

SCHEDULE 1

Article 2

AUTHORISED DEVELOPMENT

Nationally significant infrastructure project

The construction and operation of a nationally significant infrastructure project as defined in sections 14(1)(a) and 15 of the 2008 Act, comprising—

Work No. 1 – an onshore electricity generating station located on land at the Ferrybridge Power Station site, north-west of Knottingley, West Yorkshire, with a gross combined installed generating capacity of up to 90MWe, fuelled (subject to requirement 3) by waste derived fuels and comprised of the following works—

Work No. 1A – the generating station and its main process area, including—

- (a) fuel reception and storage facilities, consisting of a tipping hall and vehicle ramps, shredder, fuel storage bunker and crane;
- (b) a combustion system housed within a boiler hall comprising two combustion lines and associated boilers;
- (c) a steam turbine and generator housed within a turbine hall;
- (d) a bottom ash handling system, including storage bunker and ash collection bay;
- (e) a flue gas treatment system, including residue and reagent storage silos and tanks;
- (f) an emissions stack and associated emissions monitoring systems;
- (g) a cooling system comprising an air cooled condenser;
- (h) a compressed air system;
- (i) diesel storage tanks;
- (j) a process effluent storage tank;
- (k) a demineralised water treatment plant;
- (l) fire water tank and fire protection facilities;
- (m) up to two auxiliary diesel generators each of up to 4MWe output;
- (n) pipe racks and pipe runs;
- (o) an electrical switchyard, including circuit breaker and transformer;
- (p) a control and administrative building;
- (q) a workshop building; and
- (r) hardstandings, internal vehicular access roads, vehicle turning, waiting and parking areas and pedestrian and cycle facilities and routes.

Work No. 1B – in connection with and in addition to Work No. 1A, supporting buildings, works and areas, including—

- (a) a vehicular access road, level crossing and pedestrian and cycle facilities and routes;
- (b) security gatehouses and barriers;
- (c) up to four weighbridges;
- (d) a heavy goods vehicle holding area;
- (e) an external fuel container storage area;
- (f) vehicle parking;
- (g) an outage contractor compound; and

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- (h) a surface water attenuation pond and surface water drainage connection and pipework to Fryston Beck.

Work No. 1C – in connection with and in addition to Work No. 1A, further supporting works, including a towns mains water connection and pipework to Stranglands Lane.

Shown on works plan sheet 2.

Associated development

Associated development within the meaning of section 115(2) of the 2008 Act in connection with the nationally significant infrastructure project referred to in Work No. 1, comprising—:

Work No. 2 – a connection to the electricity grid network, including, where required, modification works to existing grid connection infrastructure consisting of one only of the following options—

Work No. 2A – an underground electrical connection running south-west from Work No. 1A and to the north and west of the FM1 Power Station and connecting with the substation associated with the FM1 Power Station to the south-west of the FM1 Power Station.

Work No. 2B – an underground electrical connection running north-east from Work No. 1A and connecting to the National Grid substation on the former Ferrybridge ‘B’ Power Station site.

Work No. 2C – an underground electrical connection running north-east from Work No. 1A and connecting to a new substation (including circuit breaker, transformer and switch yard), to be constructed to the east of Work No. 1A and connected to the existing 132kV underground cables to the east.

Shown on works plan sheet 3.

Work No. 3 – improvements to an existing access road known as the unnamed road, running from the south-west of Work No. 1A, south and to the west of the FM1 Power Station, to provide pedestrian access and an alternative vehicular access for cars and light goods vehicles, including widening, resurfacing, drainage, lighting, fencing and a security gatehouse;

Shown on works plan sheet 4.

Work No. 4 – a foul water connection, consisting of one only of the following options—

Work No. 4A – an underground pipe running from the south-west corner of Work No. 1A and to the west of the FM1 Power Station connecting to an existing private foul water system to the south of the FM1 Power Station.

Work No. 4B – an underground pipe running from the south-east corner of Work No. 1A and south-east and south along Kirkhaw Lane connecting to an existing public foul water system.

Shown on works plan sheet 5.

In connection with and in addition to Works Nos. 1, 2, 3 and 4 and to the extent that it does not otherwise form part of those Works, further associated development including—

- (a) external lighting;
- (b) fencing, boundary treatment and other means of enclosure;
- (c) signage;
- (d) CCTV and other security measures;
- (e) surface and foul water drainage facilities;
- (f) potable water supply;

- (g) new telecommunications and utilities apparatus and connections;
- (h) hard and soft landscaping;
- (i) biodiversity enhancement measures;
- (j) works to permanently alter the position of existing telecommunications and utilities apparatus and connections;
- (k) works for the protection of buildings and land affected by the authorised development;
- (l) site establishment and preparation works, including site clearance (including temporary fencing and vegetation removal), earthworks (including soil stripping and storage and site levelling) and excavations, the creation of temporary construction access points and the temporary alteration of the position of services and utilities apparatus and connections;
- (m) establishment of temporary construction compounds, vehicle parking areas, materials storage and laydown areas, construction related buildings, structures, plant and machinery, lighting and fencing, internal haul routes and wheel wash facilities;

and, to the extent that it does not form part of such works, further associated development comprising such other works as (i) may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and (ii) fall within the scope of the works assessed in the environmental statement.

SCHEDULE 2

Article 2

REQUIREMENTS

Commencement of the authorised development

1.—(1) The authorised development must commence within five years of the date on which this Order comes into force.

(2) The authorised development must not commence unless the undertaker has given the planning authority 14 days' notice of its intention to commence the authorised development.

Commercial use

2. The authorised development must not be brought into commercial use unless the undertaker has given the planning authority 28 days' notice of its intention to commence commercial use of the authorised development.

Fuel type

3.—(1) Only fuel of a type specified in the environmental permit may be combusted in the boilers of the authorised development.

(2) Except for purposes of the start-up or support firing of a boiler, only waste derived fuel may be combusted in the boilers of the authorised development.

