

RYEDALE DISTRICT COUNCIL

APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO CARRY OUT DEVELOPMENT WITHOUT COMPLYING WITH CONDITIONS OF AN EARLIER PERMISSION NOTICE OF APPROVAL

RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS CONSIDERED THIS APPLICATION AND HAS DECIDED THAT IT SHOULD BE APPROVED SUBJECT TO THE STATED CONDITIONS

Application No. 06/00609/73
Proposal: Variation of condition 4 on planning approval 3/114/51/PS to allow the site for the purposes authorised to be used for a further 10 years to 19th May 2018
At: Knapton Generating Station, Malton Road, West Knapton, Malton, North Yorkshire
For: RGS Energy Limited
Decision Date: 10 November 2006

REASON FOR APPROVAL

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:
Ryedale Local Plan - Policy ENV7 – Landscaping
Ryedale Local Plan - Policy ENV1 – New development outside Development Limits
Ryedale Local Plan - Policy ENV21 – Pollution control
Ryedale Local Plan - Policy ENV29 – Light pollution
Ryedale Local Plan - Policy ENV24 – Noise-generating development

CONDITIONS AND ASSOCIATED REASONS

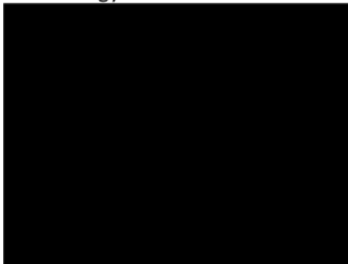
01 The use of the site for the purposes authorised by this permission shall be discontinued after the ~~31st December 2035~~ ^{19th May 2018} unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To Comply with the requirements of Section 91 of the 1990 Act.

02 Except in an emergency, all vehicles entering or leaving the site shall do so via the new access road.

Reason:- For the avoidance of doubt and to satisfy Policy T3 of the Ryedale Local Plan.

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- 03 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no land outside the site shall be utilised for temporary buildings, structures, works, plant or machinery unless planning permission has been obtained. In particular, no living accommodation shall be established on the site or any adjoining land.

Reason:- To enable reasonable and proper control to be exercised over aspects of the details of the development and to satisfy Policy ENV1 of the Ryedale Local Plan.

- 04 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) no building or structures greater than 4 metres in height other than those approved under condition 06 of planning approval 3/114/51/PS shall be constructed on the site unless planning permission has been obtained.

Reason:- To enable reasonable and proper control to be exercised over aspects of the details of the development and to satisfy Policy ENV1 of the Ryedale Local Plan.

- 05 All soil and subsoils stripped and stored in accordance with the scheme referred to in Condition 15 of the planning approval 3/114/51/PS shall be used for restoration works on the site or such other land as shall have received the prior, written approval of the Local Planning Authority and no soil or subsoils shall otherwise be removed from the site.

Reason:- To ensure the proper landscaping of the site and the use of topsoil and subsoil removed in the restoration of the land after completion of construction of the development, and to satisfy Policy ENV7 of the Ryedale Local Plan.

- 06 All facilities associated with the development required for the storage of oils, fuels or chemicals shall be individually contained, sited in impervious bases and surrounded by impervious bund walls. The size of the banded compounds shall be at least equivalent to the capacity of the largest tank in each bund and there shall be no uncontrolled discharge through the bund floor or walls. Any contaminated water or materials shall be disposed of in a manner satisfactory to the Local Planning Authority.

Reason:- To reduce the adverse effects of contaminated liquids and to satisfy Policy ENV21 of the Ryedale Local Plan.

- 07 No additional external lighting shall be installed except in accordance with the approved details.

Reason:- To satisfy Policy ENV29 of the Ryedale Local Plan

- 08 Except in an emergency and upon routine replenishment of the Sulfacheck agent, noise levels generated by the operation of the development shall not exceed the following criteria:

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35 dB(A) Leq (60 minutes) between 0700 and 1900 hours; and

33 dB(A) Leq (5 minutes) between 0700 and 1900 hours

when measured 12 metres in front of the façade of the dwellinghouse nearest to the site.

Reason:- To ensure proper control of noise during the operation of the development and to satisfy Policy ENV24 of the Ryedale Local Plan.

- 09 Apart from the small quantities required during the normal operation of the development, gas shall not be flared through the incinerator except at start up and shut down and in an emergency.

Reason:- To ensure proper control of noise during the operation of the development and to satisfy Policy ENV24 of the Ryedale Local Plan.

- 10 No waste shall be removed from the site except:

i. by underground pipeline for reinjection to the wellsite KM3; or

ii. by covered vehicle or road tanker to

a) permitted disposal facilities; or

b) treatment works; or

c) septic tank.

Reason:- to ensure that all waste produced by the construction and operation of the development is disposed of in a manner which minimises the effect on the environment and to satisfy Policy ENV21 of the Ryedale Local Plan.

- 11 Unless otherwise agreed in writing by the Local Planning Authority, the restoration of the site to agricultural use and/or woodland shall be undertaken and completed not later than whichever is the sooner of the following dates:-

i. the ~~31st December 2035~~ ~~19th May 2018~~; or

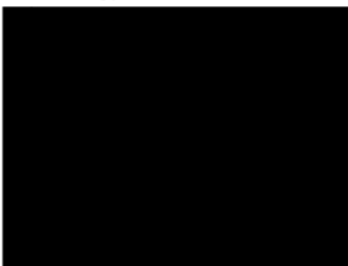
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ii. the expiration of 18 months from the date of the cessation of electricity generation.

Such restoration work shall be undertaken in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure satisfactory return of the site to its former use after the cessation of electricity generation and to satisfy Policy ENV1 of the Ryedale Local Plan.

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NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE DISTRICT COUNCIL WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.

DEVELOPMENT CONTROL MANAGER

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