

SCHEDULE 2

Article 3

Requirements

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Signature
Explanatory Note

Interpretation

1.—(1) In this Schedule—

“applicable mandatory sustainability criteria” means—

- (a) the mandatory sustainability criteria which the undertaker must comply with from time to time as a condition of eligibility of the authorised development for financial assistance under a relevant assistance regime; or
- (b) if financial assistance has been granted under a relevant assistance regime in respect of the authorised development for a limited period of time and that period has elapsed so that the authorised development is no longer eligible for financial assistance under any relevant assistance regime, those criteria by compliance with which the operation of the authorised development was most recently eligible for such assistance,

and biomass fuel feedstocks shall be taken to comply with the applicable mandatory sustainability criteria if, at that time, the undertaker has reason to believe that they comply with the applicable mandatory sustainability criteria;

“biomass fuel feedstocks” means—

- (a) wood fuel, in the form of virgin wood fibre (chipped roundwood, slabwood, offcuts, peelings, butt reducing chips and bark), recycled wood chips, wood pellets and wood briquettes; or
- (b) energy crops; or
- (c) other biomass material, including residues from processing cereals (wheat, barley and maize) and oilseeds (rapeseed, sunflower and other oilseeds), that qualify as biomass as defined under the provisions of the Renewables Obligation Order 2009⁽¹⁾ (as amended from time to time by other subsequent legislation relevant to power generation);

“CEMP” means a construction and environmental management plan relating to the construction of the authorised development;

“code of construction practice” means a code of construction practice agreed by the relevant planning authority prior to commencement of the authorised development;

“commence” means the first carrying out of a material operation for the construction of the authorised development and commencement and commenced shall be defined accordingly;

“commissioning” means the testing of the authorised development prior to its first operation for commercial export of electricity and the phrase “first brought in to use” shall not apply to commissioning;

“construction site” means the area of onshore works of the authorised development;

“construction work” means operations to build the authorised development but does not include any internal fitting out or commissioning activities;

“European protected species” has the same meaning as in regulations 40 and 44 of the Conservation (Natural Habitats, &c.) Regulations 2010⁽²⁾;

“first commercial use” means the first export of electricity from the authorised development for commercial purposes;

“heavy commercial vehicles” means any vehicles exceeding 3 tonnes in weight employed by the undertaker or its contractors or their subcontractors for the purpose of movement of

(1) [S.I. 2009/785](#).

(2) [S.I. 2010/490](#).

aggregates plant and materials to and from the construction site during the construction period or employed for the purposes of delivering fuel stock during the operation of the authorised development as the case may be;

“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;

“material operation” has the same meaning as section 155 of the 2008 Act;

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006(3) and includes any successor to its statutory functions;

“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 mandatory sustainability criteria; and

“site” shall mean that part of the land within Order limits shown on 02377 D 2521-02 and titled “North Blyth Site Plan”.

(2) References to any statutory body shall include that body’s successor bodies having jurisdiction over the authorised development.

Time limits

2. The authorised development shall not be commenced after the expiration of five years of the date this Order comes into force.

Detailed design

3.—(1) No part of the authorised development may commence until details of the following (which must accord with the principles of the design and access statement) have been submitted to and approved by the relevant planning authority—

- (a) details of the external appearance (including materials which are proposed to be used and proposed finishes) of Work Nos. 1(a) to (d), (f) to (j), (l), (m), (o), (p) and (s) comprised in the authorised development;
- (b) details of the architectural feature comprising translucent cladding shown on the elevations plan and forming part of Work No. 1(a) which must not emit light at a level greater than 60 lux when measured at any point within 20 metres of Work No. 1(a) at ground level between dusk and dawn in any 24 hour period;
- (c) details of vehicular access and circulation roads, drainage, parking, cycle parking, hardstanding, storage tanks and silos, loading and unloading facilities and turning facilities;
- (d) details for the minimisation of operational dust emitted by the authorised development prepared in accordance with the principles in paragraphs 7.1.6 and 7.8.6 of the environmental statement;
- (e) details for the minimisation of operational noise emitted by the authorised development prepared in accordance with the principles in paragraph 8.8.18 of the environmental statement; and
- (f) details of the metal mesh screens to be provided on the north east elevation of the authorised development more particularly shown on the elevations plan.

(3) 2006 c.16. Section 1 was amended by section 311(2) and (3) of the Marine and Coastal Access Act 2009 (c.23).

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The development shall thereafter be carried out fully in accordance with the approved details.

(2) The details submitted to the relevant planning authority in accordance with sub-paragraph (1) shall demonstrate that—

- (a) in respect of Work No. 1(a) excluding the architectural feature comprising translucent cladding shown on the elevations plan; Work Nos. 1(c) to 1(s) and Work No. 7 the heights of the buildings must not exceed the heights from existing ground level shown on the massing plan;
- (b) in respect of Work No. 1(a), the architectural feature comprising translucent cladding shown on the elevations plan must be no greater than 4.5 metres in height when measured from the roof level of Work No. 1(a) and no greater than 10 metres in width; and
- (c) Work Nos. 1(a) to (d), (f) to (j), (l), (p) and (s) comprised in the authorised development must comply with the principles contained in numbers 1 to 8 of the elevational treatment list (including references to proposed colours) at paragraph 4.21 of the design and access statement.