Detailed design

4.—(1) Work No. 1 must not commence until written details of the following have been submitted to and approved by the planning authority—

- (a) the siting, layout, scale and external appearance (including the colours, materials and surface finishes) of all new temporary and permanent buildings;

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- (b) the internal roads, ramps, turning facilities, parking, loading and unloading facilities, weighbridges, hardstandings and pedestrian and cycle facilities and routes;
- (c) drainage, storage tanks and external lighting;
- (d) finished ground and floor levels.

(2) Work No. 2 must not commence until written notice of which one of Work No. 2A, Work No. 2B or Work No. 2C has been selected as the connection to the electricity grid network, including details of the design of the option selected, has been submitted to and approved by the planning authority.

(3) Work No. 3 must not commence until written details of the following have been submitted to and approved by the planning authority—

- (a) surfacing
- (b) drainage;
- (c) fencing;
- (d) external lighting;
- (e) pedestrian and cycle facilities and routes.

(4) Work No. 4 must not commence until written notice of which one of Work No. 4A or Work No. 4B has been selected as the connection to the foul water system, including details of the design of the option selected, has been submitted to and approved by the planning authority.

(5) All details submitted and approved under subparagraph (1), (2), (3) or (4) must be in accordance with the design and scale parameters set out in chapter 3 of the environmental statement.

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

Design of fuel storage bunker

5.—(1) Work No. 1 must not commence until written details of the design of the fuel storage bunker comprised in Work No. 1A have been submitted to and, after consultation with the Environment Agency, approved by the planning authority.

(2) The design of the fuel storage bunker must be informed by the results of the groundwater table level survey approved under requirement 6(1).

(3) The fuel storage bunker must be constructed in accordance with the approved details.

Pre-development groundwater table level survey

6.—(1) Work No. 1 must not commence until the undertaker has carried out the groundwater table level survey and the results of that survey have been submitted in writing to and, after consultation with the Environment Agency, approved by the planning authority.

(2) In subparagraph (1), “the groundwater table level survey” means a survey which—

- (a) is carried out within the three existing boreholes on the Order land shown in the Geotechnical Site Investigation Report in Appendix 13A to the environmental statement or within such other boreholes on the Order land as the planning authority, after consultation with the Environment Agency, may approve,
- (b) is carried out over a period of 12 months, and
- (c) establishes the groundwater table level at each of those locations.

Provision of landscaping

7.—(1) Each part of the authorised development must not be commissioned until a written detailed landscaping scheme for that part has been submitted to and approved by the planning authority.

(2) Each scheme submitted and approved must include details of all proposed hard and soft landscaping works, including—

- (a) the treatment of hard surfaced areas;
- (b) earthworks, including the proposed levels and contours of landscaped areas;
- (c) the seed mix for areas of grassland;
- (d) tree and shrub planting, including the height, size and species and the density of distribution;
- (e) the management of existing and new areas of grassland and tree and shrub planting;
- (f) an implementation timetable for the phasing and completion of the landscaping works.

(3) Each scheme submitted and approved must be in accordance with the indicative landscaping plan, the biodiversity strategy and the biodiversity enhancement and management plan.

(4) In subparagraph (3), “the biodiversity enhancement and management plan” means the plan approved under requirement 17(1).

Implementation and maintenance of landscaping

8.—(1) All landscaping works must be carried out in accordance with the relevant landscaping scheme (including the implementation timetable) approved under requirement 7.

(2) 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 planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted.

(3) Any area of grassland planted as part of an approved landscaping scheme that, within a period of five years after planting, dies or becomes, in the opinion of the planning authority, seriously damaged or diseased, must be reseeded in the first available planting season with the same seed mix as that originally planted.

(4) The undertaker must implement and maintain an annual landscaping maintenance plan during the construction, operation and decommissioning of the authorised development.

External lighting

9.—(1) Each part of the authorised development must not commence until a written scheme for all temporary and permanent external lighting to be installed during the construction and operation of that part (except the aviation warning lighting required by virtue of requirement 44) has been submitted to and, after consultation with Selby District Council, approved by the planning authority.

(2) Each scheme submitted and approved must—

- (a) include measures to minimise and otherwise mitigate any artificial light emissions during construction and operation of the authorised development;
- (b) be in accordance with the lighting strategy.

(3) In subparagraph (2)(b), “the lighting strategy” means the document certified as the lighting strategy by the Secretary of State for the purposes of this Order under article 23.

(4) Each scheme must be implemented as approved.

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Highway accesses

10.—(1) Each part of the authorised development must not commence until written details of the siting, design and layout (including visibility splays and surfacing) of any new or modified 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, for that part have been submitted to and, after consultation with the relevant highway authorities, approved by the planning authority.

(2) The authorised development must not be brought into commercial use until all highway accesses have been constructed.

(3) The highway accesses must be constructed in accordance with the relevant approved details.

Fencing – A1(M)

11.—(1) The authorised development must not commence until written details of the design and construction of any fencing on the boundary of the authorised development with the A1(M) have been submitted to and, after consultation with the Highways Agency, approved by the planning authority.

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

(3) The authorised development must not be brought into commercial use until the fencing has been completed.

Fencing and other means of enclosure

12.—(1) Each part of the authorised development must not commence until written details of all proposed means of enclosure for that part have been submitted to and approved by the planning authority.

(2) Any construction areas or sites associated with the authorised development must remain securely fenced at all times during construction of the authorised development.

(3) Any approved temporary means of enclosure must be removed within 12 months after the authorised development is brought into commercial use.

(4) The authorised development must not be brought into commercial use until any approved permanent means of enclosure has been completed.

(5) Each part of the authorised development must be carried out in accordance with the relevant approved details.

Surface and foul water drainage

13.—(1) Each part of the authorised development must not commence until written details of the surface and foul water drainage systems (including means of pollution control, in accordance with the CEMP) for that part have been submitted to and, after consultation with the Environment Agency, approved by the planning authority.

(2) The details submitted and approved must be in accordance with the principles and strategy set out in Appendix 12A to the environmental statement.

(3) The surface and foul water drainage systems must be constructed in accordance with the relevant approved details.

(4) The authorised development must not be commissioned until the surface and foul water drainage systems have been constructed.

