

PART 1

Requirements

Interpretation

In this Part of this Schedule—

“the 1990 Act” means the Town and Country Planning Act 1990;

“the 2008 Act” means the Planning Act 2008;

“the approved development plans” mean the plans submitted with the application on [date] and listed at requirement 4(1) below;

“by-products” includes incinerator bottom ash aggregate and ferrous and non-ferrous metal compounds;

“the code of construction practice” means the code of construction practice dated [] and annexed to the environmental statement;

“commence” means beginning to carry out any material operation (as defined in Section 56(4) of the 1990 Act) forming part of the authorised project other than operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and “commencement” shall be construed accordingly;

‘commercially operate’ means the operation of the authorised processing of waste and production of electricity for transmission to the national electricity grid following completion of hot commissioning and ‘commercial operation’ and ‘commercially operated shall be construed accordingly¹

“design and access statement” means the document bearing that title submitted with the application for the Order;

“the environmental statement” means the document certified as the environmental statement by the decision-maker for the purposes of this Order and submitted with the application on 30 July 2010;

“the highway authorities” means Central Bedfordshire Council and Bedford Borough Council;

“low level restoration scheme” means the scheme for the restoration of Rookery North and Rookery South Pits which has been developed as a part of the review of old minerals permissions application which was submitted to Bedford Borough Council and Central Bedfordshire Council on 5th June 2009 and bears statutory reference number BC/CM/2010/08;

“the decision-maker” has the same meaning as in section 103 of the 2008 Act;

“the relevant planning authorities” means Central Bedfordshire Council and Bedford Borough Council.

HGV – Heavy Goods Vehicle with gross vehicle weight of 7.5 tonnes or more

Operations Area – is defined on plan no. 3.5 and includes the Energy from Waste Plant, IBA storage and processing area and vehicle parking

¹ Put forward by Covanta to address concerns about the specificity of ‘brought into use’ and agreed by the Councils (Covanta’s Written Representations of 28.02.11)

“Residual waste” is municipal and commercial/industrial waste which has been subject to the comprehensive pre-treatment, such that the maximum practicable value has recovered²

Time limits

1. The authorised development shall commence no later than the expiration of five years beginning with the date of this Order comes into force.

2. Commencement (NR)

Notice of commencement shall be given to Central Bedfordshire Council and Bedford Borough Council not later than seven days after the date that the authorised development is commenced.

Commencement of Commercial Operation (NR)

3. Notice of commercial operation of the authorised development shall be given to the local planning authorities not later than seven days after the date that the authorised development is first commercially operated.

Type of waste to be treated

4. The Energy from Waste Facility comprised work no. 1 shall only be used for the recovery of residual municipal waste and residual commercial and industrial waste and other materials derived therefrom.³

Comment [m1]: This is only acceptable if the waste is defined

5. Annual throughput (NR)

The maximum annual throughput of the Energy from Waste plant shall not exceed 645,000 tonnes.

Detailed design approval

6 Except where the authorised development is carried out in accordance with the plans listed in requirement 7, no authorised development shall commence until details of the layout, scale and external appearance of Works No. 1, 2, 5A, 5B, 7A and 7B comprised in the authorised development have been submitted to and approved in writing by Central Bedfordshire Council or Bedford Borough Council depending within which area the development is proposed. The authorised development must be carried out in complete accordance with the approved details.

7.—(1) No development shall be carried out unless in accordance with the approved plans submitted with the application and bearing references 2.12 to 2.35 (unless otherwise approved in writing by Central Bedfordshire Council or Bedford Borough Council depending within which area the development is proposed, and the altered development accords with the principles of the design and access statement and falls within the Order limits) as follows:

list of plans.....

(2) Where any alternative details are approved pursuant to this requirement and requirement 0, those details shall be deemed to be substituted for the corresponding approved details set out above.

8. BREAMM Rating (NR)

² It is considered by the Councils that it is important that it is clear what is meant by ‘residual waste’ as otherwise it is not possible to effectively monitor. Reworded to reflect RSS policy WM5.

