

SCHEDULE 2

Article 4

REQUIREMENTS

Interpretation

1.—(1) In this Schedule—

“AOD” means above ordnance datum;

“controlled waste” has the meaning given in section 75(4) Environmental Protection Act 1990(1); and

“hazardous waste” has the meaning given in section 75(8A) Environmental Protection Act 1990.

(2) Where an approval of details or other document is required under the terms of any Requirement or where compliance with a document contains the wording “unless otherwise agreed” by the discharging authority, such approval of details or of any other document (including any subsequent amendments or revisions) or agreement by the discharging authority is not to be given except in relation to minor or immaterial changes or deviations where it has been demonstrated to the satisfaction of the discharging authority that the subject matter of the approval or agreement sought does not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.

(3) Subject to paragraph (1), where any Requirement refers to a document or plan, that document or plan is to be taken as the version certified by the Secretary of State under the provisions of this Order or to any subsequent version of that document or plan approved or agreed by the discharging authority under a Requirement.

Time limits

2. The authorised development must commence within 5 years of the date on which this Order comes into force.

Stages of the authorised development

3. No authorised development (except enabling works and the temporary display of site notices and advertisements) is to commence until a written scheme setting out all the stages of construction of the authorised development has been submitted to and approved by the relevant planning authority. Nothing in this Requirement prevents the undertaker from submitting further written schemes revising the approved stages of development for the approval of the relevant planning authority.

Detailed design approval

4.—(1) No stage of the authorised development is to commence until, for that stage, plans and written details of (where relevant)—

(a) the external appearance of all new buildings and structures (including details of the colour, materials and samples);

(b) piling risk assessments and piling method statements (both of which must include lateral and vertical limits of deviation for piling, such limits to not exceed those lines or situations shown on the works plans) relating to the electricity and heat generating station (Works No. 1a), the resource recovery facility (Works No. 2) and the building to provide visitor, community and education facilities and office accommodation (Works No. 3);

(1) 1990 c.43.

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- (c) vehicular and pedestrian access;
- (d) parking and circulation areas and hard surfacing materials;
- (e) wayfinding signage outside the operational site; and
- (f) external operational lighting and cctv on the boundary of the operational site,

have been submitted to and approved in writing by the relevant planning authority.

(2) The details submitted under paragraph (1) must be in accordance with the design code principles.

(3) The undertaker must consult the Environment Agency in relation to the details of the piling risk assessments and piling method statements required pursuant to paragraph (1) before submitting them to the relevant planning authority for approval. The undertaker must implement the piling design based on the approved piling risk assessments and piling method statements.

(4) The relevant planning authority must consult the Environment Agency in reaching its decision with respect to paragraph (1)(b). The approval of the relevant planning authority of the piling risk assessments and the piling method statements may be given only where the investigation and assessment report (pursuant to Requirement 14(2)) has concluded there is no unacceptable risk to groundwater in the relevant part of the Order land.

(5) The authorised development must be carried out in accordance with the plans and details approved under paragraph (1).

Parameters

5. The authorised development must be constructed within the following parameters—

(1) Works No. 1a (Drawing C_0003 Rev 01 of the works plans)—

<i>Description</i>	<i>Works No.</i>	<i>Length (m)</i>	<i>Width (m)</i>	<i>Height (m)</i>	<i>Height (m AOD)</i>
Tipping hall	Works No. 1a (a)(i)	48	74	31.5	+44.0 AOD
Waste bunker and waste handling equipment	Works No. 1a (a)(ii)	42.3	85	44.5	+57.0 AOD
Two process lines consisting of a moving grate, furnace, boiler and flue gas treatment plant and steam turbines	Works No. 1a (a)(iii) and (v)	130.7	74	56.5	+69.0 AOD
Facilities for the recovery of incinerator bottom ash and air pollution control residue	Works No. 1a (a)(iv)	Below ground only			

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<i>Description</i>	<i>Works No.</i>	<i>Length (m)</i>	<i>Width (m)</i>	<i>Height (m)</i>	<i>Height (m AOD)</i>
Control room containing operational and environmental control and monitoring systems and offices	Works No. 1a (a)(vi)	65.6	21	44.5	+57 AOD
Stack containing flues for flue gas exhaust	Works No. 1a (c)	24	12.5	105	+117.5 AOD
Cooling equipment	Works No. 1a (d)	60	24	28.7	+41.2 AOD
Observation platform enclosure	Works No.1a (e)	17	13	6 (above +44.0 AOD)	+50 AOD

(2) Works No. 1b (Drawing C_0002 Rev 01 of the works plans)—

<i>Description</i>	<i>Works No.</i>	<i>Height (m)</i>	<i>Height (m AOD)</i>
Wastewater treatment facility, water pre-treatment plant, external stores and workshops, fuelling area and fuel storage, vehicle wash, transport offices and staff facilities, toilets, natural gas intake and management compound, fire control water tanks and electrical substations	Works No. 1b	18	30.5

(3) Works No. 2 (Drawing C_0005 Rev 01 of the works plans)—

<i>Description</i>	<i>Works No.</i>	<i>Length (m)</i>	<i>Width (m)</i>	<i>Height (m)</i>	<i>Height (m AOD)</i>
Resource recovery facility	Works No. 2 (a), (b) and (c)	127	180	20	+30.5 AOD

Maximum dimensions based on dimensions of enclosing rectangle oriented north-south.

