



meeting	PLANNING COMMITTEE	
date	17 FEBRUARY 2004	
from:	Director of Environment	agenda item number 4

CONSULTATION ON AN APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION OF TWO ADDITIONAL FLUE GAS DESULPHURISATION (FGD) UNITS AND THE VARIATION OF CONDITION 4 OF THE CONSENT GRANTED BY THE SECRETARY OF STATE FOR TRADE AND INDUSTRY ON 8/08/02 FOR TWO FGD UNITS AT COTTAM POWER STATION, COTTAM. APPLICANT: EDF ENERGY (COTTAM POWER) LTD

Purpose of Report

1. (a) To report on a proposal by EDF Energy (Cottam Power) Ltd to construct two additional Flue Gas Desulphurisation (FGD) Units at Cottam Power Station and vary Condition 24 (relating to noise) of the consent issued in connection with the previous permission for two FGD units granted on 8 August 2002. The County Council is a consultee on this matter. The final decision will be taken by the Secretary of State for Trade and Industry under Section 36 of the Electricity Act 1989.
- (b) To set out issues considered and main areas of concern and to agree a recommendation for the Cabinet Member for Environment to consider as the Council's response, this being delegated to the Environment Portfolio under the County Council's Constitution.

Introduction

2. On July 13th 2001 Cottam Power Ltd applied, under Section 36 of the Electricity Act 1989, to the Secretary of State for Trade and Industry for consent to construct an FGD plant to the immediate north of the existing coal fired station and to the immediate east of the Cottam Development Centre. Under this Act the Secretary of State is the planning authority and the County Council becomes a consultee.
3. Submissions under Section 36 of the Electricity Act 1989 are dealt with by the Secretary of State, and, if approved, carry with them a direction that planning permission is deemed to be granted by virtue of Section 90 of the Town and Country Planning Act 1990 and paragraph 7 of Schedule 8 to the Electricity Act 1989. The Secretary of State may impose conditions on any permission that is given. Local authorities are able to suggest conditions and negotiate any legal agreements with applicants if they feel these may be necessary to secure matters that cannot be dealt with by the imposition of conditions.

4. If any Local Authorities consulted wish to object to a proposal the Secretary of State is required to hold a public inquiry, unless he proposes to grant consent subject to conditions which will meet objections. The Secretary of State has the discretion to hold an inquiry even if no objections are raised.
5. The original application was reported to Planning Committee on 22 January 2002 and subsequently to the Cabinet Member for Environment on 23 January 2002. The recommendation to the Secretary of State was to offer no objection subject to satisfactory legal agreements being concluded with regard to highway safety matters and suitable conditions. The Secretary of State subsequently issued consent with conditions attached on 8 August 2002. Work has commenced on the development.
6. Since that consent was issued there have been further developments relating to emission control in response to revised Large Combustion Plant Directive (2001/80/EC) adopted by the European Commission which applies immediately to new, and to existing plant by 2008. The installation of these two additional FGD units will help achieve the 2008 emission targets for the existing plant at Cottam.
7. In addition the Station cannot comply with specific noise conditions attached to the approved FGD units. EDF Energy now need to revise, specifically, Condition 24 of the previous consent to reflect the actual noise conditions on site and ensure they can comply.

Need for the Proposal

8. FGD is a process by which sulphur dioxide (SO₂) is removed from waste gases produced by burning fossil fuel, ie coal in power stations. It is believed that sulphur dioxide creates acid rain which has a detrimental effect, particularly on vegetation. The UK is the largest producer of sulphur dioxide in Western Europe and some 86% of emissions arise from power generation. FGD can remove up to 90% of sulphur dioxide from flue gases.

The Power Station and Site

9. The existing buildings at Cottam Power Station and the adjoining Cottam Development Centre (CDC) lie to the immediate south west of Cottam village in the River Trent valley. The nearest major settlements are Gainsborough, about 10 kms to the immediate north of Cottam, and Retford, about 10 kms to the west ... (see Plan 1).
10. The area is generally low lying and flat with the River Trent, from which the existing plant abstracts water, immediately adjacent to the east. Cottam village lies to the immediate north east and is partly visually separated from the stations by an artificially created ridge of 16 metres maximum height, which has been grassed and extensively planted with trees. The site is otherwise surrounded by open farmland and woodland, with the villages and outlying houses of Rampton and Tresswell lying about 1km to the south west and 2 kms to the west (respectively).