Flood risk mitigation

14.—(1) Each part of the authorised development must not commence until a written scheme for the mitigation of flood risk during the construction and operation of that part has been submitted to and, after consultation with the Environment Agency, approved by the planning authority.

(2) Each scheme submitted and approved must be in accordance with the principles and strategy set out in Appendix 12A to the environmental statement.

(3) Each approved scheme must be maintained throughout the construction and operation of the relevant part of the authorised development.

Contaminated land and groundwater

15.—(1) Each part of the authorised development must not commence until a written scheme applicable to the relevant part of the authorised development, to deal with the contamination of any land (including groundwater), which is likely to cause significant harm to persons, the environment or significant pollution of controlled waters or the environment, has, after consultation with the Environment Agency, been submitted to and approved by the planning authority.

(2) Each scheme submitted and approved under subparagraph (1)—

(a) must be in accordance with the principles set out in chapter 13 of, and the Geotechnical Site Investigation Report in Appendix 13A to, the environmental statement;

(b) may be included in the CEMP.

(3) Each scheme submitted and approved under subparagraph (1) must include an investigation and assessment report, prepared by a specialist consultant approved by the 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.

(4) Subparagraph (5) applies if, during the construction of any part of the authorised development, any contamination of land (including groundwater) which was not identified in the approved scheme for that part is found within the Order limits.

(5) Unless the planning authority agrees otherwise, further construction of the relevant part of the authorised development must not be carried out until a remediation scheme to deal with the contamination has been submitted to and, after consultation with the Environment Agency, approved by the planning authority.

(6) The authorised development, including any remediation, must be carried out in accordance with all approved schemes.

Archaeology

16.—(1) Each part of the authorised development must not commence until a written programme of archaeological work for that part has been submitted to and, after consultation with West Yorkshire Archaeology Advisory Service, approved by the planning authority.

(2) Each programme submitted and approved must include—

(a) a written scheme of investigation;

(b) an assessment of significance and research questions;

(c) a programme and methodology for site investigation and recording;

(d) a programme for post-investigation assessment;

(e) arrangements to be made for—

(i) the analysis of site investigation and recording,

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- (ii) the publication and dissemination of the analysis and of the records of the site investigation, and
 - (iii) the archive deposition of the analysis and records;
 - (f) the nomination of a competent person or organisation to carry out works set out in the written scheme of investigation.
- (3) Any field work must be carried out in accordance with the written scheme of investigation included in the approved programme.
- (4) The authorised development must not be brought into commercial use until—
- (a) the site investigation and post-investigation assessment provided for in the approved programme have been completed, and
 - (b) the arrangements referred to in subparagraph (2)(e) made under the approved programme have been implemented.

Biodiversity enhancement and management plan

17.—(1) The authorised development must not be commissioned until a written biodiversity enhancement and management plan has been submitted to and, after consultation with Yorkshire Wildlife Trust, approved by the planning authority.

- (2) The plan submitted and approved must—
- (a) be in accordance with the survey results and mitigation and enhancement measures included in chapter 12 of the environmental statement, the biodiversity strategy and the indicative landscaping strategy;
 - (b) include an implementation timetable and details relating to maintenance and management.
- (3) The plan must be implemented as approved.

Construction environmental management plan

18.—(1) The authorised development must not commence until a written construction environmental management plan has been submitted to and, after consultation with Selby District Council, approved by the planning authority.

- (2) The plan submitted and approved must—
- (a) be in accordance with the principles set out in chapters 7 to 16 of the environmental statement and the framework construction environmental management plan contained in Appendix 3A to the environmental statement;
 - (b) include measures for the protection of any protected species found to be present on the Order land during construction;
 - (c) include the mitigation measures included in chapter 9 of the environmental statement;
 - (d) incorporate a code of construction practice; and
 - (e) incorporate a scheme for handling complaints received from local residents, business and organisations relating to emissions of noise, odour or dust from the authorised development during its construction, which must include appropriate corrective action in relation to substantiated complaints relating to emissions of noise.
- (3) In subparagraph (2)(b), a “protected species” means a species protected under the Wildlife and Countryside Act 1981(1) or the Conservation of Habitats and Species Regulations 2010(2).

(1) 1981 c. 69.
(2) S.I. 2010/490.

(4) All construction works associated with the authorised development must be carried out in accordance with the approved CEMP.

Construction traffic routing and management plan

19.—(1) The authorised development must not commence until a written construction traffic routing and management plan has been submitted to and, after consultation with the relevant highway authorities, approved by the planning authority.

(2) The plan submitted and approved must be in accordance with the principles set out in chapter 7 of the environmental statement and the construction travel plan framework contained in Appendix 7C to the environmental statement.

(3) The plan submitted and approved must include—

- (a) details of the routes to be used for the delivery of construction materials and any temporary signage to identify routes and promote their safe use, including details of the access points to the construction site to be used by light goods vehicles and heavy goods vehicles;
- (b) details of the routing strategy and procedures for the notification and conveyance of abnormal indivisible loads, including agreed routes, the numbers of abnormal loads to be delivered by road and measures to mitigate traffic impact;
- (c) the construction programme;
- (d) any necessary measures for the temporary protection of carriageway surfaces, the protection of statutory undertakers' plant and equipment and any temporary removal of street furniture;
- (e) measures to promote the use of sustainable transport modes by construction personnel in order to minimise the overall traffic impact and promote sustainable transport modes;
- (f) details of parking for construction personnel within the construction site; and
- (g) details of a co-ordinator to be appointed to manage and monitor the implementation of the plan, including date of appointment, responsibilities and hours of work.

(4) Notices must be erected and maintained throughout the period of construction at every entrance to and exit from the construction site, indicating to drivers the approved routes for traffic entering and leaving the construction site.

(5) The plan must be implemented as approved.

Construction hours

20.—(1) Construction work associated with the authorised development may only take place—

- (a) between 0700 and 1900 hours on weekdays (excluding bank holidays);
- (b) between 0700 and 1300 hours on Saturdays (excluding bank holidays).