³ Residual waste is now defined in the Interpretations. Addition of ‘and other materials derived therefrom’ added by Covanta and not objected to by the Councils

- (1) No development shall commence until a scoping submission has been submitted to the Building research Establishment (BRE) to establish the most appropriate BREAMM standard for the authorised development. Following this a BREAMM assessment for the authorised development shall be undertaken in accordance with the BRE's recommendations.
- (2) The authorised development shall be carried out in accordance with the appropriate BREAMM standard as identified in the BREAMM assessment carried out under paragraph (1) and approved by Central Bedfordshire Council.⁴

Provision of landscaping

9.— No development shall take place unless and until a written landscaping scheme and associated working programme (which accords with the landscape strategy submitted with the application) has been submitted to and approved in writing by Central Bedfordshire and Bedford Borough Councils. The landscaping scheme shall be implemented as approved.⁵

The landscaping scheme shall provide for:

- (a) the location, number species, size and planting density of any proposed planting,
- (b) any importation of materials and other operations to ensure plant establishment,
- (c) proposed finished ground levels,
- (d) planting and hard landscaping within the operational areas of the authorised development and the vehicular and pedestrian access, parking and circulation areas,
- (e) minor structures such as signage, refuse or other units, furniture and lighting;
- (f) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports;
- (g) the specific standard to which the works will be undertaken;
- (h) a timetable for the implementation of all hard and soft landscaping works;
- (i) the retention of existing vegetation along the route of Work No. 5A specified in that scheme;
- (j) a detailed planting design in the vicinity of the attenuation pond and site access proposals within the Order land;
- (k) signage and cycle parking facilities to be provided to the site access on Green Lane; and
- (l) Details of green walls and brown/green roofs including construction, plant types to be used and maintenance

Implementation and maintenance of landscaping

10.—(1) All landscaping works must be carried out in accordance with the detailed landscaping scheme approved under requirement 9 and to a specified standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(2)The landscaping works must be carried out in accordance with implementation timetables approved under requirement 9.

(3)Any tree or shrub planted as part of an approved landscaping scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant Council, seriously damaged or diseased, must be replaced in the first available planting season with a

⁴ Awaiting revisions to draft requirement by Covanta.

⁵ It is unacceptable to submit the landscaping scheme after the commencement of development - for example within one year of commencement of development for submission and approval - as the onus is then on the local authority to comply with the condition but has no control over when the scheme is submitted. The developer is also in the hands of the local authority to ensure that the time limit specified is met.

specimen of the same species and size as that originally planted, unless otherwise approved by Central Bedfordshire or Bedford Borough Council depending within which area the planting is proposed.

Highway accesses

11. No construction works shall take place within the operations area unless and until the highway access comprised in Work No.5A and Work No. 5B, including the pedestrian crossing comprised in those Works, has been constructed in complete accordance with the approved access plans set out at requirement 7 and has been completed as certified by an appropriate certifying professional.⁶

Pedestrian Crossing (to be deleted and incorporated in ‘highway accesses’ requirement)

—(3) The generating station comprised in the authorised development shall not be brought into use until written details of the pedestrian crossing to be provided to the east of the authorised development on Green Lane have, after consultation with the relevant planning and highway authorities, been submitted to and approved by the Commission.

(4) The pedestrian crossing shall be completed as certified by an appropriate certifying professional prior to the authorised development being brought into use and in accordance with the approved written details.⁷

Fencing and other means of enclosure

12 (1)The generating station comprised in the authorised development shall not be commercially operated until written details of all proposed permanent fences, walls or other means of enclosure including the acoustic fence adjacent to the ramp serving the tipping hall comprised in Work No. 1 have been submitted to and approved in writing by Central Bedfordshire Council. Such means of enclosure shall be implemented as approved prior to the commencement of operation of the facility.

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

(3)All temporary fencing must be removed on completion of the construction⁸ of the authorised development.

Surface water drainage

13—(1) Except where the authorised development is constructed in accordance with the approved drainage strategy, no development shall take place unless and until written details of the surface and foul water drainage system (including means of pollution control) have been submitted to and approved in writing by Central Bedfordshire Council. Unless otherwise agreed in writing by the Council, such details shall accord with the principles of the drainage strategy submitted with the application, making provision for the construction of Work No. 3, and be implemented as approved.

(5) The drainage strategy shall provide that all drains provided as part of the authorised project shall contain trap gullies or interceptors.

⁶ In the view of Central Bedfordshire Council the pedestrian crossing should be provided at the same time as the rest of the highway works relating to the construction of the access. These access works must be completed prior to commencement of construction.

⁷ See footnote 3

⁸ In the interests of clarity and precision

Land stability

14—(1) No development shall commence until a written scheme to deal with land stability has been submitted to and approved in writing by Central Bedfordshire Council.

(2) The scheme shall include an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authorities, to identify the extent of any land stability matters and the remedial measures to be taken to render the land fit for its intended purpose.

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

Contamination and groundwater

15.—(1) No authorised development shall commence until a written scheme 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 the environment has been approved in writing by Central Bedfordshire Council.

