

VARIATION OF CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989

CONSTRUCTION AND OPERATION OF A BIOMASS FUELLED GENERATING STATION AT
TEESPORT, TEESIDE

The Secretary of State in exercise of the powers conferred on him by section 36C of the Electricity Act 1989 hereby varies the consent granted for the biomass fuelled generating station at Teesport, Teeside in accordance with the variations shown in the italic text in the Annex.

23th October 2015

Giles Scott
Head of National Infrastructure Consents
Department of Energy and Climate Change

DEPARTMENT OF ENERGY AND CLIMATE CHANGE
ELECTRICITY ACT 1989
CONSTRUCTION AND OPERATION OF A BIOMASS FUELLED GENERATING STATION AT
TEESPORT, TEESSIDE

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 MGT Teesside Ltd (“the Company”), on the area of land delineated by a solid red line on Figure 4.1, *(as amended by the Company’s application for variation dated 15 June 2015)* annexed hereto and duly endorsed on behalf of the Secretary of State, of a biomass fuelled generating station at Teesport, Teesside in the administrative area of the Borough Council of Redcar and Cleveland (“the Development”), and to the operation of that generating station.

2. Subject to paragraph 3(1), the Development shall be no more than 2995 MW capacity and comprise all that is mentioned in the Company’s application dated 23 July 2008 (as amended on 18 December 2008), *the Company’s application dated 27 January 2010 and the Company’s application for variation submitted on 15 June 2015 and Figure 4.3 contained in the supporting Environmental Statement (supplemented by the “Tees Renewable Energy Plant Traffic Management – November 2008”;* and a ~~letter on behalf of the Company from PB Power to Natural England dated 24 October 2008~~), including:

- (a) a single circulating fluidised bed boiler;
- (b) one stack;
- (c) a steam turbine generator;
- (d) air cooled condensers;
- (e) fuel feedstock storage area;
- (f) electrical transformers and switchgear building;
- (g) ancillary plant and equipment; and
- (h) the necessary buildings (including administration offices, workshops and stores) and civil engineering works; and

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 and the Company’s

~~application's application of 23 July 2008 (as amended on 18 December 2008), the Company's further application dated 27 January 2010 and the Company's application for variation dated 15 June 2015 as supported by the Environmental Statement (supplemented by the 'Tees Renewable Energy Plant Traffic Management – November 2008' and a letter on behalf of the Company from PB Power to Natural England dated 24 October 2008), as revised by the Environmental Statement Addendum Assessment of Minor Alteration to Development January 2010 and as further revised by the Updated Environmental Statement Addendum June 2015 and supporting Environmental Statement (supplemented by the "Tees Renewable Energy Plant Traffic Management – November 2008"; and a letter on behalf of the Company from PB Power to Natural England dated 24 October 2008).~~

- (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.

DIRECTION TO DEEM PLANNING PERMISSION TO BE GRANTED UNDER SECTION 90 OF THE TOWN AND COUNTRY PLANNING ACT 1990

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:

Definitions

- (1) In these Conditions unless the context otherwise requires -

~~"BS 4142 1997"~~ "BS 4142 2014" means British Standard ~~4142: 1997~~ 4142: 2014 - Method for rating *industrial and commercial sound; industrial noise affecting mixed residential and industrial areas*;

"CHPQA Standard issue 5" means the CHPQA Standard document issued in November 2013 which sets out definitions, criteria and methodologies for the operation of the UK's CHP Quality Assurance (CHPQA) programme;

"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 commissioning of the Development" means the date on which the Development first supplies electricity on a commercial basis;

"the Company" means MGT Teesside Limited and its assigns and successors;

"the Council" means Redcar and Cleveland Borough Council and its successors;

"the Development" means the biomass fuelled generating station at the Teesport, Teesside;

"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;

"Environment Agency" means the Environment Agency and its successors;

"heavy commercial vehicle" has the meaning given by section 138 of the Road Traffic Regulation Act 1984;

"Highways Agency England" means Highways Agency England and its successors;

"the main Development" means the construction work commencing with the placing of the first concrete for the main plant foundations of the Development;

"Natural England" means Natural England and its successors;

"operating weight" in relation to a goods vehicle has the meaning given by section 138 of the Road Traffic Act 1984;

"the Site" means the area of land outlined red on Figure 4.1, annexed hereto (*as amended by the Company's application for variation dated 15 June 2015*).