(2) The restrictions in subparagraph (1) do not apply to work as a result of which the level of noise emitted from the construction site does not exceed the noise limits specified in subparagraph (3) as measured by continuous noise monitoring and which—

- (a) does not involve the use of impact wrenches, sheet piling, concrete scabbling, external earthworks or concrete jack hammering,
- (b) is associated with an emergency, or
- (c) is carried out with the prior approval of the planning authority.

(3) The limits are, under reference to British Standard 5228-1:2009+A1:2014—

- (a) 55 dB $L_{Aeq, 1h}$ at the receptors identified in chapter 9 of the environmental statement as category C receptors;

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- (b) 50 dB $L_{Aeq, 1h}$ at the receptors identified in chapter 9 of the environmental statement as category B receptors.
- (4) Nothing in subparagraph (1) prevents—
 - (a) start-up activities from 0630 to 0700 hours on weekdays and Saturdays (excluding bank holidays),
 - (b) shut-down activities from 1900 to 1930 hours on weekdays (excluding bank holidays), or
 - (c) shut-down activities from 1300 to 1330 hours on Saturdays (excluding bank holidays).
- (5) In subparagraph (4), “start-up activities” and “shut-down activities” mean activities carried out by construction staff in preparation for or when finishing work, as applicable, including—
 - (a) changing into or out of protective clothing,
 - (b) receiving safety or other briefings, and
 - (c) any other such activities that do not generate levels of noise above ambient levels at the receptors identified in chapter 9 of the environmental statement.
- (6) During the construction of the authorised development, heavy goods vehicles may only enter or leave the construction site—
 - (a) between 0730 and 1900 hours on weekdays (excluding bank holidays);
 - (b) between 0730 and 1300 hours on Saturdays (excluding bank holidays).
- (7) The restrictions in subparagraph (6) do not apply to vehicle movements which are carried out with the prior approval of the planning authority.

Piling and penetrative foundation design

21.—(1) Each part of the authorised development must not commence until a written piling and penetrative foundation design method statement, informed by a risk assessment, for that part has been submitted to and, after consultation with the Environment Agency and Selby District Council, approved by the planning authority.

(2) Piling or penetrative foundation works must not be carried out unless the relevant approved method statement concludes that the works will not result in an unacceptable risk to the groundwater within the Order limits.

(3) All piling and penetrative foundation works must be carried out in accordance with the relevant approved method statement.

Construction – A1(M)

22.—(1) The authorised development must not commence until a written scheme detailing the construction methods to be employed in the vicinity of the A1(M) has been submitted to and, after consultation with the Highways Agency, approved by the planning authority.

(2) The scheme submitted and approved must include details of—

- (a) the location and dimensions of any cranes within the vicinity of the boundary fence of the A1(M), including a crane risk assessment;
- (b) the location of any other major items of construction plant;
- (c) the location and extent of any construction areas or compounds or construction buildings within the vicinity of the boundary fence of the A1(M); and
- (d) external lighting, including measures to minimise light spillage to the A1(M).

(3) The scheme must be implemented as approved.

Control of noise during construction

23.—(1) The authorised development must not commence until a written programme for the monitoring and control of noise during the construction of the authorised development has been submitted to and, after consultation with Selby District Council, approved by the planning authority.

- (2) The programme submitted and approved must specify—
- (a) each location from which noise is to be monitored;
 - (b) the method of noise measurement;
 - (c) the maximum permitted levels of noise at each monitoring location during the daytime;
 - (d) provision as to the circumstances in which construction activities must cease as a result of a failure to comply with a maximum permitted level of noise; and
 - (e) the noise control measures to be employed.

(3) All activities on the Order land associated with the construction of the authorised development must be carried out in accordance with British Standards 5228-1:2009 and 5228-2:2009.

Control of operational noise

24.—(1) The authorised development must not be commissioned until a written programme for the monitoring and control of noise during the operation of the authorised development has been submitted to and, after consultation with the Environment Agency and Selby District Council, approved by the planning authority.

- (2) The programme submitted and approved must specify—
- (a) each location from which noise is to be measured;
 - (b) the method of noise measurement, which must be in accordance with British Standard 4142:2014;
 - (c) the maximum permitted levels of noise at each monitoring location; and
 - (d) provision requiring the undertaker to take noise measurements as soon as possible following a request by the planning authority and to submit the measurements to the planning authority as soon as they are available.

(3) The level of noise at each monitoring location must not exceed the maximum permitted level specified for that location in the programme, except—

- (a) in the case of an emergency,
- (b) with the prior approval of the planning authority, or
- (c) as a result of steam purging or the operation of emergency pressure relief valves or similar equipment of which the undertaker has given notice in accordance with subparagraph (4).

(4) Except in the case of an emergency, the undertaker must give the planning authority 24 hours' notice of any proposed steam purging or operation of emergency pressure relief valves or similar equipment.

(5) So far as is reasonably practicable, steam purging and the operation of emergency pressure relief valves or similar equipment may only take place—

- (a) between 0900 and 1700 hours on weekdays (excluding bank holidays);
- (b) between 0900 and 1300 hours on Saturdays (excluding bank holidays).

(6) Where the level of noise at a monitoring location exceeds the maximum permitted level specified for that location in the programme because of an emergency—

- (a) the undertaker must, as soon as possible and in any event within two business days of the beginning of the emergency, submit to the planning authority a statement detailing—

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- (i) the nature of the emergency, and
 - (ii) why it is necessary for the level of noise to have exceeded the maximum permitted level; and
- (b) if the undertaker expects the emergency to last for more than 24 hours, it must inform local residents and businesses affected by the level of noise at that location of—
- (i) the reasons for the emergency, and
 - (ii) how long it expects the emergency to last.

Control of odour emissions

25.—(1) The authorised development must not be commissioned until a written scheme for the management and mitigation of odour emissions has been submitted to and, after consultation with Selby District Council, approved by the planning authority.

(2) The scheme submitted and approved must be in accordance with the principles set out in the odour management plan contained in Appendix 8B to the environmental statement.

(3) The authorised development must not be brought into commercial use until the approved scheme has been implemented.

(4) The approved scheme must be maintained throughout the operation of the authorised development.

Control of dust emissions

26.—(1) The authorised development must not commence until a written scheme for the management and mitigation of dust emissions has been submitted to and, after consultation with Selby District Council, approved by the planning authority.