(2) The scheme shall include an investigation and assessment report, prepared by a specialist consultant approved by Central Bedfordshire Council, 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.

Archaeology

—16. No authorised development shall commence until a written scheme of archaeological investigation which has been submitted to and approved in writing by Central Bedfordshire and Bedford Borough Councils. The archaeological investigation shall be carried out in complete accordance with the approved scheme.

Ecological management plan (deleted – to be in 106 Obligation)

(4) —(6) No authorised development shall commence until a written ecological management plan reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement, after consultation with the relevant planning authorities, has been submitted to and approved by the Commission.

- a. The ecological management plan shall include an implementation timetable and must be carried out as approved.⁹

Code of Construction Practice

17. All construction works shall be undertaken in accordance with the code of construction practice submitted with the application and annexed to the environmental statement, unless otherwise agreed in writing by Central Bedfordshire and Bedford Borough Councils.¹⁰

Comment [m2]: This will only be acceptable to the councils if the proposed construction hours are changed to those acceptable to them.

Construction traffic

18. Construction traffic shall use the route shown on the plan at Figure 7.2 contained in the environmental statement and notices shall be erected and maintained throughout the period of construction at every construction site exit, indicating to drivers the route for traffic entering and leaving the site during the period of construction.¹¹

⁹ To be included in the 106 Obligation as the scheme is for more than 5 years duration

¹⁰ The construction hours are not as set out in draft requirement 26.

¹¹ It may be appropriate for this to be included in the routing strategy within the 106 obligation. In which case this draft requirement can be deleted.

Control of noise during construction and operational phase

19. During construction the daytime free field noise level as a result of the construction of the authorised development at any residential location shall not exceed 55 dB $L_{Aeq, 1 \text{ hour}}$. If required, night-time levels of construction noise shall set with reference to BS 5228: 2009 and agreed with Central Bedfordshire Council and shall not be exceeded as a result of any such works.

20. Except in case of an emergency, or with the prior written agreement of Central Bedfordshire Council, the Rating Level of the noise emitted from the operation of the authorised development shall not exceed the free field noise levels listed below.

<i>Location</i>	<i>Daytime (0700-2300) dB $L_{Aeq, 1 \text{ hour}}$</i>	<i>Night-time (2300-0700) dB $L_{Aeq, 5 \text{ minutes}}$</i>
Stewartby Way, Stewartby	35	25
South Pillinge Farm	35	26
Pillinge Farm Cottages	35	25

Compliance with these limits shall be demonstrated by noise measurements at locations closer to the Order Limits selected to allow measurement of noise from the authorised development to be made without significant influence of noise from other sources. Noise levels shall be calculated for these locations in accordance with the propagation methodology in ISO 9613 and agreed with the Council.

21. The development shall not commence until a written scheme of details has been submitted to and approved in writing by Central Bedfordshire Council for the monitoring of noise generated during the construction and operation of the development hereby permitted. The scheme shall specify the locations from which noise will be monitored and the method of noise measurement (which shall be in accord with BS 4142, an equivalent successor standard or other agreed noise measurement methodology appropriate to the circumstances). The scheme shall be implemented to establish baseline noise conditions. This monitoring programme shall be subject to periodic reviews to establish the frequency of noise monitoring and the need for continued monitoring. Throughout the operational lifetime of the development the monitoring programme shall be reviewed following any change in plant, equipment or working practices likely to affect the baseline noise conditions and any such change shall be notified in writing to the relevant Council; or following a written request by the relevant Council in relation to a noise related complaint. Such review shall be submitted to Central Bedfordshire Council for its written approval within 4 weeks of the notification or request.

22. In any incidence where the noise levels specified in requirement 20 or agreed in requirement 21 above are exceeded because of an emergency the Company shall notify Central Bedfordshire Council in writing of the nature of the emergency within 24 hours, the reasons for exceeding the noise limit and its expected duration. If the period of excess noise is expected to last for more than 24 hours then the undertaker shall also inform the Community Liaison Panel or any other consultative body established as a result of the development permitted, the Council and adjoining occupiers or land users within that 24 hour period. Notification of the excess, the reasons therefor and its expected duration shall also be posted on the undertaker's internet web site.

23. Except in an emergency, the undertaker shall give at least 5 working days' written notice to Central Bedfordshire Council of any proposed operation of emergency pressure valves or similar equipment. In any incidence where steam purging is to take place, the undertaker shall give 5 working days' prior written notice to local residents and businesses by informing the Community Liaison Panel or any other consultative body established in respect of the authorised development as well as the relevant planning authorities. Notification of the incident, the reasons therefor and its expected duration shall also be posted on the undertaker's internet web site.