11. There are a number of environmental designations located nearby the site. Within a 15 km radius there are 12 sites designated as SSSIs (Sites of Special Scientific Interest), and 134 SINCs (Sites of Importance for Nature Conservation). The area around the former ash lagoons on the power station site is designated as the Cottam Wetlands SINC. No designations will be directly affected by the proposal. A Mature Landscape Area is located two kilometres east of the River Trent at Littleborough. A Scheduled Ancient Monument, Fleet Plantation moated site, is located to the south of the power station.
12. Access to the site is from the A57 trunk road and by secondary roads. There is an existing approved HGV route to the stations from the A57, past Dunham on Trent, Stokeham and skirting Tresswell (see Plan 1).
13. The station and the proposed FGD site are on raised ground, some 2.5 metres above the maximum recorded flood level for the Trent. In addition to the extensive land raising works, the embankment to Cottam village and one to the south west of the site to screen Rampton village, the ground level visual impact of the station has been offset by extensive landscaping.

The Proposal

14. The proposal is accompanied by an Environmental Statement (ES) and non technical summary as required by the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000.
15. The proposed development is located on land immediately adjoining the northern perimeter of the existing building complex, as well as some land to the north of ancillary development associated with the two original FGD units consent and land to the south of the existing mineral railway station. All proposed development locations are within the area covered by the Section 36 consent for the station. The land that will be required for construction working and storage is ... that currently being used for the construction of the two first FGD units (see Plan 2).
16. The additional plant at Cottam is proposed to be constructed adjoining the immediate north of the power station because of the requirement of all FGD plant to be located close to the existing power station boilers and chimneys. The units will serve the remaining two of the four onsite coal fired units. The proposed plant will be built on made up ground artificially raised for the construction of the power station. Ground investigations carried out for the adjoining CDC and the first two FGD units indicate adequate ground conditions. This location also avoids the gas supply Pressure Reduction Station that supplies both the coal and gas fired stations.
17. Specific details of plant design are now available as a contractor has been appointed for the design and construction of the first two units. The actual building dimensions for most plant are generally smaller and less bulky than originally anticipated, although some plant will be taller but not as long or as wide, and the water treatment plant and gypsum dewatering plant are now to be housed in one common (taller) building rather than in two separate buildings.

18. Details as supplied of typical components of the two additional units are:
- two additional absorber towers for each FGD plant and ductwork to transfer flue gases to the absorber and from the absorber to the chimney;
 - a bypass around each absorber tower during start up and in case of emergencies;
 - additional limestone storage capacity;
 - new fans to replace existing systems.
19. The FGD plant will now be designed to take flue gas from all four units at the power station and treat them to remove 90% of sulphur dioxide. The FGD will make use of the limestone/gypsum method of removing sulphur dioxide.
20. Limestone sources are not finally confirmed as yet; none of the sources considered will lie within a National Park or SSSI and will be able to use rail to bring the raw material to site. Gypsum produced is suitable for the plasterboard industry. Off specification product will be separated, stored and removed off site by rail.

Timescale

21. Main construction and commissioning for the original FGD plant is estimated at 22 months and will be completed by mid 2005. The earliest date for works for the current proposal to commence is estimated at autumn 2006 with completion at the end of 2007. The applicants are expecting to bring the proposed extensions on stream by 2007.

Consultations and Representations

22. Under the procedures of the Electricity Act 1990 there is provision for consultations to be carried out by the electricity companies themselves, rather than the Local Planning Authority.
23. Bassetlaw District Council was consulted directly. When the current submission was made EDF consulted the authorities, organisations and groups listed in Appendix 1. In addition the Secretary of State will consult with all statutory bodies. Presentations were also made to invited local Parish Councils and officers of Bassetlaw District and Nottinghamshire County Councils at a meeting on 7 January 2004. No objections to the proposal were raised at this meeting by the various representatives of the Parishes.

Policy Considerations

24. The Nottinghamshire Structure Plan Review (NSPR) sets out the factors that must be taken into account when dealing with proposals for major energy development and associated plant. Matters such as environmental impact, traffic generation, disposal of waste, socio-economic facts are therefore considered in some detail in the following sections.

25. Policies of the NSPR which relate to this proposed development are Policies 1/1 and 2/9 (economic development); Policies 3/1, 3/20 and 3/21(environment); Policies 3/20 and 3/21 (industrial development); Policies 10/A, 10/1 and 10/2 (energy development) and Policy 11/1 (development affecting floodplains).