(3) Work No. 1(b) must be finished in a light grey colour and must not be less than 100 metres in height measured from existing ground level, nor exceed 105 metres in height measured from existing ground level and its diameter must not exceed 5 metres.

(4) Save in relation to Work No. 1(l), for which micro-siting within a distance of 10 metres from its position shown on the elevations plan is permitted, Work Nos. 1(a) to (d), (f) to (j), (p) and (s) comprised in the authorised development must accord with the elevations plan.

Highway accesses

4.—(1) No part of the authorised development may commence until written details of the siting, design and layout of any new permanent or temporary means of access to a highway to be used by vehicular traffic, or any alteration to an existing means of access to a highway used by vehicular traffic, has, after consultation with the relevant planning authority and highway authority, been submitted to and approved by the relevant planning authority.

(2) The highway accesses must be constructed in accordance with the approved details prior to first commercial use of the authorised development.

Fencing and other means of enclosure

5.—(1) No part of the authorised development may commence until written details of all proposed permanent fences, walls or other means of enclosure have, following consultation with Northumbria Police, been submitted to and approved by the relevant planning authority.

(2) The authorised development, and any construction sites, must remain securely fenced at all times during construction of the authorised development.

(3) Any temporary fencing must be removed within a period of twelve calendar months following the first commercial use of the authorised development.

(4) Any approved permanent fencing of the authorised development must be completed before first commercial use of the authorised development.

Surface and foul water drainage

6.—(1) No part of the authorised development may commence until written details of the surface and foul water drainage systems (including means of pollution control and the principles set out in 14.7.12 of the environmental statement) have been submitted to and approved by the relevant planning authority and the sewerage and drainage authority.

(2) The surface and foul water drainage system must thereafter be constructed in accordance with the approved details and operational before first commercial use of the authorised development.

Surface water drainage – contamination

7.—(1) Any surface water contaminated with hydrocarbons or silt must be treated to remove contamination in a manner previously approved in writing by the relevant planning authority in consultation with the Environment Agency prior to any discharge to any public sewer or water course.

(2) Appropriate interceptors (including oil interceptors) must be fitted to all appropriate drainage systems in accordance with a scheme to be submitted to and approved in writing by the relevant planning authority prior to commencement of the authorised development.

(3) The approved details must thereafter be maintained for the lifetime of the authorised development to the reasonable satisfaction of the relevant planning authority.

(4) A scheme for the prevention of contamination of controlled waters by cementitious materials must be prepared in accordance with paragraphs 15.6.23 to 15.6.26 of the environmental statement and submitted to and approved in writing by the relevant planning authority prior to commencement of the authorised development. The authorised development shall be carried out in accordance with the approved scheme. All concrete and cement mixing and washing areas must be bunded and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of runoff entering a watercourse.

(5) Prior to any concrete being sprayed or poured in an area that may give rise to concrete entering the marine environment, the undertaker must ensure that suitable protective sheeting is first provided in that area to prevent rebound or windblown concrete from entering the marine environment. Thereafter any rebounded or windblown material must be cleared away before the sheeting is removed.

Contaminated land and groundwater

8.—(1) No part of the authorised development may commence until a written scheme (which may be included in the CEMP) has been prepared (including those measures proposed in paragraph 15.6.13 of the environmental statement) to deal with the contamination of any land, including groundwater, within the Order limits which is likely to cause significant harm to persons or pollution of controlled waters or ground waters or the environment has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

(2) The scheme shall include an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site.

(3) Remediation must be carried out in accordance with the approved scheme.

(4) If during the construction of the authorised development further contamination not previously identified is found to be present then no further work may be carried out on that part of the authorised development until a risk assessment has been carried out and the results of that risk assessment have been provided to the relevant planning authority.

Disposal of contaminated materials

9.—(1) No part of the authorised development may commence until a scheme for the disposal of contaminated material (including contaminated water) arising from the construction of the

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authorised development has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

(2) Thereafter all contaminated material must be disposed of to licensed disposal facilities or treated where found in accordance with that scheme and to the reasonable satisfaction of the relevant planning authority. All reasonably required details of such disposal must be provided to the relevant planning authority on request.

Earthworks and remediation

10.—(1) The CEMP must include details of the processes for dealing with remediation specified in paragraphs 4.5.53, 4.5.54 and 15.6.5 of the environmental statement. The CEMP must address, where necessary, detailed processes for dealing with the identified risks of harm or pollution from contaminant sources and will include procedures for the validation and auditing of the earthworks and any required remediation to ensure compliance with the CEMP.

(2) All earthworks must be carried out in accordance with the CEMP.

Ecological management

11.—(1) The CEMP must include a written ecological management plan reflecting the ecological mitigation and enhancement measures included in the environmental statement and in particular the mitigation measures proposed for Grayling Butterflies, Common Lizards and Otters referred to at section 10.7 of the environmental statement.

(2) The written ecological management plan must include—

- (a) proposals for the timing of any works which may impact on ecological receptors;
- (b) appropriate working practices to be adopted to mitigate impacts on ecological receptors, including fencing to exclude workmen from potential nesting areas;
- (c) in relation to Common Lizards, a strategy for their protection and translocation if encountered which shall include identification of proposed receptor sites;
- (d) proposals for the creation, management and monitoring of habitat; and
- (e) proposals for record taking and reporting to the relevant planning authority.