The Site

- (2) The construction of the Development shall only take place within the boundary of the Site.

Reason: To ensure that no construction takes place beyond the boundary of the area which is the subject of this planning permission.

Time Limits

- (3) The commencement of the Development shall not be later than the expiry of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Suppression of Dust and Dirt during Demolition and Construction

- (4) The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a scheme for the provision of wheel cleansing facilities for heavy commercial vehicles and any other vehicle which has an operating weight exceeding three tonnes. Such approved facilities shall be installed in accordance with a timescale to be approved in writing by the Council and shall be maintained throughout the period of the construction of the Development unless any variation has been approved in writing by the Council.
- (5) All heavy commercial vehicles and any other vehicle or mobile plant which has an operating weight exceeding three tonnes associated with the construction of the Development leaving the Site, other than those vehicles exclusively using tarmacadam or concrete roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities provided pursuant to Condition (4).
- (6) The demolition of existing buildings and structures on the Site shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a scheme employing the best practicable means for the suppression of dust during the period of demolition of existing buildings and structures on the Site and the construction of the Development. The measures approved in the scheme shall be employed throughout the period of construction unless any variation has been approved in writing by the Council.
- (7) All open bodied heavy commercial vehicles carrying dry loose aggregate, cement or soil into and out of the Site shall be sheeted or sealed so as to prevent the release of such materials into the local environment.

Reason: To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment during construction.

Temporary Buildings and Roads

- (8) The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Council a scheme which shall include provisions for the:

- (i) details of the siting, design, external appearance of temporary buildings and structures, artificial lighting and fencing to be erected and used during the period of construction of the Development;
- (ii) details of temporary vehicular circulation roads, parking, hardstandings, laydown areas, loading and unloading facilities and turning facilities during the construction of the Development;
- (iii) phasing of works included in the scheme.

Reason: To enable the Council to exercise reasonable and proper control over the temporary works associated with the Development.

Site Layout, Design, Floor Levels and Fire Prevention

- (9) The commencement of the Main Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Council a scheme which shall include provisions for the:
 - (i) details of the siting, design, dimensions, external appearance and floor levels of all buildings and structures which are to be retained following the completion of the construction of the Development;
 - (ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;
 - (iii) details of vehicular circulation roads, parking, hardstandings, loading and unloading facilities and turning facilities on the Site;
 - (iv) details of artificial lighting required during the operation of the Development;
 - (v) details of all new or modified permanent fencing and gates required on the Site;
 - (vi) details of any proposed landscaping on the Site;
 - (vii) details of fire suppression measures and access of fire appliances to all major buildings, structures and storage areas; and

(viii) phasing of works included in the scheme.

- (10) The Development shall proceed only in accordance with the approved scheme referred to in Condition (9), subject to any variation as may be approved in writing by the Council.

Reason: To enable the Council to exercise reasonable and proper control over the design and appearance of the Development and to ensure adequate flood and fire prevention measures are in place.

Demolition, Construction and associated Noise

- (11) All activities associated with the demolition of existing buildings and structures on the Site and the construction of the Development shall be carried out in accordance with British Standard 5228, Parts 1 and 2: 1997 and Part 4: 1992; Noise and Vibration Control on Construction and Open Sites.
- (12) The commencement of the Development shall not take place until there has been submitted to, approved in writing by and deposited with the Council a scheme for the monitoring of noise generated during the demolition of existing buildings and structures on the Site and construction of the Development.
- (13) The commencement of the Development shall not take place until there has been submitted to, approved in writing by and deposited with the Council a scheme for impact pile, or other means of pile driving, including methods and duration and shall state the selection criteria. The approved scheme shall be adhered to during the period of construction of the Development.
- (14) No impact piling approved shall take place on the Site on any Sunday or Bank Holiday or any other day except the between the following hours;

Monday to Saturdays 0800 - 1900

Unless such work –

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the Council.

(15) Notwithstanding the terms of Condition (14) all impact pile driving shall only take place during the months of April to October inclusive.