Employment

26. At present EDF employs 180 persons at the Cottam power station. In addition the station uses local contractors and inputs into the local economy through purchasing goods and services.
27. During the total three and a half to four year construction phase for all units up to 350 people could be employed, of which the majority would probably be those retained from the current project. Labour sources are likely to be local for the most part but recruitment is the responsibility of the appointed contractor, who is encouraged to use local labour sources. This number of employees is a reduction on those previously estimated for the original FGD plant construction and is now based on the actual numbers of people employed.
28. Once operational there will not be any additional permanent jobs created at the station, but the developers note that the FGD plant will contribute to the extension of the operational life of the station and may help secure the continued use of British high sulphur coal.

Transport

29. 1. Construction Traffic: up to 280 cars and 60 HGV/commercial vehicles would continue to visit the site per day at peak construction times for a further two years i.e. to late 2007. This continuing amount of traffic has implications for parking, impacts on roads and other highway users and impacts on nearby settlements. All employee parking will continue to be met on site. There is already a designated lorry route in place from the A57 (T) at Dunham on Trent to Cottam ... (see Appendix 2). This route is already subject to a legal agreement resulting from the previous permission. However, a fresh agreement will need to be drawn up to ensure that this lorry route is the designated route for the current development.
30. The applicants have identified a number of measures that they will offer as additional mitigation and these are :
- To keep a watching brief to review internal layout of the construction site to ensure problems do not occur on the road network.
 - To brief construction workers on access to the site and encourage use of the designated route.
 - To consult with local residents.
31. For Members' information, it should be noted that under the terms of the legal agreement relating to the original FGD scheme the developer agreed to provide a layby outside Dunham on Trent School for safer parent parking and to provide a number of road signs along the designated route. The layby has been

constructed and road signs have been agreed with the County Council, and will be erected in due course.

32. 2. Operational Traffic: no additional staff are proposed to be employed.
33. It is proposed that all limestone will be imported by rail and all gypsum, including off specification gypsum, will be exported by rail. Road transport would only be considered in emergencies when the designated route would be used. A planning condition covering this matter is proposed to be suggested to the Department of Trade and Industry to ensure the clarity of the situation.

Limestone

34. It is anticipated that the additional FGD plant will use a further 120,000 tonnes of carboniferous limestone per annum, depending upon the amount of sulphur in the coal and the electrical output from the units.

Gypsum

35. The by product of the FGD process is gypsum, of which the applicants anticipate producing, with all 4 FGD units, around 300,000-400,000 tonnes per annum of a quality suitable for the plasterboard industry. The applicants note that there is a predicted increase of 10% annually in the plasterboard market. Over 500,000 tonnes of mainly FGD gypsum is imported into the UK from Europe. As sources of supply are in demand, the applicants consider there will be a market for their product for at least 10 years. No specific buyer had been selected at the time of the submission of the application. Off-specification gypsum will be purchased by buyers that the applicants are in negotiation with. The applicants propose that any poor quality product will be separated and stored until it can be transported off site.
36. As with the previous application, it was noted that demand for gypsum could be variable and this situation could raise several issues.
37. First, the amounts of marketable quality gypsum produced may not be as anticipated and off-spec gypsum may be produced in larger quantities than anticipated and a buyer wants.
38. Second, whether the station has enough on site storage capacity for off-spec gypsum in these circumstances, and, if it does not, what alternatives are available in terms of buyers and storage space. No additional information has been formally submitted with the ES on this issue, but the Station note that this situation would not arise for more than the original 14 day capacity already approved, and in any event storage capacity was designed around 4 units as part of the original scheme.
39. Third, there are no details given as to contingencies in the event that a final purchaser for FGD gypsum may only be able to transport the product by road.
40. A final issue that is not explored is the situation where no buyer comes forward for off spec product and it needs to be disposed of by the applicants. Appropriate conditions to cover this eventuality were imposed by the Secretary of State on

the original scheme which would ensure the Station submit a rolling 5 year programme, to be approved by the appropriate authorities (namely the District and County Councils), to ensure controls over these issues. In view of the fact that no firm plans are suggested in the current submission it would be prudent to ensure suitable conditions are attached to a new consent and the Secretary of State will be asked to consider this matter.

Other Wastes

41. Construction spoil will be reused around the power station for landscaping or disposed of at a suitable facility. Waste will be managed within an environmental management plan.
42. Solid wastes generated by the plant will be off spec gypsum and filter cake from the waste water treatment plant. Off spec gypsum is intended to be sold and transported off site by rail. Filter cake will be used in the power station furnace.