(4) Works No. 3 (Drawing C_0007 Rev 01 of the works plans)—

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<i>Description</i>	<i>Works No.</i>	<i>Length (m)</i>	<i>Width (m)</i>	<i>Height (m)</i>	<i>Height (m AOD)</i>
Visitor, community and education facilities, office accommodation and boat canopy	Works No. 3	41	16.7	14	+24.6 AOD

Environmental commitments and mitigation schedule

6. The authorised development must be implemented in accordance with the measures set out in the environmental commitments and mitigation schedule.

Type of waste to be managed

7. Subject to Requirement 19(2), the waste permitted to be managed at the authorised development must not exceed 890,000 tonnes per annum and must be limited to—

- (a) local authority collected waste;
- (b) other controlled waste;
- (c) any materials derived from the waste referred to in sub-paragraphs (a) and (b) above; and
- (d) hazardous waste delivered to the operational site.

Notices

8. The undertaker must give notice of the following events to the relevant planning authority where practicable prior to the date on which the event is intended to first occur and in any event within 7 days of the first occurrence of the event—

- (a) the commencement of the authorised development;
- (b) the issue of the certificate of practical completion for the electricity and heat generating station; and
- (c) the commencement of the full operation of the electricity and heat generating station (following the completion of any period of testing and commissioning).

BREEAM rating

9.—(1) No stage of the authorised development is to commence until, in relation to any new buildings within that stage (excluding temporary structures and temporary buildings)—

- (a) a pre-construction stage consultation with the Building Research Establishment (BRE) (in accordance with the BRE’s requirements) has been carried out; and
- (b) proposals identifying the range of options to achieve the British Research Establishment Environmental Assessment Methodology (BREEAM) rating of no less than “very good” have been submitted to and approved in writing by the relevant planning authority.

(2) The relevant stage must be carried out in accordance with the details approved under paragraph (1).

Provision of landscaping

10.—(1) No stage of the authorised development, other than the restoration of the temporary laydown area, is to commence until a landscaping scheme for that stage has been submitted to and approved by the relevant planning authority.

(2) The landscaping scheme submitted for approval must be in accordance with the design code principles and the environmental commitments and mitigation schedule and must include details of all proposed hard and soft landscaping works in the relevant stage including—

- (a) location, number, species, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) permanent boundary fencing or other means of permanent enclosure;
- (d) expected finished ground levels;
- (e) any trees proposed to be retained, with measures for their protection during the construction period of the relevant stages; and
- (f) implementation timetable.

(3) The authorised development must be carried out in accordance with the details approved under paragraph (1), to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards, and in all cases must comply with the measures set out in the environmental commitments and mitigation schedule.

Maintenance of landscaping

11.—(1) All landscaping implemented in accordance with an approved landscaping scheme under Requirement 10 must be maintained in accordance with details approved from time to time by the relevant planning authority.

(2) Any tree or shrub planted as part of an approved landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes, in the reasonable opinion of the relevant 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.

Access and roads

12.—(1) No stage of the authorised development is to commence until written details in relation to that stage of—

- (a) the design, layout and management of—
 - (i) any new permanent or temporary means of access from the Order land to a public highway to be used by vehicular traffic; and
 - (ii) any alteration to an existing means of access from the Order land to a public highway used by vehicular traffic; and
- (b) the taking of any necessary traffic management and control measures,

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

(2) The construction of accesses or alteration of the street or the taking of traffic management and control measures must be carried out in accordance with the details approved under paragraph (1).

Operational surface and foul water drainage

13.—(1) No stage of the authorised development is to commence until written details of the operational surface and foul water drainage system (including means of pollution control) applicable

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to that stage have been submitted to and approved by the relevant planning authority in consultation with the relevant sewerage and drainage authority.

(2) The operational surface and foul water drainage system must be constructed in accordance with the details approved under paragraph (1) before the commencement of the transitional period.

Contaminated land and groundwater

14.—(1) No stage of the authorised development is to commence until a written scheme applicable to that stage to deal with any pre-existing contamination of land, including groundwater, within the Order limits which is likely to cause significant harm to persons or pollution of controlled waters (as defined in the Water Resources Act 1991) or the environment has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

(2) The undertaker must consult the Environment Agency in relation to each written scheme before submitting it to the relevant planning authority for approval.