(16) No demolition or construction work associated with the Development shall take place on the Site at any time on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday	0700 – 1900 hours
Saturday	0800 – 1700 hours

unless such work -

(a) is associated with an emergency; or

(b) is carried out with the prior written approval of the Council; or

(c) does not cause existing ambient noise levels to be exceeded;

(17) In any instance where a time limitation referred to in Condition (14) and (16) is exceeded because of an emergency the Company shall as soon as possible notify the Council and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.

Reason: To ensure reasonable and proper control to be exercised over noise during demolition and construction activities.

Operational Noise

(18) The noise generated by the normal commercial operation of the Development shall not exceed a rating level of 40 dB(A) (measured as an LA eq over 1 hour during the day and 5 minutes at night) when measured generally in accordance with BS 4142 1997 at the facades of any existing residential property at the date of this permission.

(19) Such noise shall exhibit no tonal or impulse content at those properties in all weather conditions. These limitations as to noise level shall be adhered to at all times except in an emergency or in accordance with any lower noise level which may be approved by the Council pursuant to Condition (18).

- (20) In any instance where the noise limitation referred to in Condition (18) is exceeded because of an emergency the Company shall as soon as possible, and within two working days, provide the Council with a written statement detailing the nature of the emergency and the reason why the noise level and/or limitation could not be observed. If the emergency period is expected to be for more than twenty-four hours then the Company shall inform those residents affected by the emergency of the reasons for the emergency and the expected duration.
- (21) Except in an emergency, the Company shall give at least 2 working day's written notice to the Council of any proposed operation of emergency pressure valves or similar equipment. In any instance where steam purging is to take place the Company shall give two working days prior notice to local residents and businesses affected by the noise of such purging.

So far as is reasonably practicable, any such operation shall not take place on any Sunday or Bank Holiday or any other day except between the following hours;

Monday to Friday	0900 - 1700
Saturday	0900 - 1300

Reason: To ensure the proper control of noise during the operation of the Development and to give advance warning of the timing of exceptionally noisy events.

Noise Complaints Procedure

- (22) In any instance where a local resident has cause to make a reasonable complaint about noise generated by the construction and/or operation of the Development the Company shall carry out investigations to establish the justification, or otherwise, of the complaint, the likely cause and possible remedial measures. A written report to the complainant shall be made as soon as reasonably practicable following the investigation and/or remedial work. The Company shall keep all such reports in an appropriate file and such file shall be made available to the Council on request.

Reason: To ensure that any complaints on the grounds of noise are properly dealt with so as to reduce the impact of the Development on local residents.

Site Drainage

- (23) The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency, a scheme showing the method and working of drainage facilities on the Site. Such facilities shall be put in place in accordance with the approved scheme.
- (24) The scheme referred to in Condition (23) shall include:
- (i) measures to ensure that no leachate or any contaminated surface water from the Site shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;
 - (ii) provision so as to ensure that all existing drainage systems continue to operate and that riparian owners upstream and downstream of the Site are not adversely affected;
 - (iii) provision for trapped gullies in car parks, hardstandings and roadways;
 - (iv) measures to ensure that all foul sewage must drain to an approved foul sewerage and/or sewage disposal system;
 - (v) provisions to distinguish between temporary and permanent parts of the works; and
 - (vi) phasing of works.
- (25) Any surface water contaminated by hydrocarbons which are used during the construction of the Development shall be passed through oil/grit interceptor(s) prior to being discharged to any public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.
- (26) All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the Development must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.
- (27) All bunded compound(s) referred to in Condition (26) in which acids, alkalis or sulphides in addition to being contained in

suitable facilities shall have appropriate protective lining applied to the inner walls of the bunds.

- (28) Any storage facility to which Conditions (26) or (27) refer shall be completed in accordance with the requirements of those Conditions before being brought into use.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built.

Flood Protection Measures

- (29) The commencement of the Development shall not take place unless in accordance with the findings and recommendations of the Tees Flood Risk Assessment (Appendix D of the submitted Environmental Statement July 2008).
- (30) The commencement of the Development shall not take place until a flood warning and evacuation plan has been submitted to, approved in writing by, and deposited with, the Council. The plan shall include details of how flood warnings will be obtained and disseminated throughout the Site, and the action to be taken. The plan shall be operated throughout the lifetime of the Development.

Reason: To reduce the risk of flooding.