Air Quality and Emissions

43. FGD Plants primarily reduce airborne emissions of sulphur dioxide. The UK Air Quality Strategy 2000 provides air quality standards with associated objectives to be met by 2005. These objectives also meet the requirements of the EU Air Quality Daughter Directive 1999. Nitrogen oxides as well as sulphur dioxide are also considered under this Directive for the protection of vegetation and ecosystems.
44. Present monitoring in the Trent Valley indicates that at some monitoring sites the current standards for sulphur dioxide are exceeded over 35 times per annum. The FGD plant will significantly and immediately reduce the contributions of such emissions from Cottam both in the air and on the ground.
45. Flue gas temperatures are reduced with FGD plants and this affects the ability of the plume of waste gases to rise and disperse. In turn this will lead to increased levels of nitrogen oxides deposited at ground level. Despite this, concentrations will not exceed air quality standards as existing concentrations are well within target standards.
46. The proposal will not make any significant contribution to local concentrations of fine particles.
47. The FGD plants will reduce plant efficiency which may lead to a small increase in carbon dioxide emissions.(1%).
48. There will be a marginal increase in the number of occasions when the water vapour emitted from the chimney may condense to form a visible plume. Water droplets may be deposited from the plume but at nearby residences this effect should not be detectable .
49. The greatest potential for dust in the air will be during the construction period. The nearest properties at Cottam village lie about 200 metres upwind of the site, assuming prevailing winds are from the south west. A number of dust mitigation measures during the construction period are proposed, such as sheeting of

lorries, use of water sprays, wheel and road and surface washing. Monitoring of dust is suggested. Such actions will be necessary to prevent dust being carried by vehicles and the prevailing winds over the village and need to be the subject of suitable conditions.

Noise

50. Existing and proposed noise levels have been reassessed and revised to show impacts of fitting FGD units to all four units, including common plant, rather than deal with noise on the basis of the original consent and this later extension.
51. Noise from the FGD plant, once operational, has been calculated to be less than the existing background noise levels. There will be a very slight increase in overall noise levels by the addition of the extra facility, but this is indicated to be on the margin of discernibility. The long term impact of the plant is therefore considered to be negligible.
52. The main source of potential disturbance will be during the construction phase. Traffic noise, construction work and the possibility of piling are sources of noise at levels likely to cause disturbance to nearby residents. Piling could be the noisiest operation but the developer notes that piling will be sheet piling in relation to ground stabilisation around the minerals unloading facilities.
53. The Station proposes to work within defined noise limits specified within their ES, reinforced by means of conditions on the current consent. The present proposal is not likely to cause any greater noise intrusion than the approved works. To date no complaints have been received by Bassetlaw District Council regarding construction activities. It is therefore anticipated that, provided the Secretary of State re-imposes similar noise conditions, issues with construction noise should not arise.

Water Quality

54. No additional abstractions will be required during the construction phase. Potential water quality effects during construction will be managed under an environmental management plan agreed with the Environment Agency. Protection of a minor aquifer underlying the power station site will be covered under this environmental management plan.
55. Operationally the power station will not exceed current permitted abstraction limits. There will be a discharge of waste water from the proposed facility. Following treatment, which will result in recycling of some elements removed from water, there will be some level of elements discharging to the river. Discharge predictions have been calculated cumulatively with the new FDG plant at West Burton, 16 km downstream, and results show that all predicted concentrations are within Environmental Water Quality Standards applicable for this stretch of the river. Discharge will not affect the use of river water for irrigation, livestock watering or fishing.
56. There is one drinking water abstraction point at Torksey. Potential impacts were assessed and it is noted that in the worst case discharge elements will be within the quality standards for drinking water abstraction.

57. Site drainage will be discharged via the current power station cooling water systems. On site storage for limestone and gypsum will be covered so that there is no contaminated run off.

Design

58. The building dimensions for the two approved and the two proposed FGD units have been significantly reduced in size and bulk. A typical layout drawing is appended for information (see Appendix 3). The ES indicates the tallest components will be the absorber towers at 36 metres high, although in terms of overall mass the stores at 34.9m high by 28m diameter may be more noticeable.
59. The FGD plant is to be constructed to the north of the existing boiler house (60 metres high) and to the west of the cooling towers (114 metres high). Relative to these structures the FGD plant will blend into the mass of the power station. It will be screened from views from the south and east. From the west and north there will be some impacts from limited views from properties in Cottam and nearby. However, careful choice of colours will help blend the new construction with the power station.
60. Temporary structures associated with construction will be screened by existing landscape mounds and the adjoining Cottam Development Centre buildings.