(2) The approved scheme must be implemented before and maintained during the construction, operation and decommissioning of the authorised development.

Control of smoke emissions

27.—(1) The authorised development must not commence until a written scheme for the management and mitigation of smoke emissions has been submitted to and, after consultation with Selby District Council, approved by the planning authority.

(2) The approved scheme must be implemented before and maintained during the construction, operation and decommissioning of the authorised development.

Control of steam emissions

28.—(1) The authorised development must not commence until a written scheme for the management and mitigation of steam emissions has been submitted to and, after consultation with Selby District Council, approved by the planning authority.

(2) The approved scheme must be maintained during the construction, operation and decommissioning of the authorised development.

Control of insects and vermin

29.—(1) The authorised development must not be commissioned until—

- (a) a written scheme to prevent the infestation or emanation of insects or vermin from the authorised development has been submitted to and approved by the planning authority; and

(b) the approved scheme has been implemented.

(2) The approved scheme must be maintained throughout the operation of the authorised development.

(3) In subparagraph (1), “insects and vermin” excludes insects and vermin that are wild animals included in Schedule 5 to the Wildlife and Countryside Act 1981⁽³⁾ (animals which are protected), unless they are included in respect of section 9(5) of that Act only.

Accumulations and deposits

30.—(1) The authorised development must not commence until a written scheme for the management of relevant accumulations and deposits has been submitted to and approved by the planning authority.

(2) In subparagraph (1), “relevant accumulations and deposits” means accumulations and deposits—

(a) which may occur during the construction, operation or decommissioning of the authorised development, and

(b) the effects of which may be harmful or noticeable from outside the Order limits.

(3) The approved scheme must be implemented before and maintained during the construction, operation and decommissioning of the authorised development

Restoration of land used temporarily for construction

31.—(1) The authorised development must not be brought into commercial use until a written scheme for the restoration of any land within the Order limits which has been used temporarily for construction has been submitted to and approved by the planning authority.

(2) The land must be restored within 12 months after the authorised development is brought into commercial use, in accordance with—

(a) the restoration scheme approved in accordance with subparagraph (1),

(b) each landscaping scheme approved in accordance with requirement 7, and

(c) the biodiversity enhancement and management plan approved in accordance with requirement 17.

Operational traffic routing and management plan

32.—(1) The authorised development must not be commissioned until a written operational traffic routing and management plan has been submitted to and, after consultation with the relevant highway authorities, approved by the planning authority.

(2) The plan submitted and approved must be in accordance with the principles set out in chapter 7 of the environmental statement and the operational travel plan framework contained in Appendix 7C to the environmental statement.

(3) The plan submitted and approved must include details of the routes to be used for the transport of fuel, consumables and combustion by-products to and from the authorised development.

(4) The plan must be implemented as approved.

(3) 1981 c. 69.

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Travel plan – operational staff

33.—(1) The authorised development must not be brought into commercial use until a written travel plan for operational staff has been submitted to and, after consultation with the relevant highway authorities, approved by the planning authority.

(2) The plan submitted and approved must be in accordance with the principles set out in chapter 7 of the environmental statement and the operational travel plan framework contained in Appendix 7C to the environmental statement.

(3) The plan submitted and approved must include—

- (a) details of the travel plan budget;
- (b) measures to promote the use of sustainable transport modes to and from the authorised development by operational staff;
- (c) provision as to the responsibility for, and timescales of, the implementation of those measures;
- (d) a monitoring and review regime.

(4) The approved plan must be implemented within six months after the authorised development is brought into commercial use and must be maintained throughout the operation of the authorised development.

Operational deliveries

34.—(1) A heavy goods vehicle transporting fuel, consumables or combustion by-products may only enter or leave the authorised development—

- (a) between 0700 and 2200 hours on weekdays (excluding bank holidays);
- (b) between 0700 and 1830 hours on Saturdays (excluding bank holidays).

(2) The restrictions in subparagraph (1) do not apply to a movement of a heavy goods vehicle which is—

- (a) associated with an emergency, or
- (b) carried out with the prior approval of the planning authority.

Sustainable fuel transport management plan

35.—(1) The authorised development must not be brought into commercial use until a written sustainable fuel transport management plan has been submitted to and, after consultation with the relevant highway authorities and Canal & River Trust, approved by the planning authority.

(2) The plan submitted and approved must set out measures to be taken by the undertaker during the operation of the authorised development to promote the sustainable transport of fuel and combustion by-products by means other than road, including by rail and barge.

(3) The plan submitted and approved must include—

- (a) details of measures to promote sustainable modes of transport;
- (b) details of arrangements for monitoring and recording transport movements by mode of transport;
- (c) details of a review regime;
- (d) a requirement to undertake an assessment of the costs of upgrading the existing wharf facility at the Ferrybridge Power Station site, including a description of the refurbishment work required and a breakdown of the costs of that work.

(4) The approved plan must be maintained and operated during the operation of the authorised development.

(5) Every five years during the operation of the authorised development, the undertaker must carry out an appraisal of the viability of upgrading the existing wharf facility in the context of the evaluation of the potential for fuel and ash transportation by water.

Enclosure of loads

36. During the operation of the authorised development, each heavy goods vehicle transporting bulk materials, fuel or combustion by-products to or from the authorised development must be enclosed.

Air quality – emissions reduction

37.—(1) During the operation of the authorised development—

- (a) the average emission limit value for nitrogen monoxide and nitrogen dioxide, expressed as nitrogen dioxide, of the combustion emissions discharged through the emissions stack comprised in Work No. 1A for each day must not exceed 180 mg/Nm³, standardised to the requirements specified in Annex VI of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010(4);
- (b) each heavy goods vehicle delivering fuel to the authorised development must be designed to comply with the emission limit values in Annex 1 to Regulation (EC) 595/2009 of the European Parliament and of the Council of 18th June 2009(5).

(2) In subparagraph (1)(a), “day” means a period of twenty-four hours beginning at midnight.

Air quality monitoring

38.—(1) The authorised development must not be commissioned until a written scheme of air quality monitoring has been submitted to and, after consultation with Selby District Council, approved by the planning authority.

