,

Parts 1 and 2: 1997 and Part 4: 1992; Noise and Vibration Control on Construction and Open Sites.

(14) No construction work associated with the Development shall take place on the Site at any time on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday	0700 - 2200
Saturday	0730 - 1730

unless such work -

(a) is associated with an emergency; or

(b) is carried out with the prior written approval of the Council.

(15) In any instance where a time limitation referred to in Condition (14) is exceeded because of an emergency the Company shall as soon as possible notify the Council and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.

(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 scheme for the transport of construction staff to and from the Site. The approved scheme shall remain in operation throughout the period of the construction of the Development.

(17) Except for the Permitted Development Works, no works associated with the construction of the Development shall take place on the Site until the safety improvements at or in the vicinity of the B2001/Grain Road and the main vehicular access to the Site are completed and available for use to the written satisfaction of the Council.

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

Operational Noise

(18) 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 of noise generated by the normal commercial operation of the Development. The programme shall specify the locations from which noise will be monitored, the method of noise measurement

(which shall be in accordance with BS 4142 1997) and the maximum permissible levels of noise at each such monitoring location. The programme shall make provision for such noise measurements to be taken by the Company as soon as possible following requests by the Council and such measurements shall be given to the Council as soon as they are available. At such measurement locations noise levels permitted under Condition (19) shall not exceed the levels specified in the approved programme, except in an emergency or with the prior written approval of the Council.

(19) Notwithstanding any noise measurement and noise measurement location approved by the Council pursuant to Condition (18) the noise generated by the normal commercial operation of the Development shall not exceed the following when measured generally in accordance with BS 4142 1997 at the facades of the nearest residential properties at

Kennels	$L_{Aeq} = 39$ dB
Jacobs Lane	$L_{Aeq} = 37$ dB
Beluncle Farm	$L_{Aeq} = 35$ dB
Tunbridge Hill	$L_{Aeq} = 35$ dB
North Street	$L_{Aeq} = 37$ dB

Such noise shall exhibit no tonal or impulse content at these properties in all weather conditions. These limitations as to noise level shall be adhered to at all times except in an emergency or in accordance with any lower noise level which may be approved by the Council pursuant to Condition (18).

(20) In any instance where a noise level approved pursuant to Condition (18) or a noise limitation referred to in Condition (19) is exceeded because of an emergency the Company shall as soon as possible, and at least within two working days, provide the Council with a written statement detailing the nature of the emergency and the reason why the noise level and/or limitation 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 affected by the emergency of the reasons for the emergency and the expected duration.

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

Noise Complaints Procedure

(21) In any instance where a local resident has cause to make a complaint about noise generated by the construction and/or operation of the Development the Company shall carry out investigations to establish the justification, or otherwise, of the

complaint, the likely cause and possible remedial measures. A written report to the complainant shall be made as soon as reasonably practicable following the investigation and/or remedial work. The Company shall keep all such reports in an appropriate file and such file shall be made available to the Council on request.

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

Prevention of Contamination of Watercourses

(22) 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 on the Site. Such facilities shall be put in place in accordance with the approved scheme.

(23) The scheme referred to in Condition (22) 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.

(24) Any surface water contaminated by hydrocarbons which are used during the construction of the Development shall be passed through oil/grit interceptor(s) prior to being discharged to any public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.

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

of the Development must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.

(26) All bunded compound(s) referred to in Condition (25) in which acids, alkalis or sulphides in addition to being contained in suitable facilities shall have appropriate protective lining applied to the inner walls of the bunds.

(27) Any storage facility to which Conditions (25) or (26) 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

(28) 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.

(29) The scheme approved pursuant to Condition (28) shall provide for:

(i) any person nominated by the Council to be permitted safe access to the part of the Site where the find is made;

(ii) finds of national importance to be evaluated and, where practicable, preserved in situ; and

(iii) phasing of works.

(30) 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 (29)(iii), unless otherwise approved in writing by the Council.

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.

Contaminated Waste

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

(32) No work associated with the construction of the Development shall take place until the Council, in consultation with the Environment Agency, has approved in writing the report produced pursuant to Condition (31).

(33) The commencement of the Development shall not take place until a scheme of any necessary remedial measures and monitoring has been submitted to, approved in writing by, and deposited with, the Council, in consultation with the Environment Agency.

(34) The scheme approved pursuant to Condition (33) shall be adhered to during the construction of the Development, unless any variation has been approved in writing by the Council, in consultation with the Environment Agency.

(35) Should contaminated materials be found on any area of the Site which had been identified as being free of contaminants pursuant to Condition (30) then such area shall be subject to the remedial and monitoring scheme approved pursuant to Condition (33).

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

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

Protection of Water Voles

(37) The commencement of the Development shall not take place until the Company has undertaken, in consultation with Natural England and the Environment Agency, a comprehensive investigation to establish whether water voles are resident on the Site.