Construction Traffic

- (31) The commencement of the Development shall not take place until a traffic management plan for the construction phase of the Development, to include details of the site access, the Company has been submitted to, approved in writing by, and deposited with the Council, in consultation with ~~the Highways Agency~~ Highways England.

Archaeology

- (32) The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with, the Council, a scheme of archaeological investigation and an associated implementation programme.
- (33) The scheme approved pursuant to Condition (32) shall provide for:

- (i) any person nominated by the Council to be permitted safe access to the part of the Site where the find is made;
 - (ii) finds of national importance to be evaluated and, where practicable, preserved in situ; and
 - (iii) phasing of works.
- (34) Any further investigations and recording of such finds as are considered necessary by the Council shall be undertaken prior to the construction of any part of the Development on that part of the Site where such finds are identified, and in the case of finds of national importance in accordance with the phasing of works approved pursuant to Condition (33)(iii), unless otherwise approved in writing by the Council.

Reason: To allow the surveying of the site for archaeological artefacts and the recovery of any important archaeological discovery before construction of the main Development begins.

Contaminated Waste

- (35) The commencement of the Development shall not take place until the *report titled 'Land at QEII Jetty Teesport – Environmental Site Investigation and Risk Assessment November 2011' approved by the Council, a scheme to deal with the risks associated with contamination of the Site, has been updated to include the new areas of land which fall within the Site (following the Company's application for variation dated 15 June 2015), and submitted to, and approved in writing by, and deposited with the Council. The updated scheme shall include details of the following matters:*

- (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 all

receptors that may be affected, including those off-Site; and

- (c) the results of the Site investigation and risk assessment pursuant to (b) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
- (36) The measures approved pursuant to Condition (35) shall be adhered to during the construction of the Development, unless any variation has been approved in writing by the Council, in consultation with the Environment Agency.
- (37) If, during construction of the Development, contamination not previously identified is found to be present at the Site then no further work shall be carried out until there has been submitted to, approved in writing by, and deposited with, the Council an amendment of the method statement approved pursuant to Condition (35) detailing how this unsuspected contamination shall be dealt with.
- (38) Contaminated material arising from the construction of the Development shall be treated on the Site in accordance with a scheme to be submitted to, approved in writing by, and deposited with, the Council, in consultation with the Environment Agency, or shall be disposed of to licensed disposal facilities.
- (39) Prior to the commissioning of the Development the Company shall provide a verification report on completion of the works set out in Condition (35)(c) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Reason: To ensure that any potential contaminated waste found on the Site is disposed of properly.

Protection and Mitigation For Birds

- (40) The commencement of the Development shall not take place until the Company has undertaken, in consultation with Natural England, a comprehensive investigation to establish whether birds are present on the Site. Should the investigation indicate that birds are present on the Site then the Company shall submit

a scheme of mitigation measures for approval in writing by the Council, in consultation with Natural England.

- (41) Notwithstanding any mitigation measures approved pursuant to Condition (40) no trees, hedges, scrub or dense vegetation shall be cleared from the Site during the bird breeding season of 1 March to 30 September inclusive, except where a suitably qualified ecological consultant, appointed by the Company, has confirmed that such clearance works will not affect any nesting birds and is approved in writing by the Council, in consultation with Natural England.

Reason: To cause the least interference possible to breeding birds.

Travel Plan

- (42) The commencement of the Development shall not take place until there has been submitted to, approved in writing by and deposited with, the Council a scheme for transporting those involved in the construction and operation of the Development by means other than by single passenger car occupancy. The approved scheme shall be adhered to throughout the period of construction and operation of the Development unless otherwise agreed in writing by the Council.

Reason: In the interests of establishing sustainable patterns of transport.

Construction Transport

- (43) The commencement of the Development shall not take place until the Company has submitted to the Council the main findings and conclusions of an investigation as to whether an existing waterway and/or railway could be utilised to provide a practical, economical and environmentally advantageous (when compared and contrasted with road transportation) means of transportation to the Site of construction materials associated with the Development. The results of the investigation shall be submitted to, agreed in writing by, and deposited with the Council.
- (44) In the event that the investigation referred to in Condition (43) identifies that an existing waterway and/or railway could be utilised to provide a practical, economical and environmentally advantageous (when compared and contrasted with road transportation) means of transportation, the Development shall not commence until there has been submitted to, approved in

writing by, and deposited with the Council a scheme for the transportation by waterway and/or railway of construction materials.