(2) The scheme submitted and approved must provide for the monitoring of—

- (a) nitrogen oxides;
- (b) any other pollutant agreed by the planning authority.

(3) The scheme submitted and approved must specify—

- (a) each location at which air pollution is to be measured;
- (b) the equipment and method of measurement to be used;
- (c) the frequency of measurement.

(4) The first measurement made in accordance with the scheme must be made not less than 12 months before the authorised development is brought into commercial use.

(5) Unless the planning authority gives the undertaker notice under subparagraph (6), the final measurement made in accordance with the scheme must be made at least 24 months after the authorised development is commissioned.

(6) The planning authority may, if it thinks appropriate, give notice to the undertaker that the scheme is to be extended for the period specified in the notice, which may not be more than 24 months from the date of the final measurement in accordance with the scheme as originally approved.

(4) OJ No L 334, 17.12.10, p17.

(5) OJ No L 188, 18.7.09, p1.

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(7) The scheme must be implemented as approved.

(8) For each year from the date on which the authorised development is commissioned, the undertaker must, within three months after the final measurement made in that year, provide the planning authority with a report of measurements made in accordance with the scheme in that year.

Fire prevention

39.—(1) The authorised development must not commence until a written fire prevention method statement has been submitted to and, after consultation with West Yorkshire Fire and Rescue Service, approved by the planning authority.

(2) The method statement submitted and approved must include—

- (a) a fire risk assessment;
- (b) details of fire detection and suppression measures;
- (c) the location of and accesses to all fire appliances in each major building and each storage area in the authorised development.

Combined heat and power (“CHP”)

40.—(1) The authorised development must not be brought into commercial use until the planning authority has given notice that it is satisfied that the undertaker has allowed for space and routes within the design of the authorised development 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 must maintain such space and routes for the lifetime of the authorised development.

(3) On the date that is 12 months after the authorised development is first brought into commercial use, the undertaker must submit to the planning authority for its approval a report (“the CHP review”) updating the combined heat and power assessment.

(4) The CHP review submitted and approved must—

- (a) consider the opportunities that reasonably exist for the export of heat from the authorised development at the time of submission; and
- (b) include a list of actions (if any) that the undertaker is reasonably to take (without material additional cost to the undertaker) to increase the potential for the export of heat from the authorised development.

(5) The undertaker must take such actions as are included, within the timescales specified, in the approved CHP review.

(6) On each date during the lifetime of the authorised development that is five years after the date on which it last submitted the CHP review or a revised CHP review to the planning authority, the undertaker must submit to the planning authority for its approval a revised CHP review.

(7) Subparagraphs (4) and (5) apply in relation to a revised CHP review submitted under subparagraph (6) in the same way as they apply in relation to the CHP review submitted under subparagraph (3).

(8) In subparagraph (1), “the combined heat and power assessment” means the document certified as the combined heat and power assessment by the Secretary of State for the purposes of this Order under article 23.

Waste hierarchy scheme

41.—(1) The undertaker must operate the authorised development in accordance with the waste hierarchy by means of the measures specified in the environmental permit and any operational environmental management system.

(2) In subparagraph (1)—

“the waste hierarchy” means the waste hierarchy set out in Article 4 of Directive [2008/98/EC](#) of the European Parliament and of the Council of 19 November 2008⁽⁶⁾;

“operational environmental management system” means a system of policies and procedures adopted by the undertaker to manage the environmental impact of the authorised development.

Waste management – construction and operational waste

42.—(1) The authorised development must not commence until a written construction site waste management plan has been submitted to and approved by the planning authority.

(2) The construction site waste management plan submitted and approved must be in accordance with the principles set out in chapter 16 of the environmental statement and the framework site waste management plan contained in Appendix 16A to the environmental statement.

(3) The construction site waste management plan must be implemented as approved.

(4) The authorised development must not be brought into commercial use until an operational waste management plan has been submitted to and approved by the planning authority.

(5) The operational waste management plan submitted and approved must be in accordance with the principles set out in chapter 16 of the environmental statement.

(6) The operational waste management plan must be implemented as approved.

Decommissioning

43.—(1) Within six months after it decides to decommission the authorised development, the undertaker must submit to the planning authority for its approval a written decommissioning scheme.

(2) Decommissioning works must not be carried out until the planning authority has approved the scheme.

(3) The scheme submitted and approved must be in accordance with the principles set out in chapter 3 of the environmental statement.

(4) The scheme submitted and approved must include details of—

(a) the buildings to be demolished;

(b) the means of removal of the materials resulting from the decommissioning works;

(c) the phasing of the demolition and removal works;

(d) any restoration works to restore the Order land to a condition agreed with the planning authority;

(e) the phasing of any restoration works;

(f) a timetable for the implementation of the scheme.

(5) The undertaker must implement the scheme as approved and is responsible for the costs of the decommissioning works.

(6) OJ No L 312, 22.11.08, p3.

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(6) In subparagraph (5), “the undertaker” does not include a person to whom part of the benefit of this Order has been transferred or granted under article 8(3)(b) or (c) (transfer of part of the benefit of the Order to a street authority or to the operator of the connection to the electricity grid network).

Aviation warning lighting

44.—(1) The authorised development must not commence until written details of the aviation warning lighting to be installed on the emissions stack comprised in Work No. 1A and each crane required for the construction of the authorised development which has a height of 60m or greater have been submitted to and approved by the planning authority.

(2) The aviation warning lighting must be installed and operated in accordance with the approved details.

Air safety

45. The authorised development must not commence until written details of the information that is required by the Defence Geographic Centre of the Ministry of Defence to chart the site for civil aviation purposes have been submitted to and approved by the planning authority.

Site security

46.—(1) The authorised development must not be commissioned until a written scheme detailing security measures to minimise the risk of crime within the Order limits has been submitted to and, after consultation with West Yorkshire Police, approved by the planning authority.

(2) The approved scheme must be maintained and operated throughout the operation and decommissioning of the authorised development.

Local liaison committee

47.—(1) The authorised development must not commence until the undertaker has established a committee to liaise with local residents, businesses and organisations in relation to the construction and operation of the authorised development.