(38) Should the investigation undertaken pursuant to Condition (37) identify that water voles are resident on the Site, then there shall be submitted to, approved in writing by, and deposited with, the Council, in consultation with Natural England and the Environment Agency, a scheme ensuring that the habitats of the water voles are protected or are not infringed without full and proper mitigation.

(39) Any monitoring agreed pursuant to Condition (38) shall be by web cam and made available by the Company via an internet site or other medium agreed in writing by the Council, in consultation with Natural England and the Environment Agency.

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

Protection and Mitigation for Birds

(40) No trees, hedges, scrub or dense vegetation 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 approved in writing by the Council.

(41) No construction work on the Longreach Jetty section of the Development shall take place in the months November, December, January and February.

Reason: To cause the least interference possible to breeding and over-wintering birds.

Protection of Reptiles

(42) The commencement of the Development shall not take place until the Company has undertaken, in consultation with English Nature and the Environment Agency, a comprehensive investigation to establish whether reptiles are resident on the Site.

(43) Should the investigation undertaken pursuant to Condition (42) identify that reptiles are resident on the Site, then there shall be submitted to, approved in writing by, and deposited with, the Council, in consultation with English Nature and the Environment Agency, a scheme ensuring that the habitats of the reptiles are protected or are not infringed without full and proper mitigation.

(44) Any monitoring agreed pursuant to Condition (43) shall be by web cam and made available by the Company via an internet site or other medium agreed in writing by the Council, in consultation with Natural England and the Environment Agency.

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

Protection of Great Crested Newts

(45) The commencement of the Development shall not take place until the Company has undertaken, in consultation with English Nature and the Environment Agency, a comprehensive investigation to establish whether Great Crested Newts are resident on the Site.

(46) Should the investigation undertaken pursuant to Condition (45) identify that reptiles are resident on the Site, then there shall be submitted to, approved in writing by, and deposited with, the Council, in consultation with English Nature and the Environment Agency, a scheme ensuring that the habitats of the Great Crested Newts are protected or are not infringed without full and proper mitigation.

(47) Any monitoring agreed pursuant to Condition (46) shall be by web cam and made available by the Company via an internet site or other medium agreed in writing by the Council, in consultation with Natural England and the Environment Agency.

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

Landscaping and creative conservation

(48) The commencement of the Development shall not take place until a scheme of landscaping and creative conservation has been submitted to, approved in writing by, and deposited with, the Council, in consultation with English Nature and the Environment Agency.

(49) The scheme referred to in Condition (48) 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 details of the following matters:

(i) planting;

(ii) management of existing and new planted areas including protection of existing planting during construction;

(iii) restoration of areas affected by construction works;

(iv) details of grass seed mix for areas of the Site to be restored to grassland;

(v) details of the height, type, size and species of the shrubs and trees to be planted;

(vi) details of the measures to be taken to create new flora and fauna habitats and of the management of such new habitats;

(vii) phasing of works included in the scheme.

(50) The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works specified in Condition (49)(vii) and no later than the appropriate planting or sowing season following the completion of the construction of the Development and shall be carried out in accordance with the scheme approved under Condition (48). Any trees or shrubs, including hedges, which die, become seriously damaged or diseased or are removed within five years from the date of planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise approved in writing by the Council.

Reason: To ensure proper landscaping for the Development.

Cessation of works and restoration of the Site

(51) Prior to the commissioning of the Development the Company shall submit to the Council, for approval in writing, a scheme for the demolition and removal of redundant buildings and structures from the Site and the restoration of the Site.

(52) The scheme referred to in Condition (51) shall include:

(i) details of all structures and buildings which are to be demolished;

(ii) details of the means of removal of materials resulting from the demolition;

(iii) the phasing of the demolition and removal;

(iv) 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.

Decommissioning and Removal of Existing Sub-Critical Coal-Fired Generating Station

(53) Within four weeks of the date of the commissioning of the Development the Company shall cease generating electricity at the existing Kingsnorth coal-fired generating station.

(54) Within 12 months from the date of commissioning of the Development, the Company shall submit, to the Council for approval in writing, a method statement detailing how the existing Kingsnorth coal-fired generating station is to be dismantled and removed.

(55) No later than one calendar year before the date of the cessation of operations of the existing Kingsnorth coal-fired generating stattion, the Company shall submit to the Council for approval in writing, a scheme for the removal of all buildings and structures comprising the Kingsnorth coal-fired generating station. The removal of all buildings and structure shall be carried out, at the Company's expense, and in accordance with the details and timescales contained in the approved scheme unless otherwise approved in writing by the Council.

(56) Within six months of the removal of the building and structures specified in the scheme approved pursuant to Condition (55) above, the Company shall submit to the Council for approval in writing, a scheme for the re-instatement of the land after removal. The re-instatement shall be in accordance with the methods and timescales contained in the approved scheme.

Reason: To ensure that the existing coal-fired generating station does not remain in situ after it ceases to generate electricity.

Default of Agreement

(57) Where any matter is required to be agreed or approved by the Council under any of the foregoing Conditions that matter shall in default of agreement or approval be determined by the Secretary of State for Business, Enterprise and Regulatory Reform.