

**Our ref: GDBC/001/00265C & 01.08.10.04/36C**

DEPARTMENT OF ENERGY AND CLIMATE CHANGE  
CONSTRUCTION AND OPERATION OF A REFUSE DERIVED FUEL  
GENERATING STATION AT LAND ADJACENT TO MANCHESTER SHIP  
CANAL, INCE, CHESHIRE

CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for Energy and Climate Change (“the Secretary of State”) hereby consents to the construction by Peel Environmental Ince Ltd (“the Company”), on the area of land outlined red on Plan 12705-PL21 Revision H of a Refuse Derived Fuel (RDF) generating station at land adjacent to the Manchester Ship Canal, Ince, in Cheshire (“the Development”), and to the operation of that generating station.
2. Subject to paragraph 3(1), the Development shall be up to 95 MW capacity and comprise:
  - (a) RDF-fired Power Plant with two Energy Recovery Boilers
  - (b) Single Condensing Steam Turbine Generator
  - (c) Mechanical Draught Cooling System
  - (d) Chimney Stack;
  - (e) Ash Maturation Unit;
  - (f) RDF store;
  - (g) ancillary plant and equipment; and
  - (f) the necessary buildings (including administration offices) and civil engineering works.
3. This consent is granted subject to the following conditions:
  - (1) The Development shall be constructed and operated in accordance with the details contained in paragraph 2 of this consent.
  - (2) The commencement of the Development shall not be later than three years from the date of this consent, or such longer period as the Secretary of State may hereafter direct in writing.

4. The Secretary of State in exercise of the powers conferred on him by section 90(2) of the Town and Country Planning Act 1990 hereby directs that planning permission for the Development be deemed to be granted subject to the following conditions:
  - 1) In these conditions, unless the context otherwise requires:
    - "Bank Holiday" means a day that is, or is to be observed as, a Bank Holiday or a holiday under the Banking and Financial Dealings Act 1971;
    - "the commencement of the Development" means the date on which the Development shall be taken to be initiated in accordance with section 56 of the Town and Country Planning Act 1990, as amended;
    - "the Company" means Peel Environmental Ince Ltd and its assigns and successors;
    - "the Development" means the Refuse Derived Fuel generating station at land adjacent to Manchester Ship Canal, Ince in Cheshire;
    - "emergency" means circumstances in which there is reasonable cause for apprehending imminent injury to persons, serious damage to property or danger of serious pollution to the environment;
    - "heavy commercial vehicle" has the meaning given by section 138 of the Road Traffic Regulation Act 1984;
    - "the Site" means the area of land outlined red on Plan 12705-PL21 Revision H, annexed hereto.
  - 2) The Development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.
  - 3) Prior to commencement of the Development a scheme (including a timetable for implementation) detailing the proposed linkages at the boundary of the Site (as shown on plan ref: 12705-PL21 rev H) to facilitate the use of Combined Heat and Power (CHP) within neighbouring development shall be submitted to and approved in writing by the Local Planning Authority and the Development shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Local Planning Authority.
  - 4) Unless otherwise controlled by conditions attached to this permission or as agreed in writing by the Local Planning Authority, the Development hereby approved shall be carried out in accordance with the following plans, amended where relevant by the change to the site boundary shown on LD11.52:



Plan Ref.	Revision	Plan Ref.	Revision
12705-PL21	H	12705-PL8(PS)-04	A
12705-PL09	G	12705-PL8(PS)-05	B
12705-PL02	N	12705-PL8(PS)-06	-
12705-PL14	B	12705-PL8(PS)-07	-
12705-PL15	A	12705-PL8(PS)-08	-
RSK/H/40142/12/P/003-1	B	12705-PL8-01	H
12705-PL08	E	12705-PL8-03	G
12705-PL1-07	C	12705-PL8-04	G
12705-PL1-08	B	12705-PL8-05	F
12705-PL1-10	B	0775/GA/104	-
12705-PL1-11	B	0775/GA/102	F
12705-PL05	I	0775/LS/101	A
12705-PL8(PS)-01	F	0775/LS/102	A
12705-PL8(PS)-02	F	0775/SK/04	-
12705-PL8(PS)-03	B	0775/SK/05	-