24. Steam purging shall only take place between the hours of 0900-1700 hours Mondays-Saturdays and not on any Sunday or Bank Holiday unless otherwise agreed in writing by Central

Bedfordshire Council. In the event of an emergency the Company shall provide notification of the incident in accordance with requirement 23.

25. Construction shall not commence for the building envelope to contain Work No. 1 unless and until an acoustic design report shall be submitted to and approved in writing by Central Bedfordshire Council. The report shall detail the noise control measures that are proposed to be included in the design of the building envelope; acoustic barriers; predicted sound power levels and noise emissions from the air cooled condensers; and acoustic attenuation measures for internal plant and equipment. Such measures shall be installed in accord with the approved scheme prior to commencement of operation of the authorised development and thereafter retained and maintained in accord with the manufacturers' specifications unless the Council has given its written consent to any variation. The acoustic design report shall demonstrate compliance with requirements 20 and 21 above.

Construction hours

—26. No construction operations, deliveries or the starting up, operation or maintenance of machinery, plant or vehicles can only be undertaken between the following hours:

8.00 – 18.00 hours Monday to Saturday

8.00- 13.00 hours Saturday

And there shall be no working on Sundays, bank and public holidays unless otherwise agreed in writing by Central Bedfordshire Council

Combined Heat and Power

27. A facility shall be provided and maintained within the authorised development to enable steam pass-outs and/or hot water pass-outs and reserve space for the provision of water pressurisation, heating and pumping systems for off-site users of process or space heating and its later connection to such systems.

Flue Gas Treatment

28. Flue gas treatment residues produced by the generating station comprised in the authorised development shall be transported from the authorised development in sealed containers to authorised sites.

Delivery Hours and Traffic Management

29. No heavy goods vehicles shall enter or leave the authorised development at any time on a Sunday, Christmas Day, New Year's Day or on Easter Day (unless otherwise approved in writing by Central Bedfordshire Council.

- b. No heavy goods vehicle shall arrive, enter or leave Work No.1 except on Monday to Saturday except on the following days and prescribed times:
 - i. Monday to Friday **07.00 and 18.00 hours**¹²
 - ii. Saturday 07.00 – 14.00
 - iii. and at no time on a Sunday, Bank or Public holidays unless otherwise approved in writing by Central Bedfordshire Council
- c. No heavy goods vehicle shall arrive, enter or leave Work No.2 except on the following days and prescribed times:
 - i. Monday to Friday between the hours of 0700 - 1800;

¹² The councils are of the view that an earlier time is unacceptable in terms of local amenity and is out of step with the hours of operation of other similar facilities.

- ii. Saturday between the hours of 0700 - 1400.
- d. No heavy goods vehicle shall arrive, enter or leave the Lorry Park except on the following days and prescribed times:
 - i. Monday to Friday between the hours of 0700 - 1800;
 - ii. Saturday between the hours of 0700 - 1400.
- e. The provision of this requirement shall apply except where such a movement as it describes is:
 - i. an abnormal load;
 - ii. associated with an emergency; or
 - iii. carried out with the written approval of Central Bedfordshire Council.

Heavy Goods Vehicles

30. All heavy goods vehicles carrying bulk materials or waste into and out of the site during the construction, operational and decommissioning phases of development shall be covered unless the load is otherwise enclosed, except when required to inspect incoming loads of waste.¹³

Restoration

31. On the 32nd anniversary of the commencement of operation of the development or upon the permanent cessation of the operation of the development whichever is the earlier, details of a scheme of restoration and aftercare of the site shall be submitted for approval in writing by Central Bedfordshire Council. The scheme shall include any proposed future uses for the site; details of structures and buildings to be demolished or retained; details of the means of removal of materials of demolition; phasing of demolition and removal; details of restoration works and phasing thereof. The scheme shall be implemented as approved following the permanent cessation of the operation of the development.

Amendments to approved details

32. With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved by Central Bedfordshire Council and/or Bedford Borough Council, the approved details shall be taken to include any amendments that may subsequently be approved in writing by Central Bedfordshire Council and/or Bedford Borough Council.

LLRS

33. No authorised development shall commence until the works comprising phase 1 of the low level restoration scheme, which has been authorised as a part of the review of old minerals permission granted on [9th December 2010] with reference number BC/CM/2000/08 by Bedford Borough Council and Central Bedfordshire Council have been carried out so as to provide an engineered site for the authorised development.