(2) The committee must include representatives of the undertaker.

(3) The undertaker must invite the planning authority and Selby District Council to nominate representatives to be members of the committee.

(4) The undertaker may invite such other businesses and organisations as it thinks appropriate to nominate representatives to be members of the committee.

(5) If there already exists a local liaison committee in relation to development on the Order land, that committee may, with the agreement of the planning authority and Selby District Council perform the functions of the committee to be established under subparagraph (1); and in that case the duty to establish a committee under subparagraph (1) does not apply.

Employment, skills and training plan

48.—(1) Work No. 1 must not commence until a written plan detailing arrangements to promote employment, skills and training development opportunities for local residents has been submitted to and approved by the planning authority.

(2) The approved plan must be implemented and maintained during the construction and operation of Work No.1.

Interpretation

49.—(1) In this Schedule—

“bank holiday” is a day that is a bank holiday in England and Wales by virtue of section 1 of the 1971 Act;

“biodiversity strategy” means the document certified as the biodiversity strategy by the Secretary of State for the purposes of this Order under article 23;

“CEMP” means the construction environmental management plan approved in accordance with requirement 18(1);

“commencement of the authorised development” means beginning to carry out any material operation, as defined in section 155 of the 2008 Act (which explains when development begins), other than permitted preliminary works, comprised in or carried out for the purposes of the authorised development; and “commence” and other cognate expressions, in relation to the authorised development, are to be construed accordingly;

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

“commissioning of the authorised development” means the process of testing all systems and components of the authorised development (including systems and components which are not yet installed but the installation of which is near to completion), in order to verify that they function in accordance with the design objectives, specifications and operational requirements of the undertaker; and “commission” and other cognate expressions, in relation to the authorised development, are to be construed accordingly;

“construction site” means the Order land during the construction of the authorised development;

“environmental permit” means a permit granted under the 2010 Regulations authorising the operation of the authorised development;

“indicative landscaping plan” means the document certified as the indicative landscaping plan by the Secretary of State for the purposes of this Order under article 23;

“means of enclosure” means fencing, walls or other means of boundary treatment and enclosure;

“permitted preliminary works” means site clearance work, survey work, archaeological field work, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, the diversion and laying of services, the erection of any temporary means of enclosure, the preparation of facilities for the use of the contractor, the temporary display of site notices and advertisements and the provision of site security; and

“relevant highway authorities” means Wakefield Metropolitan District Council, North Yorkshire Council and the Highways Agency, each in its capacity as a highway authority.

(2) A reference in this Schedule to an agreement, approval, consent, notice, report, scheme, submission or any other form of communication is a reference to that form of communication in writing.

(3) A reference in this Schedule to details, a method statement, a plan, a programme, a scheme or any other document approved by the planning authority is a reference to that document including any amendments subsequently approved by the planning authority.

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SCHEDULE 3

Article 5

MAXIMUM BUILDING DIMENSIONS

<i>Building</i>	<i>Maximum (metres)</i>	<i>length</i>	<i>Maximum (metres)</i>	<i>width</i>	<i>Maximum (metres ordnance (Newlyn))</i>	<i>height above datum</i>
Tipping hall (Work No. 1A)	45		102		53	
Fuel storage bunker (Work No. 1A)	42		102		64	
Entry ramp to fuel storage bunker (Work No. 1A)	120		70		27	
Exit ramp from fuel storage bunker (Work No. 1A)	120		70		27	
Boiler hall (Work No. 1A)	63		60		74	
Turbine hall (Work No. 1A)	40		40		44	
Ash storage bunker and collection bay (Work No. 1A)	43		48		39	
Flue gas treatment system (Work No. 1A)	55		82		56	
Air cooled condenser (Work No. 1A)	98		40		41	
Electrical switchyard, including circuit breaker and transformer (Work No. 1A)	40		15		31	
Workshop building (Work No. 1A)	30		40		39	
Control and administrative building (Work No. 1A)	15		55		64	
Security gatehouses and weighbridges (Work No. 1B)	20		4		20	
Substation (Work No. 2C)	90		55		36	

SCHEDULE 4

Article 5

MINIMUM BUILDING DIMENSIONS

<i>Building</i>	<i>Minimum (metres)</i>	<i>length</i>	<i>Minimum (metres)</i>	<i>width</i>	<i>Minimum (metres ordnance (Newlyn))</i>	<i>height above datum</i>
Tipping hall (Work No. 1A)	31		58		31	
Fuel storage bunker (Work No. 1A)	31		58		49	
Entry ramp to fuel storage bunker (Work No. 1A)	55		25		24	
Exit ramp from fuel storage bunker (Work No. 1A)	55		25		24	
Boiler hall (Work No. 1A)	27		45		57	
Turbine hall (Work No. 1A)	27		27		34	
Ash storage bunker and collection bay (Work No. 1A)	13		13		29	
Flue gas treatment system (Work No. 1A)	40		70		46	
Air cooled condenser (Work No. 1A)	63		18		34	
Electrical switchyard, including circuit breaker and transformer (Work No. 1A)	27		9		25	
Workshop building (Work No. 1A)	10		15		26	
Control and administrative building (Work No. 1A)	27		11		46	
Security gatehouses and weighbridges (Work No. 1B)	10		2.5		19	
Substation (Work No. 2C)	80		50		34	

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SCHEDULE 5

Article 9

STREETS SUBJECT TO STREET WORKS

<i>Area</i>	<i>Street subject to street works</i>
Wakefield Metropolitan District	Kirkhaw Lane
Wakefield Metropolitan District	The unnamed road

SCHEDULE 6

Article 10

ACCESS TO WORKS

<i>Area</i>	<i>Description of access</i>
Wakefield Metropolitan District	The location of Work No. 3

SCHEDULE 7

Article 19

PROCEDURES FOR APPROVALS ETC. REQUIRED BY THE REQUIREMENTS

Application of this Schedule

1. This Schedule applies to an application made by the undertaker to the planning authority (referred to in this Schedule as “the authority”) for an approval, consent or agreement required by any of the requirements.