(3) Each written scheme submitted and approved under paragraph (1) must include an investigation and assessment report, prepared by a specialist consultant to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose (such remedial measures to include details of the data and sampling to be collected to demonstrate that the remedial measures are complete). The investigation and assessment report must be accompanied by a management plan which sets out long-term measures with respect to any contaminants remaining on the Order land (such management plan to include details of and a timetable and targets for long-term monitoring of pollutant linkages, the provision of regular reports, any maintenance measures of groundwater monitoring boreholes and equipment deemed necessary and arrangements for any contingency action deemed necessary as a consequence of the monitoring results).

(4) Remediation must be carried out in accordance with the relevant written scheme approved under paragraph (1).

(5) If during any stage of the construction of the authorised development contamination not previously identified in the written scheme approved for that stage under paragraph (1) is found to be present which is likely to cause significant harm to persons or likely to cause pollution of controlled waters or the environment, then unless otherwise agreed by the relevant planning authority, no further development or works may be carried out on that stage of the authorised development and in that part of the Order land in which contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development must be carried out in accordance with any remediation strategy approved pursuant to this paragraph.

(6) A verification report must be submitted to and approved by the relevant planning authority (in consultation with the Environment Agency) demonstrating compliance with the remedial measures set out in any written scheme approved pursuant to paragraph (1) and any remediation strategy approved pursuant to paragraph (5). The verification report must include results of the sampling required by the approved investigation and assessment report submitted as part of any written scheme.

(7) A second verification report must be submitted to and approved by the relevant planning authority (in consultation with the Environment Agency) when all long term monitoring has been completed. The second verification report must contain the results of monitoring required by the management plan pursuant to paragraph (2), details of any necessary contingency action undertaken as required by the management plan and confirmation that all long term remedial works approved pursuant to paragraphs (1) and (5) have been carried out and that all long term remedial targets have been met.

Ecology

15.—(1) The transitional period must not begin until written details of the approach to monitoring and managing the landscaping and the approach to bird and bat boxes (in accordance with the environmental commitments and mitigation schedule), including an implementation timetable, have been approved by the relevant planning authority.

(2) The authorised development must be carried out in accordance with the details approved under paragraph (1).

Code of construction practice

16.—(1) Before commencing the enabling works and before commencing each stage of the authorised development, the undertaker must review the code of construction practice to establish whether it should be updated to reflect any new relevant construction methodology or environmental guidance and, where it is to be updated, the undertaker must seek the approval in writing of the relevant planning authority to any update of the code of construction practice.

(2) The authorised development must be undertaken in accordance with the code of construction practice.

Control of noise during operational stage

17.—(1) The transitional period must not begin until a written scheme for noise management, including monitoring and attenuation in relation to the authorised development, and an implementation timetable, has been submitted to and approved by the relevant planning authority.

(2) The written scheme for noise management submitted pursuant to paragraph (1) must replicate any noise levels set out in any environmental permit relating to the authorised development.

(3) The authorised development must be carried out in accordance with the written scheme approved pursuant to paragraph (1).

Combined heat and power

18.—(1) Works No. 1a must be constructed to produce combined heat and power through the provision of steam and hot water pass-outs and the preservation of space for the future provision of water pressurisation, heating and pumping systems.

(2) A corridor of land to contain heat pipes from the proposed electricity and heat generating station to the edge of the Edmonton EcoPark must be safeguarded, the location of which must be broadly in accordance with that identified on indicative drawing number D_0013 Rev 00 of the design code principles.

(3) Prior to the full operation of the authorised development the undertaker must submit to the relevant planning authority for its approval a written scheme on combined heat and power feasibility assessing potential commercial opportunities for the use of heat from the authorised development as part of a Good Quality Combined Heat and Power scheme (as defined in Combined Heat and Power Quality Assurance Standard Issue 6) and providing for subsequent reviews of such opportunities.

Transitional period

19.—(1) The transitional period must not last for longer than 12 months. After the transitional period the decommissioning and demolition of the energy from waste facility must be undertaken in accordance with the written scheme approved under Requirement 20.

(2) The amount of waste managed by the existing energy from waste facility or the electricity and heat generating station (or both) during the transitional period must be no more than 700,000 tonnes per annum in aggregate.

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Decommissioning and demolition of the energy from waste facility

20.—(1) None of the works comprising Works No. 7 are to begin until a written scheme for such works has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

(2) The written scheme referred to in paragraph (1) must include details of the methods and timing for the decommissioning, demolition and removal of the energy from waste facility.

Decommissioning and demolition of the electricity and heat generating station

21.—(1) Within 24 months of the electricity and heat generating station comprising Works No. 1a ceasing to be used for waste management purposes, a plan for the decommissioning, demolition and removal of the electricity and heat generating station must be submitted to the relevant planning authority for approval.

(2) Subject to obtaining the necessary consents and approvals, the decommissioning, demolition and removal of the electricity and heat generating station must be implemented in accordance with the plan approved under paragraph (1).

(3) On the first anniversary of the operational site ceasing to be used for waste management purposes, the undertaker must notify the relevant planning authority of the same.