Reason: To ensure that sustainable modes of transport are considered for the transportation of construction materials.

Fuel Type

- (45) Unless agreed in writing with the Council, and with the exception of hydrocarbon fuels used for the start up of the main and auxiliary boilers and use in the standby-generator, only untreated wood shall be used as fuel in the operation of the Development.

Reason: In the interests of amenity.

Operational Delivery of Biomass by Road

- (46) Unless otherwise agreed in writing with the Council, road deliveries of biomass fuel used in the operation of the Development shall not exceed 200,000 tonnes per annum.
- (47) The commissioning of the Development shall not commence until a scheme covering the monitoring and delivery to and from the Site by road of biomass fuel and post-combustion residues has been submitted to, approved in writing by, and deposited with the Council. The scheme shall include provision for it to be reviewed annually with the Council.

Reason: To ensure that the delivery of biomass fuel and disposal of post-combustion residues by road are managed and do not harm the free flow of traffic on the highways network.

Handling of Biomass and Post-Combustion Residues

- (48) Biomass used in the operation of the Development and post-combustion residues shall be handled under cover at all times.
- (49) Loose post-combustion residues shall be transported from the Site in sealed vessels.

Reason: To suppress dust during the operation of the Development.

Air Pollution Monitoring

- (50) The commissioning of the Development shall not take place until there has been submitted to and approved in writing by, and deposited with, the Council, in consultation with the Environment Agency, a scheme for the monitoring of air pollution including nitrogen oxides in the vicinity of the Development. The scheme shall include the measurement location or locations within the Council area from which air pollution will be monitored, the equipment and methods to be used and the frequency of measurement. The scheme shall provide for the first measurement to be taken not less than 12 months prior to the Commissioning of the Development and for the final measurement to be taken not more than 24 months after commissioning of the Development. The Company shall supply full details of the measurements obtained in accordance with the scheme to the Council as soon as possible after they become available.
- (51) Should the Council require continued monitoring of air pollution the Company shall extend the Scheme pursuant to Condition (50) for a period of up to 36 months from the date of the last measurement taken pursuant to Condition (50). The Company shall supply full details of the measurements obtained during the extended period to the Council as soon as possible after they become available.

Reason: To ensure that the Council are kept informed on a regular and programmed basis about the changes in the level of air pollution at locations within its area.

Use of Waste Heat

- (52) The commissioning of the Development shall not take place until the Company has installed the necessary plant and pipework to enable the future supply of waste heat to the Site perimeter.

Reason: To ensure that waste heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.

Cessation of works and restoration of the Site

- (53) Unless otherwise agreed with the Council, within 12 months of the Site ceasing to be used for the purposes of electricity generation, the Company shall submit to the Council, for approval in writing, a scheme for the demolition and removal of the Development from the Site.

- (54) The scheme referred to in Condition (53) 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.
- (55) 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 scheme approved by the Council, unless otherwise agreed in writing by the Council.

Reason: To ensure the Site is not allowed to become derelict after the cessation of electricity generation.

Default of Agreement

- (56) Where any matter is required to be agreed or approved by the Council 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.

Biomass Sustainability

- (57) *With the exception of any other fuels used during boiler start up or stabilisation (excluding coal, which shall not be used in the operation of the Development), only biomass fuel feedstock shall be burnt in the main boiler. Biomass fuel feedstocks burnt in the main boilers after the first date on which the Development is subject to mandatory sustainability criteria as a condition of eligibility for financial assistance under a relevant assistance regime must comply with the applicable mandatory sustainability criteria.*
- (58) *Throughout the operational life of the Development, there shall be submitted to the Council an annual report on the sustainability of all biomass fuel feedstocks burnt in the main boiler which provides the same information and level of*

assurance and verification which the operator of the Development is required (or would be required, if claiming financial assistance in respect of the electricity generated for such biomass fuel feedstocks) to provide in respect of the sustainability of biomass fuel feedstocks under any relevant assistance regime. Where other forms of biomass fuel feedstocks are burnt in the main boiler, the report should provide equivalent information, assurance and verification in respect of those fuels.