- 5) Prior to commencement of construction of any on site access road, details of that road or any part of it, shall be submitted to and approved in writing by the Local Planning Authority, and shall include details of proposed footpaths and cycleways. Any Site access road shall thereafter be constructed in accordance with the approved details.
- 6) Prior to first occupation of any building hereby approved, a scheme (including a timescale for implementation) for the introduction and permanent retention of automatic traffic counter loops, capable of recording the number of heavy commercial vehicles entering and leaving the Development, and for the transfer of that data to the relevant monitoring authority, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.
- 7) In any monthly period heavy commercial vehicles movements serving the Refuse Derived Fuel plant shall not exceed an average daily limit of 128 2-way movements into and out of the Site and on any day shall not exceed 140 2-way movements into and out of the Site.
- 8) Heavy commercial vehicle movements associated with operation of the Dry Cargo Facility but not linked directly with the Refuse Derived Fuel plant or with the Resource Recovery Park that is proposed under ref: APP/Z0645/A/07/2059609 shall not exceed a daily limit of 14 2-way movements into and out of the Site.
- 9) Notwithstanding the details shown on the approved plans (listed at condition 3), car parking provision shall be limited to the following maximum levels in relation to plots 1 and 8 as identified on the Siting Masterplan ref. 12705-PL09-G.



Plot	Facility	Maximum parking provision (spaces)
Plot 1	Dry Cargo Facility	34 <sup>2</sup>
Plot 8	Refuse Derived Fuel Plant	23

- 10) Prior to the first occupation of any building a scheme for preventing vehicle access, other than in an emergency, from Marsh Lane and Lordship Lane to and from the Site, shall be submitted to and approved in writing by the Local Planning Authority with a timescale for implementation and thereafter implemented in accordance with that timetable or as otherwise agreed in writing by the Local Planning Authority.
- 11) Vehicular access to and from the Site shall only be from the access on to Kemira Road, as shown on the Siting Masterplan (12705-PL09-G), except in an emergency when access from Marsh Lane and Lordship Lane will be permissible.
- 12) Prior to first occupation of any building, the works to Kemira Road between Pool Lane and the Site, as shown on drawing refs. 0775/GA/101/G, 0775/GA/103/A, 0775/LS/101/A, 0775/LS/102/A, shall be completed.
- 13) Prior to occupation of any building hereby permitted, details of the footway/cycleway link between Station Road and Kemira Road shown in outline on drawing 12705-PL14B, shall be submitted to and approved in writing by the Local Planning Authority, and shall thereafter be implemented in accordance with the approved details.
- 14) Prior to commencement of the Development, a detailed scheme for upgrading the existing berth on the Manchester Ship Canal (as shown on drawing ref. 12705-PL08 E) to allow for importation and exportation of dry cargo shall be submitted to and approved in writing by the Local Planning Authority. The upgrading works shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority, and shall be completed prior to occupation of any of the buildings associated with the Refuse Derived Fuel plant.
- 15) Prior to occupation of any building hereby permitted, the railway line into the Site, as shown on drawing refs. 0775/SK/04 and 0775/SK/05 shall be constructed and shall be capable of operation for movement to and from the Network Rail network.
- 16) Prior to first operation of either the extended railway line or the upgraded berth, details of areas to be used for open storage of freight containers, shall be submitted to and approved in writing by the Local Planning Authority. Containers shall not be stacked to more than 3 containers in height.
- 17) Prior to occupation of any building hereby permitted, details of work to improve vehicle movements on the Kemira Road/Pool Lane roundabout and Pool Lane railway bridge, as shown in outline on WSP drawing ref. 2155/GA/001/B shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.
- 18) Overspill parking shall not be permitted on the internal road system.