(3) No on-site vegetation clearance or demolition works may occur within the period March to August (inclusive) of any year unless a suitably qualified ecologist has first undertaken a checking survey immediately prior to clearance or demolition and confirms that no active wild bird nests are present and a report of his findings has been provided to and agreed with the relevant planning authority. The authorised development must thereafter be carried out fully in accordance with the recommendations of the submitted report.

(4) The CEMP must include an implementation timetable for the ecological mitigation and enhancement measures and must be carried out as approved.

Code of construction practice and CEMP

12.—(1) No part of the authorised development may commence until a code of construction practice has been submitted to and approved by the relevant planning authority.

(2) No part of the authorised development may commence until a CEMP drafted in accordance with the principles set out in paragraphs 4.5.6 to 4.5.10 of the environmental statement and the code of construction practice has, after consultation with the relevant planning authority, been submitted to and approved by the relevant planning authority. The CEMP must deal in particular with—

- (a) lighting during construction;
- (b) construction noise and vibration management;

- (c) air quality including dust management;
 - (d) sustainable waste management in a site waste management plan;
 - (e) traffic management and materials storage on site;
 - (f) water management (surface water and groundwater) including consideration of the principles in paragraphs 15.6.16 to 15.6.18 and 15.6.27 of the environmental statement;
 - (g) the identification of commissioning operations which may generate noise and how they will be notified to the relevant planning authority and to local residents;
 - (h) maintenance of relevant equipment in good working order and its being fitted with the appropriate silencers, mufflers or acoustic covers where applicable so as to reduce noise;
 - (i) the location of and screening of stationary noise sources (including demonstrating their location being as far away as reasonably possible from nearby residential properties) and where necessary the location of acoustic barriers to shield such noise sources;
 - (j) the movement of vehicles to and from the construction site so as to minimise noise;
 - (k) the supervision of employees to secure compliance with the noise control measures adopted;
 - (l) procedures and activities to prevent and control spillage of oil, chemicals and other potentially harmful liquids in accordance with paragraphs 11.6.2 and 15.6.19 of the environmental statement;
 - (m) storage of materials in accordance with paragraphs 14.7.13 to 14.7.17 and 15.6.17 of the environmental statement;
 - (n) health and safety procedures in accordance with paragraphs 15.6.7 to 15.6.9 and 15.6.19 of the environmental statement; and
 - (o) the location, design and timing for erecting a board fence to reduce the potential for visual impacts during construction.
- (3) All remediation, construction and commissioning works shall be undertaken in accordance with the code of construction practice and the CEMP.
- (4) The operation and maintenance of the authorised development must be undertaken in accordance with the CEMP or any variation or replacement thereof previously approved by the relevant planning authority.

Suppression of dust and dirt during construction

13.—(1) No part of the authorised development may commence until there has been submitted to and approved in writing by the relevant planning authority a scheme for the provision of wheel cleansing facilities for any heavy commercial vehicles or mobile plant which has an operating weight exceeding 3 tonnes and is associated with construction of the authorised development.

(2) Such facilities approved under sub-paragraph (1) must be installed in accordance with a timescale to be approved in writing by the relevant planning authority and must be maintained throughout the period of construction of the authorised development.

(3) Any heavy commercial vehicle or mobile plant which has an operating weight exceeding 3 tonnes and is associated with the construction of the authorised development, other than those vehicles or mobile plant exclusively using tarmac and concrete roads, must whenever it leaves the construction site, pass through wheel cleansing facilities provided pursuant to sub-paragraph (1) above prior to entering the highway.

(4) No part of the authorised development may commence until there has been submitted to and approved in writing by the relevant planning authority a scheme employing reasonably practicable measures for the suppression of dust during the period of construction of the authorised

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development in accordance with paragraphs 7.8.4 and 7.8.5 of the environmental statement. The measures approved in the scheme for dust suppression must be employed throughout the period of the construction of the authorised development.

(5) Any open bodied heavy commercial vehicle carrying dry loose aggregate, cement or soil into and out of the construction site must be sheeted.

Construction traffic routing and management plan

14.—(1) No part of the authorised development may commence until written details of a construction phase traffic management plan (TMP) to be used for the management of construction traffic is, after consultation with the local highway authority and the Highways Agency, submitted to and approved by the relevant planning authority.

(2) The TMP must include details of the routing strategy and procedures of the notification and conveyance of any abnormal indivisible loads (AIL). It must also include agreed routes, number of abnormal loads to be delivered by road and identification for AILs that will be delivered by road. The details thereafter approved must be adhered to at all times when AILs are to be transported to or from the authorised development by road.

(3) The TMP shall also include details of the following—

- (a) identification of the construction programme and start and finish time of all personnel working on the construction site;
- (b) identification of the times when major items of plant and equipment are to be transported to and from the construction site by road;
- (c) 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;
- (d) measures to mitigate the traffic impact of AILs;
- (e) description of the methods of transport to be used by construction personnel to minimise overall traffic impact;
- (f) description of monitoring procedures; and
- (g) proposals for communicating information to the relevant planning authority, the local highway authority and the Highways Agency.

(4) Notices must be erected and maintained throughout the period of construction at every construction site exit, in accordance with the TMP, indicating to drivers the route agreed by the relevant planning authority for traffic entering and leaving the construction site.