(59) *For the purposes of conditions (57) and (58):*

“applicable mandatory sustainability criteria” means:

- (i) the mandatory sustainability criteria which the Development must comply with from time to time as a condition of eligibility for financial assistance under a relevant assistance regime; or*
- (ii) if financial assistance has been granted under a relevant assistance regime in respect of the Development for a limited period of time and that period has elapsed so that the Development is no longer eligible for financial assistance under any relevant assistance regime, those criteria by compliance with which the operation of the Development was most recently eligible for such assistance, unless otherwise agreed in writing with the Council, and, at the time when they are burnt, biomass fuel feedstocks shall be taken to comply with the applicable mandatory sustainability criteria if, at that time, the Company has reason to believe that they comply with the applicable mandatory sustainability criteria;*

“biomass fuel feedstocks” means fuel, excluding material which is, or is derived directly or indirectly from animal matter, which qualifies as ‘biomass’ under:

- (i) article 4 of the Renewables Obligation Order 2009 (S.I. 2009/785) (as amended);*
- (ii) such provisions of a relevant assistance regime incorporating applicable mandatory sustainability criteria as define biomass fuel feedstocks for the purposes of that regime from time to time;*

“mandatory sustainability criteria” means criteria relating to the sustainability of biomass fuel feedstocks for energy use (other than biofuels and bioliquids) which are prescribed in a relevant assistance regime; and

“relevant assistance regime” means the provisions of any legislation or other legally binding arrangements established or approved by Government under or by virtue of which the generation of electricity from biomass fuel feedstocks on a commercial basis qualifies for financial assistance by reason of the burning of biomass fuel feedstocks which comply with prescribed sustainability criteria.

Reason: To ensure the scheme is fuelled only by sustainable biomass fuel feedstocks as proposed by the Company in its application for consent under s. 36 of the Electricity Act 1989.

Environmental Statement

(60) (a) The environmental effects of the Development must not exceed those assessed in the Environmental Statement of July 2008 (supplemented by the ‘Tees Renewable Energy Plant Traffic Management – November 2008’ and a letter on behalf of the Company from PB Power to Natural England dated 24 October 2008), as revised by the Environmental Statement Addendum Assessment of Minor Alteration to Development January 2010 and as further revised by the Updated Environmental Statement Addendum June 2015.

(b) In the event of any conflict between the information contained in the documents listed in paragraph (a), the information in the later document shall take precedence.

Reason: To ensure that the Development consented has no greater environmental impact than that considered in the original application of 23 July 2008 and the variation application of 15 June 2015.

Protection and Mitigation for Protected Species

(61) The commencement of the Development shall not take place until the Company has undertaken, in consultation with Natural England, an investigation to establish the likelihood of protected species being present on the Site. Should the investigation indicate that protected species are likely to be present on the Site then the Company shall carry out a comprehensive investigation to establish species presence and if found submit a detailed scheme of mitigation measures for approval in writing by the Council, in consultation with Natural England.

Reason: To ensure that any adverse impact on protected species is avoided.

Combined Heat and Power

(62) *At least 4 months prior to the operation of the Development, the Company must submit to and approve in writing with the Council a report on Combined Heat and Power (CHP) feasibility assessing potential commercial opportunities for the use of heat from the Development. The report must provide for ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development as part of a Good Quality CHP scheme (as defined in CHPQA Standard issue 5), and for the provision of subsequent reviews of such opportunities as necessary.*

Reason: To ensure that waste heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.

Council Variations

(63) *Where the words, “unless otherwise agreed” appear, such consent may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the Council that such consent will not give rise to any new or materially different environmental effects from those assessed in the Environmental Statement of July 2008 (supplemented by the ‘Tees Renewable Energy Plant Traffic Management – November 2008’ and a letter on behalf of the Company from PB Power to Natural England dated 24 October 2008), as revised by the Environmental Statement Addendum Assessment of Minor Alteration to Development January 2010 and as further revised by the Updated Environmental Statement Addendum June 2015.*