<sup>2</sup> The provision for Plot 1 shall be inclusive of and not additional to the 14 spaces permitted for the dry cargo facility by planning permission DCLG ref: APP/Z0645/A/07/2059609



- 19) Prior to commencement of the Development, an Environmental Management Plan, providing a framework of control in relation to noise, dust and waste during the construction phase, shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall be operated during the construction phase.
- 20) Prior to occupation of any building hereby permitted, a Waste Management Plan relating to the operation of the Development shall be submitted to and approved in writing by the Local Planning Authority. The Development shall be operated in accordance with the approved Waste Management Plan.
- 21) Prior to commencement of the Development, a Surface Water Management Plan, including a programme for maintaining and monitoring watercourses and proposals for compensatory flood storage and surface water regulation, shall be submitted to and approved in writing by the Local Planning Authority. The Surface Water Management Plan shall thereafter be implemented and operated as approved.
- 22) During November, December, January and February, no construction works relating to the upgrading of the berth on the Manchester Ship Canal and the development of Plot 1 shall take place one hour either side of high tide when the temperature is below -3 degrees Celsius.
- 23) Prior to commencement of the Development, a scheme to enable monitoring required by condition 22 shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented. The records shall be made available for inspection by the Local Planning Authority on reasonable notice in writing at any time.
- 24) Prior to implementation of external lighting (including security lighting), details shall be submitted to and approved in writing by the Local Planning Authority. The lighting as measured on the north bank of the Manchester Ship Canal opposite Plot 1 shall be designed to avoid light levels from the Development of above 1 lux.
- 25) Prior to commencement of the Development, all areas of the Site including natural habitat, drains and watercourses that are to be retained as part of the Development hereby approved, shall be fenced off or otherwise delineated to avoid incursion and disturbance by construction activity. This protection shall be maintained for the duration of the construction period. No construction materials or machinery are to be stored within these areas.
- 26) Prior to commencement of the Development, details of areas for the storage of construction material and machinery shall be submitted to and approved in writing by the Local Planning Authority.
- 27) A scheme of archaeological work shall be implemented in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority. The work shall comprise:
  - a) a metal detecting survey prior to commencement of development for all areas where development is proposed;
  - b) a watching brief on all excavations of new drainage ditches;
  - c) a watching brief in the area of the Manchester Ship Canal;
  - d) a watching brief on topsoil stripping on the site of Grinsome Farm; and

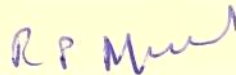


- e) post excavation assessment of findings pursuant to (a) to (d) above
- 28) Prior to commencement of the Development, the sluice gate within the Site that is to be retained as part of the Development, shall be fenced off with high visibility fencing and signed as a site of archaeological interest. The fencing shall be maintained for the duration of the construction period.
- 29) Unless otherwise agreed in writing by the Local Planning Authority, construction shall be limited to the following hours:
- |                                   |                           |
|-----------------------------------|---------------------------|
| Monday – Friday:                  | 0730 to 1800              |
| Saturday:                         | 0800 to 1330              |
| Sunday, Public and Bank Holidays: | No construction activity. |
- 30) Prior to commencement of the Development on the Site acoustic barriers shall be constructed along Kemira Road as shown on plan ref. 12705-PL14-B or of such other design and specification as may be submitted to and approved in writing by the Local Planning Authority.
- 31) Operational noise emissions from the Refuse Derived Fuel plant as measured on the western boundary of the plant site shall not exceed 65dB LAeq, 1 hour, and after 2300 and before 0700 of the day following shall not exceed 65dB LAeq, 5 minutes.
- 32) Prior to commencement of the Development a scheme (including a timescale for implementation) for landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The soft landscape scheme shall include details of vegetation to be retained and its means of protection during construction, earthwork materials, proposed finished levels or contours, proposed plant species, plant mixes and location (including the location and mix of planting alongside the acoustic barriers as shown on plan ref: 12705-PL14B), planting density and sizes, and its long term management. The soft landscape works shall thereafter be implemented in accordance with the approved scheme.
- 33) If within a period of five years from the date of the planting of any tree (pursuant to condition 30) that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 34) Prior to commencement of the Development, full details of hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved plans. These details shall include proposed finished levels or contours; means of enclosure; street furniture; hard surfacing materials; and a programme of implementation and maintenance.
- 35) Prior to commencement of the Development samples of all materials to be used on the exterior of the buildings shall be submitted to and approved in writing by the Local Planning Authority. All Development shall be implemented in accordance with the approved details.
- 36) Base slabs of all buildings as shown on the plans shall be set at a minimum level of 5.063m AOD.