Control of noise during construction and commissioning

15.—(1) No part of the authorised development may commence until a written scheme for noise management during construction in accordance with the provisions of paragraph 8.8.4 of the environmental statement has been submitted to and approved by the relevant planning authority.

(2) The scheme must set out the particulars of—

- (a) the works, and the methods by which they are to be carried out;
- (b) the noise attenuation measures to be taken to minimise noise resulting from the works, including any noise limits;
- (c) locations for noise measuring equipment for the monitoring requirements imposed by sub-paragraph (4) and the times such monitoring will be undertaken;

- (d) a scheme for monitoring the noise from the construction of the authorised development during the times identified to monitor compliance with the noise limits referred to in paragraph (b) and the effectiveness of the associated noise attenuation measures;
 - (e) how the undertaker will ensure that all works will be completed in accordance with the guidelines provided in BS 5228 parts 1 and 2 (2009) (Code of practice for noise and vibration control on construction and open sites); and
 - (f) a scheme for mitigating the emission of noise during the commissioning phase of the authorised development including measures for mitigating the noise arising from steam purging during commissioning reflecting the provisions of paragraph 8.8.4 of the environmental statement.
- (3) Any equipment requiring overnight operations such as pumps, generators and compressors will be adequately silenced to ensure that noise from such equipment will not exceed the night time limits in annex E of BS 5228 part 1 (2009) (45 LAeq).
- (4) During the construction and commissioning of the authorised development during the months of August to March (inclusive) in any year the noise levels measured at Cambois coal staithes (national grid reference point NZ 30679 82815) and on Cambois Beach (national grid reference point NZ 31204 82857) will not exceed 55 dB(A) LA Max unless previously agreed with the relevant planning authority following consultation with Natural England.
- (5) The approved noise management scheme must be implemented before and maintained during the construction of the authorised development.

External lighting during construction

16. No part of the authorised development may commence until written details of any external lighting to be installed at any of the construction sites, including measures to prevent light spillage, have been submitted to and approved by the relevant planning authority, and any approved means of lighting must subsequently be installed and maintained as approved for the duration of the construction period.

Unexploded ordnance (UXO) survey

17.—(1) No part of the authorised development may commence until a survey to ascertain UXO risk on the construction site is carried out and submitted to the relevant planning authority and the MMO together with (if required) any proposals of the undertaker to mitigate the risks and to adhere to the recommendations included in the UXO report.

(2) The authorised development must thereafter be carried out fully in accordance with such recommendations of the UXO report as are agreed by the undertaker and the relevant planning authority.

Travel plan – construction

18.—(1) No part of the authorised development may commence until, after consultation with the local highway authority and the Highways Agency, a travel plan for the construction workforce of the authorised development has been submitted to and approved by the relevant planning authority.

- (2) The plan approved under sub-paragraph (1) shall include details of—
 - (a) expected means of travel to and from the construction site and any parking to be provided on site;
 - (b) numbers of construction staff, working hours and modal split;
 - (c) work start and finish times for construction staff;

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- (d) details of the number of car parking spaces to be provided on site and if appropriate a car park management plan;
 - (e) commitment to measures that will encourage sustainable travel to and from the construction site for construction staff including the use of minibuses to carry workers to and from the construction site;
 - (f) responsibility and timescales for implementing proposed measures;
 - (g) targets for vehicle trips and modal splits;
 - (h) formal monitoring regime for those targets;
 - (i) provision for mess/canteen facilities for staff; and
 - (j) consideration of offsite parking provision and a strategy for both car sharing and use of minibuses for the transportation of construction workers.
- (3) The plan approved under sub-paragraph (1) must be implemented and observed during the construction of the authorised development.

Flooding – mitigation

19.—(1) No part of the authorised development may commence until there has been submitted to and approved in writing by and deposited with the relevant planning authority, in consultation with the Environment Agency, a scheme for mitigation of flood risk during the construction and operation of the authorised development prepared in accordance with the principles set out in section 14.7 of the environmental statement and the flood risk assessment annexed to the environmental statement. In particular it must include details of construction compounds and storage of materials to be located in areas of low flood risk and for access and egress from the construction or operational site of the authorised development to land above flood levels in the event of inundation.

(2) The approved scheme must thereafter be fully implemented and adhered to throughout the period of the construction and operation of the authorised development.

Flooding – warning and evacuation plan

20.—(1) No part of the authorised development may commence until there has been submitted to and approved in writing and deposited with the relevant planning authority, following consultation with the Environment Agency, a flood warning and evacuation plan (FEP). The FEP shall address and include at least the following—

- (a) command and control procedures (to include a procedure for dealing with flooding incidents);
- (b) training and exercising of personnel on site (including records of such activities) must be maintained;
- (c) flood warning procedures (in terms of receipt and transmission of information and to whom notification must be provided for the implementation of the FEP); and
- (d) site evacuation procedures and routes; provision of the identified safe refuges and their continuing maintenance.

(2) Full details of the emergency flood access route from the authorised development to North Blyth Road shall be included in the FEP. The FEP must be reviewed at intervals not exceeding three years from first approval. The FEP must thereafter form part of the health and safety at work procedures applicable to the authorised development and must be adhered to throughout the operational phase of the authorised development.