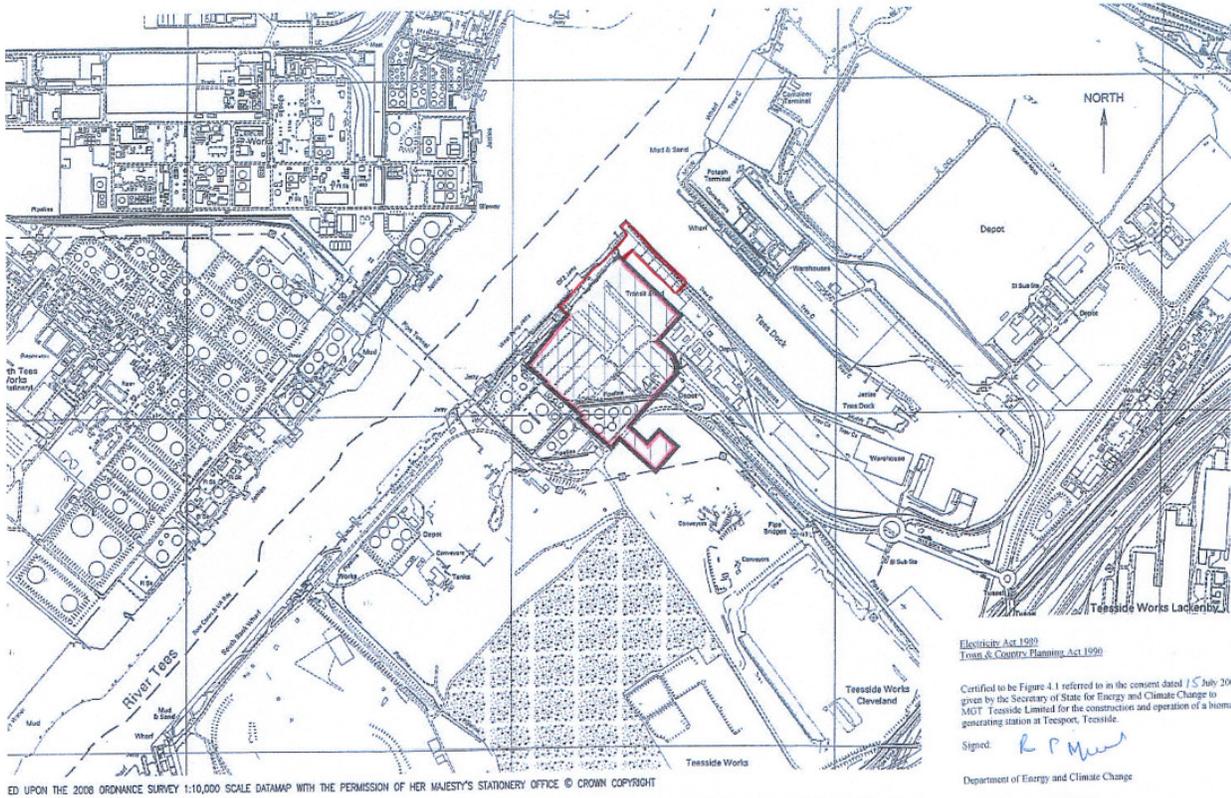
Reason: To make clear that where provision is made for the Council to agree to variations to the conditions, the scope of any such variations will be limited to immaterial changes which do not alter the environmental impact of the Development.

Date: ~~July 2009~~

~~Richard Mellish~~ Giles Scott

Head of ~~Development Consents and~~
~~Planning Reform~~ National Infrastructure
Consents and Coal Liabilities

Department of Energy and Climate Change



Electricity Act 1989
 Town & Country Planning Act 1990

Certified to be Figure 4.1 referred to in the consent dated 15 July 2009 given by the Secretary of State for Energy and Climate Change to MGT Teesside Limited for the construction and operation of a biomass generating station at Teesport, Teesside.

Signed: *R. P. Munn*

Department of Energy and Climate Change



SITE LOCATION	TEES RENEWABLE ENERGY PLANT	Drawing Number	FIGURE 4.1
	DETAILED SITE LOCATION		Drawn: MJC Checked: MJC Approved: MJC Date: 7/07/08 

DWG FILE REF:- FIGURE 14.2

Electricity Act 1989
Town & Country Planning Act 1990

Certified to be Figure 4.1 referred to in the consent dated 15 July 2009 given by the Secretary of State for Energy and Climate Change to MGT Teesside Limited for the construction and operation of a biomass generating station at Teesport, Teesside.

Signed:

Department of Energy and Climate Change