- 37) Internal estate roads and pedestrian footways along the internal estate roads are to be set at a minimum level of 4.763m AOD.
- 38) Prior to the commencement of the Development, additional water vole surveys shall be undertaken along all watercourses within the Site affected by the Development. Surveys must be carried out at the appropriate time of year and with recognised techniques and submitted to the Local Planning Authority. If water voles are found to inhabit ditches impacted by this proposal, no development shall commence until a scheme (including a timescale for implementation) for the conservation of this species in accordance with the Habitat Creation and Management Plan submitted in support of the Environmental Statement has been carried out.
- 39) All areas used for the washing of vehicles shall be contained to prevent discharge to underground strata or controlled waters.
- 40) Prior to commencement of the Development (or such other date as may be agreed in writing with the Local Planning Authority), a scheme to deal with risks associated with any contamination of the Site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include the following elements unless any are specifically excluded in writing by the Local Planning Authority:
- a) A desk study identifying:
    - All previous uses
    - Potential contaminants associated with those uses
    - A conceptual model of the Site indicating sources, pathways and receptors
    - Potentially unacceptable risks arising from contamination at the Site.
  - b) A site investigation scheme, based on (a) to provide information for an assessment of the risk to any receptors that may be affected on or off the site.
  - c) A method statement based on results of the site investigation and risk assessment giving full details of any remediation measures required and of how they are to be undertaken.
  - d) A verification report on any remediation measures that have been undertaken
  - e) A timescale for implementation.
- 41) Save for within Plot 8 (shown on plans 12705-PL02 Rev N and 12705-PL05 Rev I) no development falling within the provisions of Part 17, Class G (d to f) of the Town and Country Planning (General Permitted Development) Order 1995, shall be undertaken on the Site without planning permission.
- 42) Prior to commencement of the Development, a local liaison committee shall be set up in accordance with details, including potential membership, submitted to and agreed in writing by the Local Planning Authority.
- 43) Prior to first occupation of any building forming part of this Development bicycle facilities shall have been installed in accordance with a scheme for secure and covered storage that shall previously have been approved in writing by the Local Planning Authority and shall be retained thereafter for bicycle use.

- 44) There shall be no outside storage of plant, containers, equipment, materials or products within the Site without the prior written consent of the Local Planning Authority.
- 45) Unless agreed with the Local Planning Authority, within 12 months of the Site ceasing to be used for the purposes of electricity generation, the Company shall submit to the Local Planning Authority, for approval in writing, a scheme for the demolition and removal of the Development and the restoration of the Site.
- 46) The scheme referred to in Condition (45) shall include:
- (i) details of all structures and buildings which are to be demolished;
  - (ii) details of the means of removal of materials resulting from the demolition;
  - (iii) the phasing of the demolition and removal;
  - (iv) details of the restoration works; and
  - (v) the phasing of the restoration works.
- 47) The demolition and removal of the Development (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access roads) and subsequent restoration of the Site shall thereafter be implemented in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
- 48) Where any matter is required to be agreed or approved by the Local Planning Authority under any of the foregoing Conditions that matter shall in default of agreement or approval be determined by the Secretary of State for Energy and Climate Change.



Date: 11 August 2009

Richard Mellish  
Head of Development Consents and Planning  
Reform  
Department of Energy and Climate Change