IBAA Processing and Storage

34. No incinerator bottom ash or other combustion residues produced at any other generating station shall be accepted at or processed in the materials recovery facility comprised in Work No. 2 of the authorised development.

35. No by products stored at Work No.2 comprised in the authorised development shall exceed 10 metres in height from the surface of the yard in Work no. 2.

¹³ The councils do not object to this requirement but consider that this is covered by other legislation and is unnecessary

36. The materials recovery facility comprised in Work No. 2 shall not be commercially operated until a written scheme for the management and mitigation of dust emissions has been submitted to and approved in writing by Central Bedfordshire Council.

- f. The approved scheme for the management and mitigation of dust emissions must be implemented and maintained during the operation of the authorised development.

Lighting Strategy

37. No authorised development shall commence until a detailed lighting scheme based on the approved lighting strategy contained in the drawings listed at paragraph 4(1) of this part of this schedule and described in the design and access statement has been submitted to and approved in writing by Central Bedfordshire Council. The approved scheme shall be implemented before and maintained during operation of the authorised development.

38. Waste Catchment Area Restriction

No waste to be treated at the Energy from Waste facility shall be sourced from outside the catchment area identified on figure 2.1 (titled 'Waste Catchment Area')

39. Provision of weighbridge records

A summary of the weighbridge records shall be submitted to Central Bedfordshire Council annually for the period 1st April to 31st March each year and shall set out the originating location of the waste imported to the facility. A summary shall be provided by 31st May for the preceding financial year. Weighbridge records shall be made available to the Council within one week of any written request.

40. CCTV Monitoring (NR)

No HGV's shall deliver waste material to the site unless and until a CCTV camera has been installed which monitors the entrance to the site in accordance with a scheme to be submitted to and approved in writing by Central Bedfordshire Council. The scheme shall include details of:

- the columns and cameras to be used
- the viewing area covered
- the capability for remote access viewing
- the removal of the CCTV following completion of the works, and
- the recording of live footage

The CCTV system shall thereafter be implemented only in accordance with the approved scheme.

41. Connection to National Grid (NR)

No waste shall be burnt at the Energy from Waste plant, apart from during commissioning, until the electrical cable links from the plant to the national Electricity Grid have been constructed and are capable of transmitting all the electrical power produced by the plant. Thereafter, except during periods of maintenance and repair and unless required to do so by the National Grid no waste shall be processed by the plant unless power is being generated.

42. Heat Distribution Strategy (NR)

Prior to the commissioning of the Energy from Waste facility details shall be submitted of the intended domestic, commercial and/or industrial users (together with the demand for such heat) of the exported residual heat and a timetable for the implementation of this strategy shall be submitted to and approved in writing by Central Bedfordshire Council. The strategy shall be implemented in accordance with the approved details and timetable. If users for all the a review shall be undertaken of the potential commercial opportunities to use the heat

from the plant as part of a good quality CHP scheme (as defined in the CHPQA Standard issue 3 January 2009 which sets out the definitions, criteria and methodologies for the operation of the UK's CHP Quality Assurance programme), or superseding or amending standard, and for the provision of subsequent reviews of such commercial opportunities as necessary.

43. Structural Survey of Green Lane

No development shall commence until a structural carriageway survey of Green Lane from the site access to its junction with the C94 has been undertaken by Covanta to determine if the existing structure is adequate to accommodate the significant increase in HGV traffic. The survey shall be submitted to Bedford Borough Council and Central Bedfordshire Council. If the survey shows that works are needed to improve the structure of Green Lane, to accommodate the increase in HGV's resulting from the proposal, a scheme of improvement works shall be submitted to and agreed in writing by the Local Highway Authority and any such works shall be carried out under a Section 278 Agreement prior to any other works on site including the commencement of construction.

44. Visibility requirements at Green Lane/C94 junction

No development shall commence until a scheme has been submitted to and approved in writing by Bedford Borough Council detailing speed reduction measures along the C94 at the junction with Green Lane to allow for visibility splays to be provided commensurate with the resulting speed of vehicles along the C94 or any other such a scheme that overcomes the matter of substandard visibility splays to the left on exit. The splay lines shall be not less than 4.5m measured along the centre line of Green Lane from its junction with the channel of the C94 and not less than the requisite distance in accordance with the Design Manual for Roads and Bridges from the centre line of the junction along the line of the channel of the C94. The areas within the vision splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Maximum Daily Number of HGV Movements

45. The number of daily vehicle/HGV movements to and from any part of the RRF shall not exceed 594 a day.