Fire prevention

21.—(1) No part of the authorised development may commence until, following consultation with the Northumberland Fire and Rescue Service and the Blyth Harbour Commissioners, there has been submitted to and approved in writing by the relevant planning authority a fire prevention method statement, incorporating a fire risk assessment, which must accord with the details specified in paragraphs 4.4.29 to 4.4.37 of the environmental statement and must also contain details of—

- (a) automatic fire detection and suppression measures and access of fire appliances to all major buildings, structures and storage areas, including measures proposed to contain and treat water used to suppress any fire;
- (b) physical separation of fuel stores, subdivision of fuel stores and proposals for segregation of fuel types within each fuel store;
- (c) additional fire prevention measures to be incorporated into the design of the authorised development to safeguard existing buildings or structures shown on the heat radiation contour plan as being situated within the heat radiation contour;
- (d) safe working practices to be employed in the management of fuel stores and the removal of wood dust discharged from ash handling and storage facilities;
- (e) requirements for operational staff to log all fire incidents including false alarms; and
- (f) the content, and timing for dissemination to local residents, of a summary of the safety procedures to be followed in the event of fire or similar emergency at the authorised development.

(2) The approved fire prevention method statement must be deposited with the relevant planning authority, the Northumberland Fire and Rescue Service and the Blyth Harbour Commissioners.

(3) The authorised development must be carried out fully in accordance with the approved fire prevention method statement and all the relevant fire suppression and detection measures and fire appliances must be maintained in working order at all times when the authorised development is operational.

Otter mitigation strategy

22.—(1) No part of the authorised development may commence until full details of a scheme for minimising the risk of entrapment of otters has been submitted to and approved by the relevant planning authority. The scheme must include consideration of suitable boarding or covers to be used to prevent otters from accessing any deep and steep sided excavations near to the River Blyth, such as the water intake structure and cooling water intake pipe trenches. Where so required by the approved scheme, suitable means of escape will be provided, to enable otters to climb out of excavated areas and, where specified, excavations will be covered or means of escape provided at the end of each working day.

(2) The authorised development must be carried out fully in accordance with the approved details.

Asbestos

23.—(1) No part of the authorised development may commence until a scheme is submitted to and approved in writing by the relevant planning authority for the mitigation of any risk of release of asbestos from the areas of asbestos encapsulation. All soils contaminated by asbestos and removed from the construction site will be removed under controlled conditions by a specialist contractor and disposed of off-site at a suitably licensed landfill.

(2) No works within areas that may affect the area of asbestos encapsulation may commence until the relevant planning authority is satisfied that all risk assessments and detailed method statements have been agreed and approved by all relevant regulatory authorities.

Storage of liquids on site

24.—(1) No part of the authorised development may commence until the relevant planning authority has received and approved in writing a method statement for the storage of process chemicals, fuels and lubricants on site which includes the intended location of such storage and a pollution incident response plan. The details must be prepared in accordance with paragraphs 15.6.19 to 15.6.22 and 15.6.44 to 15.6.47 of the environmental statement.

(2) The authorised development must thereafter be carried out fully in accordance with the approved details, and the methods of storage of such process chemicals, fuels and lubricants must continue fully in accordance with the details approved by the relevant planning authority. Full records of the maintenance of the storage measures and the use of potentially contaminating substances must be made available to the relevant planning authority on request.

(3) No potentially contaminating liquid may be stored except in an area that has an impermeable bund of at least 110% of the storage capacity of the relevant container.

(4) The pollution incident response plan approved pursuant to sub-paragraph (1) must be reviewed by the undertaker at the expiry of each five year period from the commencement of the authorised development and the results of such review must be submitted to the relevant planning authority for its approval.

Database of tall structures

25. The authorised development must not be commenced until the undertaker has provided to the relevant planning authority confirmation that details of the anticipated height of the chimney stack and boiler house comprising part of Work No. 1 have been provided to the Defence Geographic Agency for inclusion in its database of tall structures.

Aviation safety

26. That part of the authorised development comprising the main stack may not commence until there has been submitted to and approved in writing by the relevant planning authority following consultation with the Civil Aviation Authority a scheme for the provision of safety lighting on the stack forming part of the authorised development. The authorised development must be carried out in accordance with the approved scheme and the lighting required by such scheme must at all times be maintained to the reasonable satisfaction of the relevant planning authority.

European protected species

27.—(1) Immediately prior to the commencement of the authorised development the undertaker shall carry out survey work to establish whether European protected species are present on any of the land affected, or likely to be affected, by the authorised development.

(2) Where a European protected species is shown to be present, no part of the authorised development may commence until, after consultation with the relevant planning authority, Natural England and the Secretary of State for the Environment, Food and Rural Affairs, a scheme of protection and mitigation measures in respect of such species has been submitted to and approved by the relevant planning authority; and the authorised development must be carried out in accordance with the approved scheme.

Construction hours

28. Construction work must not take place other than between 0700 and 1800 hours on weekdays and 0700 and 1300 hours on Saturdays, excluding public holidays, unless alternative times are proposed to and previously agreed by the relevant planning authority.