Decision period

2.—(1) The authority must give written notice to the undertaker of its decision on the application before the end of the decision period.

(2) In subparagraph (1), “the decision period” means—

- (a) where the authority does not give written notice under paragraph 3(1) or (2) requiring further information, the period of eight weeks from the later of—
 - (i) the day immediately following the day on which the authority receives the application, and
 - (ii) the day on which the authority receives the fee payable under paragraph 4; or
- (b) where the authority gives written notice under paragraph 3(1) or (2) requiring further information, the period of eight weeks from the day immediately following the day on which the undertaker provides the further information; or
- (c) such longer period as may be agreed in writing by the undertaker and the authority.

Further information

3.—(1) If the authority considers that it requires further information to make a decision on the application, it must give written notice to the undertaker specifying the further information required within seven business days from the day on which it receives the application.

(2) If the relevant requirement requires that authority to consult a person (referred to in this Schedule as a “consultee”) in relation to the application—

- (a) the authority must consult the consultee within five business days from the day on which it receives the application;
- (b) if the consultee considers that it requires further information to respond to the consultation, it must so notify the authority, specifying what further information is required, within 18 business days from the day on which the authority received the application; and
- (c) within five business days from the day on which it receives any such notification from the consultee, the authority must give written notice to the undertaker specifying the further information required by the consultee.

(3) If the authority, after consultation with any consultee, considers that further information provided by the undertaker in response to a written notice from the authority under subparagraph (1) or (2) is not sufficient to allow it to make a decision on the application, it must give written notice to the undertaker specifying what further information is still required, within seven business days from the day on which the undertaker provided the information.

(4) If the authority does not give written notice in accordance with subparagraph (1), (2) or (3), it is not entitled to request any additional information in relation to the application without the prior agreement in writing of the undertaker.

Fees

4.—(1) The undertaker must pay the authority a fee of £97, or such greater fee as for the time being is payable to the authority in respect of an application for the discharge of a condition imposed on a grant of planning permission, in respect of each application.

(2) The authority must refund the fee paid under subparagraph (1) to the undertaker, within the relevant period, if it—

- (a) rejects the application as being invalidly made;
- (b) fails to give the written notice required by paragraph 2(1).

(3) Subparagraph (2) does not apply if, within the relevant period, the undertaker agrees in writing that the authority may retain the fee paid and credit it in respect of a future application.

(4) In subparagraphs (2) and (3) “the relevant period” means the period of eight weeks from, as the case may be—

- (a) the day on which the authority rejects the application as being invalidly made;
- (b) the day after the day on which the decision period expires.

Appeal to the Secretary of State (procedure)

5.—(1) The undertaker may appeal to the Secretary of State against—

- (a) the authority’s refusal of an application;
- (b) the authority’s grant subject to conditions of an application;
- (c) the authority’s failure to give the written notice required by paragraph 2(1);
- (d) a written notice given by the authority under paragraph 3(1), (2) or (3).

(2) In order to appeal, the undertaker must, within 10 business days from the relevant day, send the Secretary of State the following documents—

- (a) its grounds of appeal;
- (b) a copy of the application submitted to the authority;

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- (c) any supporting documentation which it wishes to provide.
- (3) In subparagraph (2), “the relevant day” means—
 - (a) in the case of an appeal under subparagraph (1)(a) or (b), the day on which the undertaker is notified by the authority of its decision;
 - (b) in the case of an appeal under subparagraph (1)(c), the day after the day on which the decision period expires;
 - (c) in the case of an appeal under subparagraph (1)(d), the day on which the undertaker receives the authority’s notice.
- (4) At the same time as it sends the documents mentioned in subparagraph (2) to the Secretary of State, the undertaker must send copies of those documents to the authority and any consultee.
- (5) As soon as reasonably practicable following receipt of the documents mentioned in subparagraph (2), the Secretary of State must—
 - (a) appoint a person (referred to in this Schedule as “the appointed person”) to determine the appeal on his behalf;
 - (b) give written notice to the undertaker, the authority and any consultee of the appointment and of the appointed person’s address for correspondence in relation to the appeal.
- (6) Within 20 business days from the day on which the Secretary of State gives notice under subparagraph (5)(b), the authority and any consultee—
 - (a) may submit written representations in respect of the appeal to the appointed person; and
 - (b) must, at the same time, send a copy of any such representations to the undertaker and (if applicable) to each other.
- (7) Within 10 business days from the last day on which representations are submitted to the appointed person under subparagraph (6), any party—
 - (a) may make further representations to the appointed person in response to the representations of another party; and
 - (b) must, at the same time, send a copy of any such further representations to each other party.

Appeal to the Secretary of State (powers of the appointed person)

- 6.—**(1) The appointed person may—
- (a) allow or dismiss the appeal;
 - (b) reverse or vary any part of the authority’s decision, irrespective of whether the appeal relates to that part;
 - (c) make a decision on the application as if it had been made to the appointed person in the first instance.
- (2) The appointed person—
- (a) if he considers that he requires further information to make a decision on the appeal, may by written notice require any party to provide such further information to him and to each other party by a specified date;
 - (b) if he gives such a notice, must—
 - (i) at the same time send a copy of it to each other party, and
 - (ii) allow each party to make further representations in relation to any further information provided in response to the notice, within 10 business days from the day on which it is provided.

(3) The appointed person may waive or extend any time limit (including after it has expired) for the provision of representations or information in relation to an appeal.

Appeal to the Secretary of State (supplementary)

7.—(1) The decision of the appointed person on an appeal may not be challenged except by proceedings for judicial review.

(2) If the appointed person grants approval of an application, that approval is to be taken as if it were an approval granted by the authority in relation to the application.

(3) Subject to subparagraph (4), the undertaker must pay the reasonable costs of the appointed person incurred in deciding the appeal.

(4) On written application by the authority or the undertaker, the appointed person may make a direction as to the costs of the parties to the appeal and of the appointed person, including imposing an obligation on any party to pay all or part of such costs to the party which incurred them.

(5) In considering an application under subparagraph (4) the appointed person must have regard to Communities and Local Government Circular 03/2009 or any circular or guidance which may from time to time replace it.