Ecology

61. The FGD plant is situated on part of the existing golf course, internal road, parking and amenity planting. This land was artificially created and heavily managed with little resulting ecological value. A matter of ecological interest raised in relation to the original FGD units was that of protected species habitats. Bats were discovered in one of the buildings scheduled for demolition, and this matter has been dealt with subsequently through English Nature and DEFRA by satisfactory alternative bat accommodations being provided at an agreed site. No other protected species have been found on site although it may be prudent to suggest to the Secretary of State that an appropriate survey be carried out prior to further works commencing to ensure that no species have moved back onto the site.
62. All required felling of trees has already been carried out. Therefore, provided any new works to trees are avoided during the bird breeding season, there are no adverse impacts on ecological issues from construction that cannot be controlled through appropriate conditions.
63. The nearest protected ecological areas are the Cottam Wetlands SINC on the former ash lagoons at the station and the Ashtons Meadow SSSI 3 kms away. The former site is managed as a Nature Reserve by the Station. Construction will not have an impact on either site. There are potential impacts through increases in emissions of nitrous oxides and deposits of sulphur dioxide particles. Predictions indicate that in either case ground level concentrations are below levels set to protect vegetation from damage.

64. The main advantage to the environment generally is the reduction of sulphur dioxide gases emitted, thus reducing contributions to greenhouse gases and acid rain.

Landscape

65. The surrounding area to the station is low-lying and dominated by intensive farmland with few hedgerow trees, hedgerows or woodlands. There are three MLAs, two to the west between Tresswell and North and South Leverton, and one to the south on the Trent.
66. Given the nature of the landscape, the existing power stations in this part of the Trent Valley all dominate the landscape and Cottam is no exception. The proposed plant is to be located as close as possible to the existing station to lessen the visual impact of the buildings in relation to those existing, and to allow the existing station to act as a screen when viewed from the south. There is little else that can be done to reduce the impact of the proposal when viewed from the north or west. However, the developers provide for some additional planting to the existing landscaped mound that screens the site from the village. In addition there are opportunities to strengthen the planting within the site to harmonise it more with the natural vegetation. Appropriate conditions to cover this matter will be requested of the Secretary of State.

Rights of Way

67. There are no rights of way directly affected, although indirectly views into the site will be changed.

Archaeology

68. The floodplain of the Trent is rich in archaeology and paleo-environmental evidence. The applicant has identified a continued likelihood that features of archaeological interest could survive in the site and proposes carrying out a programme of investigation and recording during any fresh disturbance of ground for the additional units. An appropriate condition to ensure such works are carried out in relation to the current proposal should be considered and this will be raised with the Secretary of State.

Conclusions

69. The major issue which affects the County Council is that of transport implications of sourcing and transporting limestone, and exporting the finished by-product. The developers state that, whilst a supplier and a buyer have yet to be finalised, such minerals movements will all be by train unless and except in the case of emergencies, when road transport will have to be used. There are no further commitments at this stage as the commercial decisions have yet to be taken. It will be necessary to protect limestone resources in areas of sensitivity and to ensure the road network is protected. To this end, the Authority will request that conditions are imposed on any new consent restricting sources of limestone to other than National Parks or Sites of Special Scientific Interest.

70. Once construction has been undertaken, the impacts will be reduced to operational levels, and these will have marginal effect over and above the existing station. Matters such as design, materials, colours and landscaping will be dealt with in detail in the future. Noise, air quality, waste and water quality are under the control of specialist agencies or the District Council.
71. Overall, it is considered therefore that the proposal should continue to be supported as the removal of sulphur dioxide from the air will reduce a harmful emission in line with national and international standards and objectives to improve world atmosphere.
72. The decision to permit this proposal and the variation to Condition 24 of the original consent is for the Secretary of State for Trade and Industry, who must take into account the views of all consultees. If permission is granted, then it is the Secretary of State who would impose suitable conditions.
73. For the previous application for the FGD units the County Council recommended a number of detailed conditions that it was requested the Secretary of State be requested to impose. In the event, the main thrust of the conditions was taken into account but not the detail. Therefore, rather than suggesting detailed conditions on this occasion, it is suggested that the Secretary of State be requested to impose similar conditions to those previously imposed on the original consent for the two FGD units to ensure the current proposal continues to perform satisfactorily both during construction and thereafter. For Members' information, suggested areas of concern for conditions are appended (see ... Appendix 4).
74. With regard to the proposed variation of Condition 24 relating to noise, it is recommended that the County Council concur with the revised wording previously agreed between the Station and officers from the County Council and Bassetlaw District Council and recommend this as an appropriate variation to the Secretary of State.
75. There will be a need for a Section 106 agreement to cover the lorry route and continued traffic monitoring through Tresswell village. Draft Heads of Terms are set out in Appendix 4.
76. It is considered that, subject to the signing of a legal agreement and the imposition of suitable conditions, no objections should be raised to the proposals.