Piling and vibration

29.—(1) No piling works may be commenced until a piling method statement (which may form part of the CEMP) has been submitted to and approved by the relevant planning authority following consultation with Natural England, the Environment Agency and the MMO regarding the mitigation of the impact of piling and other construction works that are significant in terms of noise generation likely to impact on ornithology and aquatic and marine animals. The piling method statement must—

- (a) conform with the provisions set out in paragraphs 4.5.80 and 4.5.81 of the environmental statement and the letter from the undertaker to Natural England dated 26 June 2012;
- (b) fully reflect paragraphs 11.6.5 to 11.6.19 of the environmental statement and include provision ensuring that noise levels will be monitored during the construction phase to ensure levels are as predicted;
- (c) include details of mitigation to be employed to ensure that the noise from piling activities does not exceed 55 dB(A) LA Max at the locations of the agreed measurement points during the months of August to March inclusive (unless otherwise previously agreed with the relevant planning authority in consultation with Natural England, the Environment Agency and the MMO);
- (d) stipulate that any percussive piling may only be undertaken if the volume emissions of such works are to be increased on a gradual basis;
- (e) demonstrate that piling activities will not have a resultant unacceptable impact on groundwater;
- (f) include provision that no piling shall be undertaken in connection with Work Nos. 1(u) to (w) (inclusive) during the months of October to March inclusive; and
- (g) include a programme for reporting noise measurements and proposals for reporting on the effectiveness of the mitigation contained within the method statement including, in the event that predicted noise levels during the construction phase are exceeded, a process for any necessary remedial action being approved by the relevant planning authority and thereafter implemented within a stated timescale following such approval.

(2) Notwithstanding any measures approved pursuant to sub-paragraph (1), no pile driving shall take between the hours of 17.30 and 07.00 on any day.

(3) The authorised development must be carried out in accordance with the provisions of the approved piling method statement and this Order.

(4) No piling works may commence as part of the construction of the authorised development until steps have been taken to ensure that vibration monitoring will be carried out (including for test piling) in accordance with details which have been submitted to and approved by the relevant planning authority. Thereafter details of monitoring must be submitted to and approved by the relevant planning authority in writing prior to commencement of any piling works for the authorised development and a record of vibration must be maintained at all times during the construction works and made available to the relevant planning authority on request.

Control of artificial light emissions

30.—(1) The authorised development may not be brought into first commercial use until a written scheme for the management and mitigation of artificial light emissions (which must be in accordance with the principles of paragraph 9.10.53 and Appendix 4.6 of the environmental statement) has been submitted to and approved by the relevant planning authority.

(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the authorised development.

(3) No internal lighting of Work No. 1(a) shall be by way of uplighting.

Control of dust emissions

31.—(1) The authorised development may not be brought in to first commercial use until a written scheme for the management and mitigation of dust emissions including—

- (a) the use of hoppers with integrated dust suppression for unloading fuel stock from vessels;
- (b) the storage, management and handling of fuel and fly ash;
- (c) the unloading of fuel from rail vehicles or heavy commercial vehicles; and
- (d) the details, including locations, of dust level monitors

has been submitted to and approved by the relevant planning authority.

(2) The approved scheme for the management and mitigation of dust emissions must be implemented and maintained during the operation and decommissioning of the authorised development.

Waste management on site

32.—(1) The authorised development may not be brought in to first commercial use until the relevant planning authority has received and approved in writing a site waste management plan for the operational phases of the authorised development incorporating the principles in paragraphs 4.4.23 to 4.4.26 of the environmental statement. The site waste management plan must address and include at least the following—

- (a) the storage of waste materials on site;
- (b) removal of waste materials from the site for recovery/disposal at appropriately licensed sites; and
- (c) the return/disposal of general engineering wastes (such as spent filters and used parts).

(2) The authorised development must thereafter be operated fully in accordance with the approved details.

Travel plan and traffic management plan – operational period

33.—(1) No part of the authorised development may be brought into first commercial use until, after consultation with the local highway authority and Highways Agency, a framework travel plan, which must include details of the expected means of travel to and from the authorised development and any parking to be provided, has been submitted to and approved by the relevant planning authority.

(2) The details referred to in sub-paragraph (1) must include—

- (a) number of operational staff, working hours and modal split for journeys to work;
- (b) work start and finish times for operational staff;
- (c) details of the number of car parking spaces to be provided onsite and if appropriate the provision of a car parking management plan;
- (d) commitment to measures that will encourage sustainable travel to and from the site for operational staff;
- (e) responsibility and timescales for implementing proposed measures;
- (f) targets for vehicle trips and modal splits; and
- (g) a formal monitoring regime for those targets, including— a requirement for an annual review of the performance of the travel plan; submission (and timetable for submission) of the review findings to the relevant planning authority; a process to agree with the relevant planning authority any necessary revisions to the travel plan or its targets following the annual review; and a timetable for any implementation of any agreed revisions.

- (3) The framework travel plan must also include details of—
- (a) cycle parking provision on site;
 - (b) the provision of and location of an electric car charging point; and
 - (c) an agreed number of car share parking spaces.

All measures proposed must be provided from first commercial use of the authorised development and thereafter maintained during the operation of the authorised development, subject to any alterations or variations thereto previously agreed in writing by the relevant planning authority, until replaced by the full travel plan.

(4) The undertaker must submit to the relevant planning authority for approval in consultation with the local highway authority and Highways Agency a full travel plan based on the framework travel plan within three months of the authorised development being brought into first commercial use. Following its approval, the full travel plan must continue to be observed for as long as the authorised development is operational subject to any alterations or variations agreed in writing by the relevant planning authority in consultation with the local highway authority and the Highways Agency.