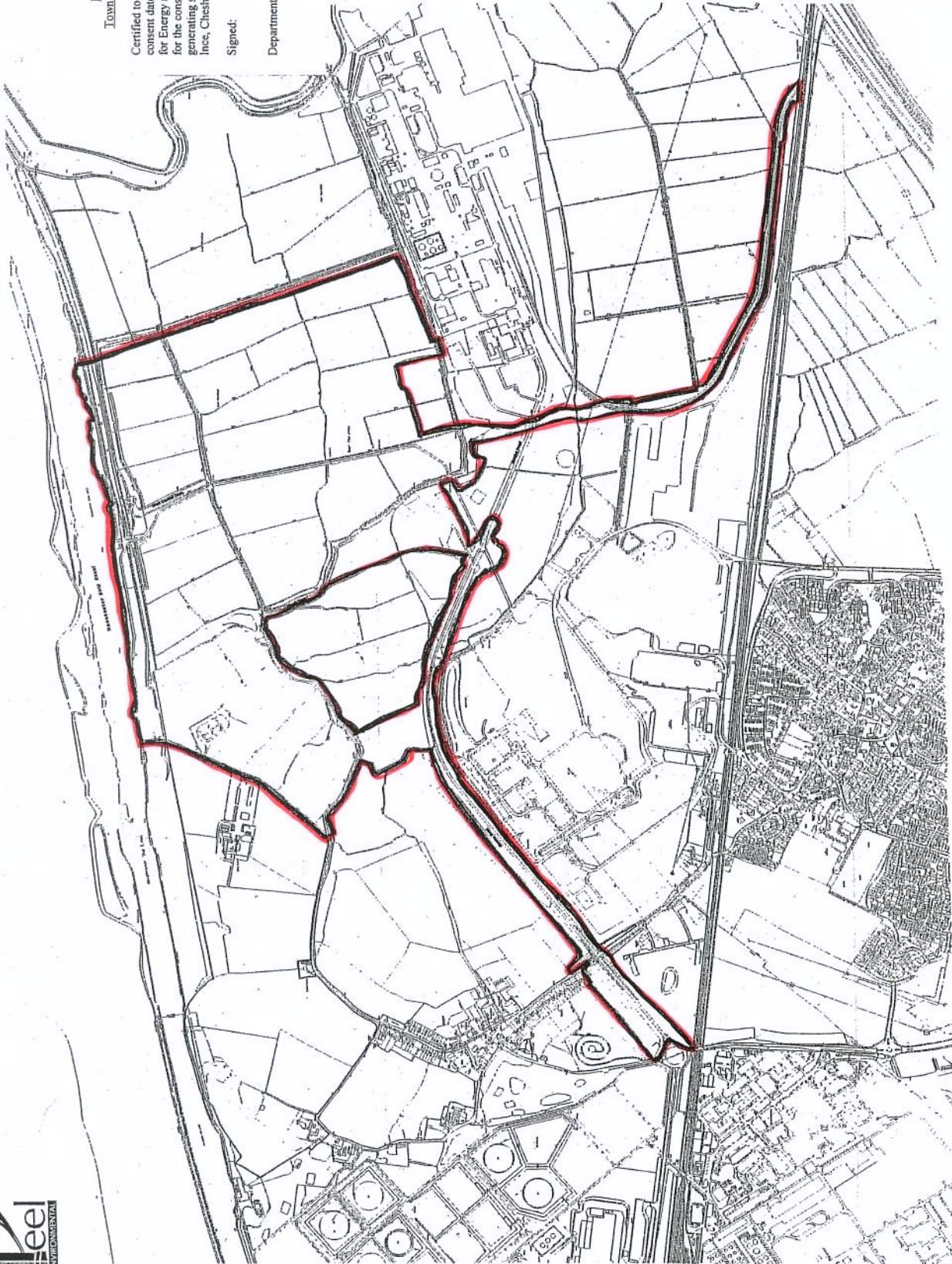
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Electricity Act 1989  
 Town & Country Planning Act 1990

Certified to be Plan 12705-PL21 Revision H referred to in the consent dated 11 August 2009 given by the Secretary of State for Energy and Climate Change to Peet Environmental Ince Ltd for the construction and operation of Waste Derived Fuel generating station at land adjacent to Manchester Ship Canal, Ince, Cheshire.

Signed: *R E Wood*

Department of Energy and Climate Change



- H 10/01/07 Red and Blue line boundaries updated
- M 05/04/07 Red and Blue line boundaries updated
- P 05/05/07 Red and Blue line boundaries updated
- E 07/05/07 Red and Blue line boundaries updated
- D 20/07/07 Red and Blue line boundaries updated
- C 10/01/07 Proposed site plan removed

**FletcherArchitects**  
 Designers & Master Planners  
 UNIT 1, SAUNDERS COURT  
 MANCHESTER TRADING ESTATE  
 7 - WOODVILLE, MANCHESTER M16 8BT  
 www.fletcherarchitects.co.uk

PROJECT: COMMERCIAL DEVELOPMENT	
SITE LOCATION PLAN	
STATUS: \$ 12	SCALE: 1:5000
DRAWN: J.C.L.	DATE: 11/08/09
12705-PL21 H	

SCALE 1:5000 @ A1

SITE LOCATION PLAN - DTI APPLICATION  
 INCE RESOURCE RECOVERY PARK