Statutory and Policy Implications

77. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and users. Where such implications are material they have been brought out in the text of the report. Since the County Council is not the decision maker in this case Human Rights Act implications do not fall to be considered.

RECOMMENDATION

78. That the following be recommended to the Cabinet Member for Environment as the County Council's response to consultation on the proposals for the construction of two Flue Gas Desulphurisation units at Cottam Power Station:
- a) that no objection be raised to the proposal, subject to:
 - (i) the conclusion of the Agreements covering the matters outlined in Appendix 4; and
 - (ii) the imposition on any permission granted by the Secretary of State for Trade and Industry of the suggested areas for consideration in conditions set out in Appendix 4;
 - b) that the County Solicitor be authorised to enter into such legal agreements as proposed in Appendix 4 prior to the Secretary of State issuing a decision notice;
 - c) that the Secretary of State's attention be drawn in particular to the concerns expressed in paragraphs 35-40 & 74 of the report.

PETER WEBSTER
Director of Environment

Head of Legal Services' Comments

Planning Committee has power to decide the Recommendation. [SHB 3.2.04]

Director of Resources' Financial Comments

There are no direct financial implications arising from this report. [DJK 5.2.04]

Background Papers Available for Inspection

1. Emails from E & PM, consultants received 4.12.03
2. Letter from E & PM dated 22.12.03
3. Email from E & PM received 5.1.04
4. Letter from EDF Energy dated 9.1.04
5. Copy of letter from E & PM to Bassetlaw District Council received on 2.2.04

Electoral Division(s) Affected

Tuxford.

Please note. Copies of plans and appendices referred to in the report but not included in this file may be obtained from: John Sheffield, Environment, Trent Bridge House, Fox Road, West Bridgford, Nottingham NG2 6BJ, tel 0115 977 4499, email john.sheffield@nottscc.gov.uk or from Peter Barker at the same address, tel 0115 977 4416, email peter.barker@nottscc.gov.uk.

Cottam Power Station Proposed FGD Plant

Draft Heads of Terms for a Legal Agreement under Section 106 Town and Country Planning Act 1990

1. The developer to covenant to fund a traffic monitoring survey in the village of Tresswell to be carried out by Nottinghamshire County Council Data Collection at times and dates to be agreed in writing between all parties, and thereafter to take any appropriate action as necessary arising from the survey results in accordance with details to be first approved by the County Council.
2. The developer to covenant to provide a lorry route for heavy goods vehicles to and from the site during the period of construction and commissioning of the additional two FGD units and associated works.

NB. The Heads of Terms above form the basis for discussion and therefore may be subject to amendments from the above format.

Areas of Concern to be Covered by Planning Conditions

1. That sources for limestone are not to be from National Parks or Sites of Special Scientific Interest.
2. That limestone and gypsum are only to be moved by road in the event of a (defined) emergency, otherwise movement must be by rail.
3. That disposal facilities for gypsum are secured prior to commissioning and that a 5 year rolling programme for the disposal of gypsum be provided by the applicants, to be approved by the County Council prior to commissioning.
4. That ecological issues are fully reconsidered and thus a condition be applied requiring a protected species survey to ensure no protected species have resettled themselves within the development area.
5. That, notwithstanding conditions imposed on the previous consent, a landscaping condition is considered for this new application in its own right to ensure that a suitable scheme is implemented
6. That the revised noise condition 24 to be varied on the previous consent is re-imposed on the current application.
7. That, generally, to cover all other matters as previously considered for the original two FGD units, similar conditions are re-imposed on the current application to ensure the satisfactory construction and operation of the new units.