(5) No part of the authorised development shall be brought into first commercial use until the relevant planning authority, following consultation with the local highway authority and the Highways Agency has approved a traffic management plan (which may form part of the framework travel plan) for both staff and delivery traffic movements for the operation of the authorised development. The traffic management plan must contain details of the route to be followed by heavy commercial vehicles employed for the purposes of delivering fuel stock and, in the event that the agreed route on the local road network in the vicinity of the site is not available, details of an alternative temporary route together with the conditions under which such temporary route must be used, including maximum speeds of heavy commercial vehicles and any restrictions on use during certain times of the day. Following its approval, the traffic management plan must continue to be observed for as long as the authorised development is operational subject to any alterations or variations thereto previously agreed in writing by the relevant planning authority in consultation with the local highway authority and the Highways Agency.

Combined heat and power

34.—(1) The authorised development may not be brought into first commercial use until the relevant planning authority, in consultation with the Environment Agency, has certified that it is satisfied that the undertaker has included in Work No. 1 appropriate connections for the later provision of heat pass-outs for off-site users of process or space heating and its later connection to such systems.

(2) The undertaker shall thereafter maintain such provision for the lifetime of the authorised development.

(3) The undertaker must on the date that is 12 months after the authorised development is first brought into commercial use submit to the relevant planning authority for its approval, in consultation with the Environment Agency, a report it has compiled (CHP Review) in consultation with the relevant planning authority and the Environment Agency, updating the CHP/ District heating feasibility report submitted with the application for development consent regarding the authorised development. The CHP Review must consider the opportunities that reasonably exist for the export of heat from the authorised development at the time of the submission of the CHP Review and must include a list of actions (if any) the undertaker shall reasonably undertake (without material additional cost to the undertaker) to increase the potential for the export of heat from the authorised development. The undertaker must thereafter undertake such actions as are agreed within the timescales specified in the CHP Review.

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(4) The CHP Review must be revised and re-submitted by the undertaker to the relevant planning authority, in consultation with the Environment Agency, in accordance with the process and subject to the requirements stated in sub-paragraph (3) on the date that is five years after the date of its previous submission to the relevant planning authority throughout the lifetime of the authorised development and any actions specified in the subsequent CHP Review must be carried out by the undertaker in accordance with the timescales specified in the re-submitted CHP Review.

Site safety and signage

35.—(1) The authorised development may not be brought into first commercial use until the relevant planning authority has first approved in writing a scheme for on-site safety, including safe pedestrian and vehicular movements and appropriate signage, in accordance with the principles in paragraphs 4.3.127 and 4.3.129 of the environmental statement.

(2) The approved plan must be adhered to by the undertaker subject to any variation of the scheme previously agreed in writing by the relevant planning authority.

Control of noise during operational phase

36.—(1) Specific noise generated following commissioning of the authorised development must not exceed the following levels when measured generally in accordance with BS 4142 1997 at 3.5 metres from the facades of any noise sensitive receptor—

- (a) between 23:00 hours and 07:00 hours: the greater of a level of 5 dB above background or 40 dB LAeq, 5 min; and
- (b) between 07:00 hours and 23:00 hours: the greater of a level of 5 dB above background or 40 dB LAeq, 1 hour.

(2) Sub-paragraph (1) does not apply to any emergency event, or to any steam purging, commissioning or testing event previously notified to the relevant planning authority and Natural England; and any testing of steam valves, or other activities during maintenance causing intermittent noise levels above 55 dB(A) LA Max measured at Cambois coal staithes (national grid reference point NZ 30679 82815) and on Cambois Beach (national grid reference point NZ 31204 82857) shall be restricted to the months of April to July (inclusive) in any calendar year unless otherwise agreed with the relevant planning authority and Natural England.

(3) The authorised development must not be brought into first commercial use until a plan for controlling intermittent noise levels has been submitted to and approved by the relevant planning authority. The submitted plan must deal with—

- (a) design measures including enclosures, atmospheric vent silencers and acoustic lagging of external steam pipes and valves;
- (b) processes for controlling the noise emitted during steam valve testing;
- (c) the identification of other testing processes likely to give rise to high intermittent noise levels and procedures for the control of emitted noise; and
- (d) methods for informing the relevant planning authority in advance of testing events likely to give rise to high intermittent noise levels and for publicising for local residents the intended testing.

The authorised development must thereafter be operated in accordance with the approved plan.

(4) In this Requirement—

“background” means the noise levels recorded in the background noise survey results contained in appendix 8.1 of the environmental statement;

“noise sensitive receptor” means those locations specified in the environmental statement chapter 8 or otherwise previously agreed with the relevant planning authority; and

“relevant activities” means any activities carried out in an area in respect of which the local authority has not exercised its powers under Part III of the Control of Pollution Act 1974.

External storage

37.—(1) Unless in the situation of an emergency no biomass fuel feed stocks or post combustion residue may be stored outside of any buildings forming part of Work No. 1 (save during transshipment), but instead must be stored under cover at all times during the operation of the authorised development.

(2) In any situation where such storage cannot be adhered to because of an emergency the undertaker must provide the relevant planning authority with a written statement as soon as reasonably practicable after such emergency storage detailing the nature of the emergency and why this Requirement could not be observed.

Deliveries of fuel stock by road

38.—(1) A written record of the numbers of movements of heavy commercial vehicles must be maintained on site by the undertaker from first commercial use and copies of the records maintained in the preceding three month period must be submitted to the relevant planning authority every three months following first commercial operation or within five working days of the relevant planning authority’s written request.

(2) Excluding any period in which flooding has prevented the delivery of fuel stocks by vessel, if more than 276 movements of heavy commercial vehicles employed for the purposes of delivering fuel stock (including the departures of empty vehicles) to or from the authorised development occur, or are anticipated to occur, in any day (from 0:00 to 23:59) calculated by reference to mean average movements over a period of five continuous working days, then the undertaker must submit for approval to the relevant planning authority (in consultation with the local highway authority and the Highways Agency) a traffic mitigation plan within 28 days of either first occurrence or the date from which the occurrence is first anticipated.

(3) Once approved the traffic mitigation plan must be observed until the relevant planning authority (in consultation with the local highway authority and the Highways Agency) has confirmed in writing that the traffic mitigation plan need no longer apply; and the duration of the period during which the level of movements of heavy commercial vehicles referred to in sub-paragraph (2) to which the traffic mitigation plan applies must not exceed a period of three months unless otherwise previously agreed by the relevant planning authority (in consultation with the local highway authority and the Highways Agency).

Biomass fuel sustainability

39.—(1) Excepting fuels used for the purpose of boiler start up or combustion stabilisation, only biomass fuel feedstocks which comply with the applicable mandatory sustainability criteria may be burnt in the main boiler(s) of the authorised development.

(2) The undertaker must submit to the relevant planning authority a report on the sustainability of all biomass fuel feedstocks burnt in the main boiler(s) within twelve calendar months of first commercial use (Fuel Sustainability Report). The Fuel Sustainability Report will provide the same information and level of assurance and verification which the undertaker is required (or would be required, if claiming financial assistance in respect of the electricity generated for such biomass fuel feed stocks) to provide in respect of the sustainability of biomass fuel feedstocks under the applicable mandatory sustainability criteria and will report if the authorised development has been claiming financial support on a month by month basis. Thereafter a further Fuel Sustainability Report must be submitted to the relevant planning authority at the end of each 12 month period from the date

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of the submission of the first submitted Fuel Sustainability Report throughout the operational life of the authorised development.

Decommissioning

40.—(1) There must be submitted to the relevant planning authority within twelve (12) months of the authorised development ceasing to be used for the purposes of electricity generation a site closure and restoration plan for the demolition and removal of the authorised development from the site for approval by the relevant planning authority, in consultation with the Environment Agency. The scheme must include the principles in paragraphs 4.6.9 to 4.6.13 of the environmental statement and also include—

- (a) details of all structures and buildings which are to be demolished;
- (b) consideration of the effects of leaving below-ground structures permanently in-situ in a dynamic coastal and marine environment together with details of consultations undertaken to consider the need to remove any or all of those structures;
- (c) details of the means of removal of the materials resulting from the demolition and measures for the control of dust and noise;
- (d) phasing of the demolition and removal works;
- (e) details of the restoration works to restore the Order land to a condition agreed with the relevant planning authority;
- (f) details of the restoration works and their phasing;
- (g) details of the temporary lighting scheme (if any) proposed to be used during decommissioning works;
- (h) details of any remediation works required to remove contaminants from the Order land together with details of how such contaminants will be safely disposed of; and
- (i) details of how those mitigation measures implemented for the protection of ornithology and ecology during construction would also be implemented during the decommissioning phase.

(2) The demolition and removal of the authorised development (which must include all building structures, plant, equipment, areas of hard standing and access roads) and subsequent restoration of the site must thereafter be carried out fully in accordance with the approved scheme.

Workforce development strategy

41.—(1) No part of the authorised development may commence until a workforce development strategy has been submitted to and approved by the relevant planning authority.

(2) The strategy approved under sub-paragraph (1) must include details of—

- (a) proposals for local advertising of employment opportunities in the construction of the authorised development;
- (b) proposals for the undertaker to provide outreach employment presentations during the period of construction of the authorised development at appropriate frequencies and locations within the Blyth Estuary area;
- (c) proposals for provision of monthly employee training sessions during the construction period on correct, efficient and safe working practices and for the provision of employee training sessions at reasonable frequencies throughout the operation of the authorised development;
- (d) proposals for local advertising of employment opportunities throughout the operation of the authorised development, which must also include a proposal for local advertising of

employment opportunities at least six months prior to the commissioning of the authorised development;

- (e) proposals for offering a minimum of two apprenticeships, each for a period of up to three years, to personnel residing in the Blyth Estuary area and already employed, directly or indirectly, in the construction of the authorised development;
- (f) proposals for offering a minimum of three national vocational qualifications, or equivalent each for a period of up to three years, to personnel residing in the Blyth Estuary area and already employed, directly or indirectly, in the construction of the authorised development; and
- (g) proposals for the undertaker to provide information on the operation of the strategy, once implemented, to any community liaison group created by the undertaker for the purposes of keeping the local community informed of matters relating to the operation of the authorised development.

(3) The approved workforce development strategy must be implemented and maintained during the construction and operation of the authorised development.

Requirement for written approval

42. Where under any of the Requirements the approval or agreement of the relevant planning authority or another person is required, that approval or agreement must be given in writing.

Amendments to approved details

43. With respect to any of the Requirements which require the authorised development to be carried out in accordance with the details approved by the relevant planning authority, the approved details must be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority.