Louise St John Howe
PO Services, Unit 162298
PO Box 7169
Poole
Dorset
BH15 9EL

By email only

Planning Service
Culture and Community
Regeneration, Culture and Environment
Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
Telephone: 01634 306000

30 September 2026

Dear Mr McCormack and Mr Hendley

ACTION POINT M7.3

During the Matter 7 hearing session (Economic Development), my staff noted an action to update the Examination Documents webpage to ensure the planning application, Decision Notice and Section 106 Agreement are available for MedwayOne (MC/21/0979), i.e. 'Outline planning application with all matters reserved except access (to be taken from Eschol Road) for the construction of flexible EG (iii)/B2/B8 use class buildings, sui generis uses for energy uses and a lorry park, together with servicing, parking, landscaping, drainage, remediation, demolition and earthworks' at the former Kingsnorth Power Station, Hoo St Werburgh.

Please find attached:

1. Cover letter from the agent setting out the planning history of MedwayOne.
2. Outline planning application form.
3. Decision Notice.
4. Section 106 Agreement.

I hope these documents help the Examination.

Yours sincerely



Dave Harris

Chief Planning Officer

Stantec UK Limited
2 Kings Hill Avenue, Kings Hill
West Malling, Kent
ME19 4AQ
UNITED KINGDOM

Dave Harris
Chief Planning Officer
Planning Service
Medway Council
Gun Wharf
Dock Road
Chatham
ME4 4TR

33567/A3/HH/mg
28 September 2026

Dear Mr Harris

MEDWAYONE, HOO ST WERBURGH, MEDWAY
OUTLINE PLANNING PERMISSION REF. MC/21/0979
PLANNING HISTORY

We understand the Inspector for the Medway Local Plan 2041 has requested an overview of the relevant Planning history for the Former Kingsnorth Power Station, Hoo St Werburgh, Rochester (known as MedwayOne).

The relevant Planning history is summarised as follows:

- MC/21/0979: Outline planning application with all matters reserved except access (to be taken from Eschol Road) for the construction of flexible EG (iii)/B2/B8 use class buildings, sui generis uses for energy uses and a lorry park, together with servicing, parking, landscaping, drainage, remediation, demolition and earthworks. The application was permitted on 17 August 2023, and several Reserved Matters applications have been approved pursuant to this permission, including:
    - Reserved Matters permission for part of the spine road and associated infrastructure, approved 03 July 2024 (ref. MC/24/0421).
    - Reserved Matters permission for an Energy Hub, approved 04 July 2024 (ref. MC/24/0606). A Non-Material Amendment to this Reserved Matters permission was approved on 18 July 2025 to increase the approved stack height from 85m to 100m (ref. MC/25/0813).
    - A Reserved Matters application for an electricity substation is pending determination by Medway Council (ref. MC/26/1275).
    - A Reserved Matters application for a revised design and layout for part of the spine road and associated infrastructure is due to be submitted shortly to Medway Council. This application proposes a revised design and layout for the primary access road through the Site permitted under ref. MC/24/0421.

The following amendments to the Outline planning permission ref. MC/21/0979 have been approved:

- Non-Material Amendment (NMA) application for an increase to 49.9MW of power for the Energy Hub development, approved 04 April 2024 (ref. MC/24/0606).
- NMA Application to increase the amount of B8 (data centre) floorspace within the approved development parameters whilst retaining the overall maximum built floorspace amount and; changes to the Parameter plan in relation to the green corridor, approved 13 December 2024 (ref. MC/24/2229).

- A NMA Application for minor changes to the Development Parameter Plan and variation of condition wording (conditions 1, 6, 26, 33, 34, 39) is pending determination by Medway Council (ref. MC/26/1471) with approval expected w/c 28/09/26.

  An overview of proposed amendments to the conditions is set out below:

  - Condition 1 (Reserved Matters details) – exclusion of enabling works.
  - Condition 6 (Approved plans) – amendment to Parameter Plan.
  - Condition 26 (Drainage) – inclusion of foul drainage and exclusion of enabling works.
  - Condition 33 (Initial Trip Cap restrictions) – amendment to refer to the maximum trip cap for the operational phase due to condition 7 having been discharged.
  - Condition 34 (Monitor and Manage Framework) - Condition 34 includes a requirement to provide a strategy to monitor that the Initial Trip Cap will not be exceeded. Since this is no longer required (as condition 7 has been discharged), the condition wording is proposed to be amended to only cover the strategy for the survey requirements at the entrance of the Site to derive the trigger point for the two local junction works (A228/A289 Four Elms roundabout and A228/Main Road Hoo roundabout). The trigger for the Four Elms roundabout and Main Road Hoo highway improvements is described under 'Highways Trigger One' in the S.106 agreement. This stipulates that once traffic generated by the development reaches 30% of the anticipated (two-way) movements forecast in the planning application Transport Assessment, the highways improvements are triggered.

Several planning conditions pursuant to the Outline Planning Permission have also been discharged as set out in Table 1 below:

Condition No. and Summary	**Site area**	**Planning Ref.**	**Status**
Condition 5 Phasing Plan	Site wide	MC/24/0421 Submitted as part of first RMA Note a revised Phasing Plan is currently being drafted, 35567-BL-A-SK20 Rev E Sketch Phasing Plan and a draft version is included at **Appendix A**. Dates referenced relate to start of development on site.	Approved 03/07/24
Condition 7 Initial Trip Cap	Site wide	MC/24/1882	Approved 10/10/24
Condition 8 Energy production	Energy from Waste plot	MC/24/0748	Approved 03/07/24
Condition 24 Programme of archaeological work	Site wide	MC/26/1742	Validated 10/09/26 Pending determination

Reference: MedwayOne, Hoo St Werburgh Medway Outline Planning Permission Ref: MC/21/0979 Planning History

Condition 36 Waste Management Plan	Energy from Waste plot	MC/26/0829	Approved 09/07/26
Condition 45 Waste Hierarchy Study	Energy from Waste plot	MC/26/0829	Approved 09/07/26

Table 1: Status of Planning Conditions Submitted to Medway Council

Please refer to Outline Planning Permission Site Wide Planning Conditions Tracker for status of Reserved Matters Applications and planning conditions. (**Appendix B**).

Other Relevant Planning Permissions

Outline planning permission (LPA Ref: MC/20/2738) was granted for development proposals submitted by GridLink on 23 March 2021. This development area comprises a small part of land within Uniper's wider MedwayOne Outline consent (LPA Ref: MC/21/0979 and is located within the eastern part of the site (i.e. they overlap and have been accounted for within the wider MedwayOne Outline Planning Permission ref. MC/21/0979). That permission has now expired, and any future Reserved Matters application(s) will be submitted pursuant to the wider MedwayOne Outline planning permission ref. MC/21/0979.

The following Permissions also relate to the GridLink development:

- MC/21/0028: Application for a Lawful Development Certificate (proposed) for the Installation of an Underground 400KV cable system between GridLink Interconnected Ltd converter station site and the existing National Grid ESO Kingsnorth 400KV substation located at the Kingsnorth Power Station. Application permitted 03 March 2021.

- MC/20/2738: The construction, operation and maintenance of a converter station, balance of plant and equipment, buildings related to materials storage and maintenance activities, internal roads and car parking, landscaping, access road and underground HVDC cable system from the converter station to the Mean High Water Springs. The application was permitted on 23 March 2021.

I trust that this provides a sufficient overview of the Planning history for the MedwayOne site but please don't hesitate to reach out should you require anything further.

Yours sincerely,

[redacted]

HARDEEP HUNJAN
Planning Associate

Email: [redacted]

stantec.com

Enclosed
Appendix A: 35567-BL-A-SK20 Rev E Sketch Phasing Plan
Appendix B: Outline Planning Permission Site Wide Planning Conditions Tracker

Development Control
Medway Council
Civic Headquarters
Gun Wharf
Dock Road
CHATHAM
Kent ME4 4TR

Telephone: 01634 331700
Facsimile: 01634 331195
Minicom: 01634 331300
planning.representations@medway.gov.uk
http://www.medway.gov.uk/planning

Medway Council
Serving You

Application for Outline Planning Permission With Some Matters Reserved.
Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	
Suffix	
Property name	Kingsnorth Power Station
Address line 1	Eschol Road
Address line 2	Hoo St Werburgh
Address line 3	
Town/city	Rochester
Postcode	ME3 9NQ

Description of site location must be completed if postcode is not known:

Easting (x)	580770
Northing (y)	172044

Description

2. Applicant Details

Title	
First name	
Surname	C/O Agent
Company name	Uniper UK Limited
Address line 1	Compton House
Address line 2	2300 The Cresent
Address line 3	Birmingham Business Park
Town/city	Birmingham
Country	

2. Applicant Details

Postcode	B37 7YE

Are you an agent acting on behalf of the applicant? (•) Yes ( ) No

Primary number	[redacted]
Secondary number	
Fax number	
Email address	[redacted]

3. Agent Details

Title	
First name	[redacted]
Surname	[redacted]
Company name	Barton Willmore LLP
Address line 1	26 Kings Hill Avenue
Address line 2	Kings Hill
Address line 3	
Town/city	West Malling
Country	United Kingdom
Postcode	ME19 4AE
Primary number	[redacted]
Secondary number	
Fax number	
Email	[redacted]

4. Description of the Proposal

Please indicate all those matters for which approval is sought as part of this outline application (tick all that apply).

Note: if this application is approved, the matters not determined as part of this application will need to be the subject of an 'Application for approval of reserved matters' before the development may proceed.

- [x] Access
- [ ] Appearance
- [ ] Landscaping
- [ ] Layout
- [ ] Scale

Please describe the proposed development

Outline planning application with all matters reserved except access (to be taken from Eschol Road), for the erection of flexible EG(iii)/B2/B8 use class buildings, sui generis uses for energy uses and a lorry park, together with servicing, parking, landscaping, drainage, remediation, demolition and earthworks.

Has the work already been started without planning permission? ( ) Yes (•) No

5. Site Area

What is the measurement of the site area? (numeric characters only).: 111.00

Unit: Hectares

6. Existing Use

Please describe the current use of the site

Former Power Station

Is the site currently vacant? (●) Yes ( ) No

If Yes, please describe the last use of the site

Site of former Kingsnorth Coal Fired Power Station. Operation ceased in 2012.
Security operations remain on Site.

When did this use end (if known)? DD/MM/YYYY:

Does the proposal involve any of the following? If Yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated (●) Yes ( ) No

Land where contamination is suspected for all or part of the site (●) Yes ( ) No

A proposed use that would be particularly vulnerable to the presence of contamination ( ) Yes (●) No

7. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicular access proposed to or from the public highway? ( ) Yes (●) No

Is a new or altered pedestrian access proposed to or from the public highway? (●) Yes ( ) No

Are there any new public roads to be provided within the site? ( ) Yes (●) No

Are there any new public rights of way to be provided within or adjacent to the site? ( ) Yes (●) No

Do the proposals require any diversions/extinguishments and/or creation of rights of way? ( ) Yes (●) No

If you answered Yes to any of the above questions, please show details on your plans/drawings and state their reference numbers

Refer to covering letter for full list of plans and supporting information.

8. Vehicle Parking

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces? (●) Yes ( ) No

Please provide information on the existing and proposed number of on-site parking spaces

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Other Parking for HGVs & other motorised vehicles and cycles. As an Outline application precise numbers are currently unknown & to be determined at the reserved matters stage. No. given is an approximate.	10	3000	2990

9. Materials

Does the proposed development require any materials to be used externally? (●) Yes ( ) No

Please provide a description of existing and proposed materials and finishes to be used externally (including type, colour and name for each material):

Other All external materials and finishes	
Description of existing materials and finishes (optional):	Brick buildings and security hut
Description of proposed materials and finishes:	As an Outline application all external materials, finishes, lighting and boundary treatments will be determined at the reserved matters stage.

Are you supplying additional information on submitted plans, drawings or a design and access statement? (●) Yes ( ) No

If Yes, please state references for the plans, drawings and/or design and access statement

Please refer to covering letter for full list of drawings and reports, which includes a Design & Access Statement.

10. Foul Sewage

Please state how foul sewage is to be disposed of:

- [x] Mains Sewer
- [ ] Septic Tank
- [x] Package Treatment plant
- [ ] Cess Pit
- [ ] Other
- [ ] Unknown

Are you proposing to connect to the existing drainage system? (●) Yes ( ) No ( ) Unknown

If Yes, please include the details of the existing system on the application drawings. Please state the plan(s)/drawing(s) references.

Refer to accompanying Flood Risk Assessment

11. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Check the location on the Government's Flood map for planning. You should also refer to national standing advice and your local planning authority requirements for information as necessary.) (●) Yes ( ) No

If Yes, you will need to submit a Flood Risk Assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)? (●) Yes ( ) No

Will the proposal increase the flood risk elsewhere? ( ) Yes (●) No

How will surface water be disposed of?

- [x] Sustainable drainage system
- [ ] Existing water course
- [ ] Soakaway
- [ ] Main sewer
- [ ] Pond/lake

12. Trees and Hedges

Are there trees or hedges on the proposed development site? (●) Yes ( ) No

12. Trees and Hedges

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? ○ Yes ◉ No

If Yes to either or both of the above, you may need to provide a full tree survey, at the discretion of your local planning authority. If a tree survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

13. Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

To assist in answering this question correctly, please refer to the help text which provides guidance on determining if any important biodiversity or geological conservation features may be present or nearby; and whether they are likely to be affected by the proposals.

a) Protected and priority species:

- ◉ Yes, on the development site
- ○ Yes, on land adjacent to or near the proposed development
- ○ No

b) Designated sites, important habitats or other biodiversity features:

- ○ Yes, on the development site
- ◉ Yes, on land adjacent to or near the proposed development
- ○ No

c) Features of geological conservation importance:

- ○ Yes, on the development site
- ○ Yes, on land adjacent to or near the proposed development
- ◉ No

14. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? ◉ Yes ○ No

If Yes, please provide details:

It is expected that details will be provided at the reserved matters stage.

Have arrangements been made for the separate storage and collection of recyclable waste? ◉ Yes ○ No

If Yes, please provide details:

It is expected that details will be provided at the reserved matters stage.

15. Residential/Dwelling Units

Please note: This question has been updated to include the latest information requirements specified by government.
Applications created before 23 May 2020 will not have been updated, please read the 'Help' to see details of how to workaround this issue.

Does your proposal include the gain, loss or change of use of residential units? ○ Yes ◉ No

16. All Types of Development: Non-Residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?
Note that 'non-residential' in this context covers all uses except Use Class C3 Dwellinghouses. ◉ Yes ○ No

Please add details of the Use Classes and floorspace.

Following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. Multiple 'Other' options can be added to cover each individual use. View further information on Use Classes.

16. All Types of Development: Non-Residential Floorspace

Use Class	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross new internal floorspace proposed (including changes of use) (square metres)	Net additional gross internal floorspace following development (square metres)
Other Mixed use for E(g)iii, B2, B8 and Sui Generis uses, including a lorry park/layover and energy uses	0	0	315000	315000
Other General buildings/security hut areas circa	75	75	0	-75
Total	75	75	315000	314925

Loss or gain of rooms

For hotels, residential institutions and hostels please additionally indicate the loss or gain of rooms:

17. Employment

Are there any existing employees on the site or will the proposed development increase or decrease the number of employees? (•) Yes ( ) No

Existing Employees

Please complete the following information regarding existing employees:

Full-time	2
Part-time	0
Total full-time equivalent	2.00

Proposed Employees

If known, please complete the following information regarding proposed employees:

Full-time	1952
Part-time	0
Total full-time equivalent	1952.00

18. Hours of Opening

Are Hours of Opening relevant to this proposal? (•) Yes ( ) No

Please add details of the of the Use Classes and hours of opening for each non-residential use proposed.

Following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. Multiple 'Other' options can be added to cover each individual use. View further information on Use Classes.

If you do not know the hours of opening, select the Use Class and tick 'Unknown' in the popup box.

18. Hours of Opening

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Unknown
B1 (c) - Light industrial	Start Time: 00:00 End Time: 00:00	Start Time: 00:00 End Time: 00:00	Start Time: 00:00 End Time: 00:00	
B2 - General industrial	Start Time: 00:00 End Time: 00:00	Start Time: 00:00 End Time: 00:00	Start Time: 00:00 End Time: 00:00	
B8 - Storage or distribution	Start Time: 00:00 End Time: 00:00	Start Time: 00:00 End Time: 00:00	Start Time: 00:00 End Time: 00:00	
Other Sui Generis uses (lorry park/layover & energy uses)	Start Time: 00:00 End Time: 00:00	Start Time: 00:00 End Time: 00:00	Start Time: 00:00 End Time: 00:00	

19. Industrial or Commercial Processes and Machinery

Does this proposal involve the carrying out of industrial or commercial activities and processes? (•) Yes ( ) No

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

This is an Outline Application and end occupiers are currently unknown. However, activities and processes will need to fall within the scope of the environmental parameters assessed.

The values given in the following boxes are therefore Approximates.

When completing the maximum operational through-put below, it is either a maximum 500,000 tonnes of municipal or maximum 500,000 tonnes commercial and industrial waste or a combination of both. The maximum waste streams combined will NOT exceed 500,000 tonnes in total.

Is the proposal for a waste management development? (•) Yes ( ) No

Please complete the following table

	The total capacity of the void in cubic metres, including engineering surcharge and making no allowance for cover or restoration material (or tonnes if solid waste or litres if liquid waste)	Maximum annual operational through put in tonnes (or litres if liquid waste)
Energy from waste incineration	0 Tonnes	500000 Tonnes
Material recovery/recycling facilities (MRFs)	0 Tonnes	200000 Tonnes

Please give maximum annual operational through-put of the following waste streams:

	Maximum annual operational through-put	
Municipal	500000	Tonnes
Commercial and industrial	500000	Tonnes

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make it clear what information it requires on its website

20. Hazardous Substances

Does the proposal involve the use or storage of any hazardous substances? ( ) Yes (•) No

21. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or trade waste? ○ Yes ◉ No

22. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ○ Yes ◉ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ◉ The agent
- ○ The applicant
- ○ Other person

23. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ◉ Yes ○ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title	
First name	[redacted]
Surname	As above
Reference	

Date (Must be pre-application submission)

27/05/2020

Details of the pre-application advice received

Pre-application meetings have been held to discuss the Site, principle of development and the emerging masterplan.

24. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent. ○ Yes ◉ No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

25. Ownership Certificates and Agricultural Land Declaration

CERTIFICATE OF OWNERSHIP - CERTIFICATE B - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that:

- ◉ I have/The applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates; or
- ○ The applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants**.

*** 'owner' is a person with a freehold interest or leasehold interest with at least 7 years to run. ** 'agricultural tenant' has the meaning given in section 65(8) of the Town and Country Planning Act 1990.**

Owner/Agricultural Tenant

25. Ownership Certificates and Agricultural Land Declaration

Name of Owner/Agricultural Tenant	South Eastern Power Networks PLC
Number	
Suffix	
House Name	Newington House
Address line 1	237 Southwark Bridge Road
Address line 2	
Town/city	London
Postcode	SE1 6NP
Date notice served (DD/MM/YYYY)	31/03/2021

Name of Owner/Agricultural Tenant	National Grid Electricity Transmission PLC
Number	
Suffix	
House Name	
Address line 1	1 to 3 Strand
Address line 2	
Town/city	London
Postcode	WC2N 5EH
Date notice served (DD/MM/YYYY)	31/03/2021

Person role

- (•) The applicant
- ( ) The agent

Title

First name [redacted]

Surname [redacted]

Declaration date (DD/MM/YYYY) 31/03/2021

☑ Declaration made

26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☑

Date (cannot be pre-application) 31/03/2021

Decision Notice

MC/21/0979

[redacted]
Barton Willmore LLP
26 Kings Hill Avenue
Kings Hill
West Malling
ME19 4AE

Applicant Name:
C/O Agent

Planning Service
Physical & Cultural Regeneration
Regeneration, Culture, Environment & Transformation
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
01634 331700
01634 331195
Planning.representations@medway.gov.uk

Town and Country Planning Act 1990

Location: Kingsnorth Power Station, Power Station Access Road, Hoo St Werburgh, Rochester, Medway

Proposal: Outline planning application with all matters reserved except access (to be taken from Eschol Road) for the construction of flexible EG (iii)/B2/B8 use class buildings, sui generis uses for energy uses and a lorry park, together with servicing, parking, landscaping, drainage, remediation, demolition and earthworks

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Notification of Grant of Planning Permission to Develop Land.

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS GRANTED PERMISSION for the development of land as described above in accordance with your application for planning permission received complete on 6 April 2021.

SUBJECT TO THE CONDITIONS SPECIFIED HEREUNDER:

1 Approval of the details of the layout, scale, appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development in any phase is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

2 Within 2 weeks following Commencement of the Development the Local Planning Authority shall be informed in writing of the Commencement date of the Development.

Reason: To ensure the commencement date is known for the benefit of conditions and planning obligations associated with this planning permission.

3 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. The first such application for approval shall be made to the Authority before the expiration of three years from the date of this permission with the final submission to be made within a period of 10 years from the date of this permission. The reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

5 Prior to the submission of or in conjunction with the submission of the first reserved matters application, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall:

- Define the extent of the area of each phase.
- Identify how the phase is severable from the rest of the development.
- Specify the order and timing of the proposed phases, which shall be shown sequentially starting with Phase 1 or any subsequent amendment that has been agreed in writing by the LPA.

The development shall be implemented in accordance with the approved Phasing Plan or any subsequent amendment that has been agreed in writing by the LPA.

Subsequent phases of development permitted under this permission may be carried out even if other phases of the site are developed under a subsequent or drop in planning permission.

Reason: This condition is required to ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure

needs, landscaping /open space and access are all in a place relevant to each phase before further development is undertaken, in the interests of good design.

6 The Development shall be carried out in accordance with the following approved plans:

- Site boundary plan (RG-M-20 Rev C)
- Parameter Plan (RG-M-16 Rev N)

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved.

7 The development shall be restricted to the Initial Land Use and Initial Trip Cap parameters as identified in the Technical Note N13-SM-Initial Trip Cap (dated October 2022) prepared by Vectos.

The Initial Trip Cap and Initial Land Use parameters may be exceeded up to the maximum land use and trip parameters where;

i) Analysis is presented and agreed by National Highways that indicates acceptable effects at Junction 1 of the M2; or
ii) A scheme for enhancements to Junction 1 of the M2 has been agreed with National Highways and a programme for its delivery is in place.

Reason: To ensure that Junction 1 of the M2 continues to be an effective part of the Strategic Road Network for through traffic in accordance with section 10 of the Highways Act 1980, Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development', the National Planning Policy Framework and Planning Practice Guidance.

8 The proposed energy production unit shall produce sufficient energy only as required for the uses with the application site (as defined by the outline planning application). This permission allows for a baseline production figure of 27.5MW on the basis of the information submitted to date. No energy production above this figure shall take place upon the site, unless the applicant (or successors in title) provides the Council with evidence (which shall be approved in writing) as part of future reserved matters applications, that the uses on site will require a higher energy production. Evidence shall be submitted on each phase (or future unit) demonstrating why energy production will need to exceed 27.5MW across the whole site. Should this evidence be provided, and the Council be satisfied that greater energy production is required, expansion up to 49.9MW can take place within an agreed timescale.

Should there be any subsequent change to the uses within the application site (resulting in a lower energy need), the applicant (or successor in title) would be required to revert back to the lower energy usage.

Reason: To ensure that the proposal would only meet the energy requirements of this proposal and have no detrimental impact upon the waste hierarchy.

9 Notwithstanding the requirements of condition 8, the overall maximum production of electricity output from an energy production facility on the site shall not exceed 49.9MW.

Reason: To accord with the principles of the Environmental Statement and the evidence that underpins this application.

10 Notwithstanding the provisions of Part 7, Classes A, H, and L of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension subject of this permission shall be carried out without planning permission having been obtained from the Local Planning Authority.

Reason: Because any increase in Floorspace would lead to increased vehicle movements beyond that assessed in the Transport Assessment and this would have an impact upon the efficiency of the highway network, in accordance with Chapter 9 of the NPPF and T1 of the Medway Local Plan 2003

11 Applications for the approval of reserved matters in relation to appearance for any phase or sub-phase that includes a building shall include details and samples of all materials to be used externally. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity, in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

12 Notwithstanding the plans submitted, any reserved matters application which includes a building shall include details of the provision of a brick plinth on the proposed buildings unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity, in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

13 Applications for the approval of reserved matters in relation to landscaping for a phase or sub-phase shall include full details of both hard and soft landscape works, any items to be located within the public space of that phase or sub-phase and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other

vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; structures seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. Details of how the development will enhance biodiversity to include (where applicable) green roof habitat, a native species planting and integrated bird nest bricks. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

14 Applications for the approval of reserved matters in relation to landscaping for a phase or sub-phase shall include full arboricultural details of:

a) A plan showing the location of all existing trees on site or on land adjacent (where the RPA is likely to fall within the application site) to the site which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. The plan shall provide a reference number for each tree and shall identify which trees are to be retained and the crown spread of each retained tree.
b) The species, diameter (measured in accordance with paragraph a), the approximate height and an assessment of the general state of health and stability of each retained tree.
c) Any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.
d) Any proposed alterations in existing ground levels and the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site where the alterations and/or excavations are within a distance of 5m; from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree.
e) The specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development. In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

15 Prior to the first occupation or use of any phase or sub-phase within the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, for a minimum period of five years, with arrangements for implementation and future review. The document shall also include an appendix incorporating product specification sheets for all street furniture, covering installation and maintenance requirements. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

16 No unit or phase shall be occupied or put into use until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment for each commercial unit shall be completed in accordance with the approved details before that commercial unit is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003

17 As part of each Reserved Matters application, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the Local Planning Authority. The strategy shall include the following:

- Description and evaluation of the habitat features to be created and managed.
- Aims and objectives of habitat creation.
- Appropriate management prescriptions for achieving the objectives.
- Constraints that might influence management.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be updated as necessary with each subsequent detailed application and implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

18 Prior to the installation of any external lighting within a phase or sub-phase details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on biodiversity, the landscaping of the site including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape and nearby residential properties, and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: To limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE12, BNE14, BNE34 and BNE39 of the Medway Local Plan 2003.

19 No development (except for demolition) shall take place within a phase or subphase until a Construction Environmental Management Plan (CEMP) in relation to that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include amongst other matters details of hours of construction working; measures to control noise and vibration affecting nearby residents; dust and air pollution control measures; pollution incident control, ecological mitigation measures indicated within the ecology report and site contact details in case of complaints. With regard to highways impact the CEMP should include numbers, frequency, type and routing of vehicles visiting the site and measures to ensure HGVs loads are adequately secured, and guided access/egress and parking arrangements. The construction works within that phase or subphase shall be undertaken in accordance with the approved CEMP.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, wildlife and to prevent detrimental impact on the strategic road network with regard to Policies T1, BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

20 During the period October to March inclusive, piling shall not take place that gives rise to noise that exceeds 70dB (LAmax) within the Medway Estuary & Marshes SSSI/SPA/Ramsar site in areas where wintering birds are active. Prior to the undertaking of any monitoring, a plan demarcating the area to be monitored and timetable for monitoring shall be submitted to the Local Planning Authority and agreed in writing. Monitoring shall thereafter be undertaken and appropriate mitigation shall be put in place during this period if required.

Reason: In order to protect over-wintering bird populations on the Medway Estuary & Marshes SSSI/SPA/Ramsar site.

21 Should periods of extreme cold occur during the period November to February, when the average daily temperature measured at the boundary between the site and the SSSI/SPA/Ramsar site falls below 0 degrees Celsius for a consecutive period of seven days or more, any construction activities that would result in noise levels exceeding 55dB (LAmax) within the Medway Estuary & Marshes SSSI/SPA/Ramsar site in areas where wintering birds are active shall cease. Monitoring shall be undertaken within the area identified in accordance with details to be submitted pursuant to condition 20 and appropriate mitigation would be put in place during this period if required.

Reason: In order to protect over-wintering bird populations on the Medway Estuary & Marshes SSSI/SPA/Ramsar site.

22 Notwithstanding the requirements of condition 18, from the commencement of works (including site clearance), all mitigation measures for breeding birds shall be carried out in accordance with the details in the Environmental Statement (December 2021) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure protection of the breeding birds in/around the site in accordance with Policy BNE37 of the Medway Local Plan 2003 and paragraph 180 of the National Planning Policy Framework 2021.

23 The proposed development shall be carried out in accordance with the findings of the Biodiversity Chapter of the ES (8A) as submitted in December 2021. The provisions of the LEMP shall accord with the requirements of this document when providing details of the suitable mitigation required.

Reason: In the interests of ensuring that the proposal has no adverse impact on biodiversity and ecology in accordance with BNE37 of the Medway Local Plan 2003 and paragraph 180 of the NPPF.

24 No development shall take place, within a phase or sub-phase, until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

25 No development shall take place within a phase or sub-phase until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction within the phase or sub-phase to which it relates. The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

i. Temporary drainage systems.
ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
iii. Measures for managing any on or offsite flood risk.

The development shall be undertaken in accordance with the approved details.

Reason: Required prior to commencement of development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of the National Planning Policy Framework 2021.

26 No development shall take place within a phase or sub-phase until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Those details shall include (if applicable):

i. a timetable for its implementation (including phased implementation where applicable).
ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the approved details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of National Planning Policy Framework 2021.

27 Applications for the approval of reserved matters in relation to layout for any phase or sub-phase that includes a building shall include details of cycle storage facilities for that phase or subphase. The cycle storage facilities (including the

provision of individual lockers where appropriate) shall be implemented in accordance with the approved details prior to the occupation of that phase or sub-phase and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle storage facilities.

Reason: All new development requires provision of adequate accommodation for cycle storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003 and to ensure that development is sustainable.

28 The vehicle parking areas approved pursuant to condition 13 shall be provided, surfaced and drained prior to the first occupation of the phase or sub-phase to which it relates. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

29 Applications for the approval of reserved matters in relation to layout for any phase or sub-phase shall include details of refuse storage facilities including provision for the storage of recyclable materials for that phase or sub-phase. The refuse storage facilities shall be implemented in accordance with the approved details prior to the occupation of that phase or sub-phase and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for refuse storage facilities.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

30 Any application(s) for approval of Reserved Matters for a phase or sub phase in respect of 'Layout' shall include the following details in respect of that phase or sub phase:

a) Movement network including layout of internal roads, junctions, service roads and servicing areas, visibility splay(s), sightlines, accesses, turning space(s), footways, cycleways, crossings, any one-way operation, loading and unloading areas, construction details and road geometry. The details to be submitted shall include plans and sections indicating design, layout, levels and

materials. It shall also detail how that fits into a comprehensive movement network for the totality of the site and links off site.

b) Street furniture
c) Surface finishes
d) Signage
e) Security measures to prevent any unauthorised access.
f) Entrance gates and/or barriers
g) Drainage (including to roads, lorry and car parking areas, footways / cycleways); and
h) Timescale for the provision of this infrastructure

Reason: The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters. To ensure the comprehensive planning and design of the site and the timely delivery of infrastructure, in the interests of highway safety, amenity and sustainability.

31 Prior to the occupation of any building within each phase or sub phase of development a vehicle parking management plan in respect of that phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. Each vehicle parking management plan must demonstrate compliance with the Council's adopted parking policy or any subsequent parking standards document, and provide details of spaces allocated for:

a) Vehicle parking
b) Car club
c) Disabled Space Parking
d) Active electric vehicle charging points (to be a minimum of 20% of spaces)
e) Details of passive provision or electric vehicle charging infrastructure to all identified electric vehicle parking spaces.
f) No building within a phase shall be occupied until the approved details have been implemented in full. The ongoing approved details shall be implemented, and the facilities provided shall be serviceable and maintained at all times thereafter for the lifetime of the development.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

32 Prior to the commencement of the development on site, details of HGV and LGV routing plans (for both during construction and once the site becomes operational) shall be submitted to and agreed in writing by the Local Planning Authority. The subsequently agreed HGV and LGV routing plans shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interest of highway safety and efficiency to ensure that HGV and LGV vehicle movement do not severely adversely impact the local road network, in accordance with the requirements of chapter 9 of the NPPF.

33 The occupation of any individual or in combination floorspace in the development hereby permitted shall not at any time generate traffic exceeding the approved Initial Trip Cap (agreed via Condition 7) in the AM (8.00 to 9.00) or PM (17.00 to 18.00) peak at M2 Junction 1 northbound off slip and/or southbound on slip.

Reason: To ensure that the M2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

34 Prior to the first occupation of any floorspace on the development hereby permitted, a Monitor & Manage Framework shall be submitted to and approved in writing by the Local Planning Authority (who shall consult National Highways). The Framework shall set out the means by which it will be demonstrated that the approved Initial Trip Cap will not at any time be exceeded. Thereafter the approved Framework shall be implemented for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority (who shall consult National Highways). The Framework shall be based on the initial Trip Cap that shall be a total of 60 vehicle movements from either an individual or a combination of land uses or developments on the site.

Reason: To ensure that the M2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

35 Prior to the first occupation of any floorspace on the development hereby permitted a detailed Travel Plan, based on the approved Framework Travel Plan, to ensure the reduction of trips and promote active travel and covering staff and visitors, shall be submitted to and approved in writing by the Local Planning Authority and thereafter fully implemented. The Travel Plan shall include details regarding responsibilities and arrangements for monitoring, review, amendment, and effective enforcement of measures. Thereafter, all businesses occupying any part of the development shall be responsible individually and severally for the monitoring, review, amendment, and effective enforcement of the approved Travel Plan in perpetuity.

Reason: To ensure that the M2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

36 No phase of development shall be commenced until a Waste Management Plan (WMP) has been submitted to and approved in writing by the Local Planning Authority for that phase or sub phase. Each WMP shall include details of:

a) The anticipated nature and volumes of construction waste
b) Measures to minimise waste and maximise re-use
c) Measures to mitigate the risk of polluting ground water, water courses or sensitive receptors
d) Measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside that Phase
e) Any other steps to ensure the minimisation of waste during construction
f) The location and timing of provision of facilities pursuant to criteria (b), (c) and (d) above.

The implementation, management and monitoring of construction waste for each phase or sub phase shall be undertaken in accordance with the approved Waste Management Plan (WMP) for that phase.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

37 All facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls with covers. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow outlets shall be discharged downwards into the bund.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

38 Applications for approval of reserved matters for any phase or sub phase of development which includes a building shall include details of the ventilation and extraction equipment for that phase or unit The approved ventilation and extraction equipment shall be installed prior to occupation of that phase and shall be retained and maintained as such at all times thereafter.

Reason: In the interests of the amenity and ecology and air quality to mitigate the impact of development in accordance with the requirements of Policy BNE24 of the Medway Local Plan 2003 and paragraphs 153 and 186 of the NPPF.

39 No development within each phase or sub-phase which includes a building shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall provide full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE24 of the Medway Local Plan 2003.

40 Applications for the approval of reserved matters in relation a phase or subphase which includes a building shall be accompanied by a Climate Change and Energy Efficiency Statement. These details shall outline the measures the development would incorporate to address climate change. The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the approved statement. The development shall not be occupied within a phase or sub-phase until a verification report prepared by a suitably qualified professional has been carried out to demonstrate compliance. This shall then be submitted to and approved in writing by the Local Planning Authority after the construction of every phase of the development confirming that all the approved measures have been implemented within the phase to which it relates.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

41 No remediation within any phase of development approved by this planning permission shall commence upon each phase until a strategy to deal with the potential risks associated with any contamination of the site for that phase of development has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework

42 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

43 The cumulative noise rating level (LAr) associated with the development site shall not exceed 43dB at any noise sensitive premises during the operational phase. The measurement and assessment shall be made according to BS 4142:2014+A1:2019.

Reason: To ensure that the development has an acceptable impact on residential amenity and upon the nearby ecological designations.

44 An acoustic assessment of compliance with condition (01) shall be submitted to the Local Planning Authority prior to the bringing into use of any building hereby permitted Any provisions indicated in the assessment which need to be made to control noise emanating from the site pursuant to condition (01) shall be submitted in writing for the written approval of the Local Planning Authority and all works which form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority and thereafter maintained.

Reason: To ensure that the development has an acceptable impact on residential amenity and upon the nearby ecological designations.

45 Prior to the commencement of the energy production facility, the undertaker must submit to the relevant planning authority for approval a study which sets out arrangements for how the facility positively responds to the waste hierarchy and aims to minimise recyclable and reusable waste received at the authorised development during the commissioning and operational period of the authorised development (the "waste hierarchy study"). The waste hierarchy study must include details of:

(a) the criteria applied to securing appropriate waste supply agreements that source residual waste after recyclable and reusable waste has been removed;
(b) the auditing arrangement to be applied to the waste supply to ensure that feedstocks are appropriate quality and type (with appropriate reusable and recyclable waste removed from waste), including contractual measures to govern auditing, sampling and testing;
(c) details of the environmental management systems employed by waste suppliers;
(d) the arrangements (including timelines) put in place for suspending and/or discontinuing supply arrangements from commercial suppliers who fail to supply waste of an appropriate quality;
(e) details of the annual reporting which will be maintained by the operator of the facility and the analysis shall include waste quantities, types received, testing, audits, etc., with the reports submitted to the relevant planning authority annually, within one month from the end of the year (or within one month of a similar fixed point to be nominated by the operator and agreed with the relevant planning authority); and
(f) details of the operational records that will be kept for the purpose of maintaining compliance with the principles within the waste hierarchy study.

Reason: To ensure that the proposal is designed in such a way as to protect the waste hierarchy, and to provide a sustainable form of development within the site.

46 The Energy from Waste plant hereby permitted shall be built with appropriate provision to enable future heat export to relevant buildings within the MedwayOne Estate and other potential heat users, once they are operational. A report shall be prepared annually (until such time all available heat export is utilised) to assess the potential for commercially viable heat and export opportunities. Where appropriate commercial terms can be agreed, the heat export and associated district heating network shall be promptly installed, tested and commissioned enabling commercial operation. The operator shall maintain details of the heat production and performance achieved.

Reason: To ensure that the proposal is designed in such a way as to protect the waste hierarchy, and to provide a sustainable form of development within the site.

Your attention is drawn to the following informative(s) :-

1 In carrying out the development the developer shall have regard to the information provided within the following plans:

- Phasing Plan (RG-M-03)
- Site Location and Zones of Influence (Figure 8.1A)
- Site Appraisal Plan (LN-LP-04)
- Landscape Character Plan (LN-LP-012)
- Illustrative Layout Plan (RG-M-21-2)
- Illustrative Masterplan
- Visual Appraisal North (LN-LP-06)
- Visual Appraisal South (LN-LP-07)

2 Prior to the Occupation of any Building CCTV shall be installed and be operational and be retained and maintained at all times thereafter.

3 The Development shall be carried out with regard to the mitigation measures set out in the Environmental Statement submitted with this planning application.



David Harris
Head of Planning
Date of Notice 17 August 2023

TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS) (ENGLAND) (AMENDMENT) (REGULATIONS 2013)

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications.**

- However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
  - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
  - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
- Appeals must be made to the Planning Inspectorate and this can be done electronically via the GOV.UK website: https://www.gov.uk/appeal-planning-decision. If you are unable to appeal online, you can obtain a paper form from the Planning Inspectorate by contacting their Customer Support Team on 0303 444 5000.

Commercial Appeals Service

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

All other Minor and Major Applications

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notes

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

DATE: 16 AUGUST 2023

(1) MEDWAY COUNCIL

and

(2) UNIPER UK LIMITED

Town and Country Planning Act 1990
Section 106 Agreement

Land at Kingsnorth Power Station, Access Road,
Hoo St, Werburgh, Rochester

Bhupinder Gill
Assistant Director Legal and Governance
Medway Council
Gun Wharf
Dock Road
Chatham
ME4 4TR

Ref: JH/MPL023060
MC/21/0979

THIS DEED is made the 16 day of AUGUST 2023

1 PARTIES

1.1 **MEDWAY COUNCIL** ("the Council") whose address is Gun Wharf Dock Road Chatham ME4 4TR

1.2 **UNIPER UK LIMITED** (Company Registration No 02796628) ("the Owner") whose registered address is Compton House, 2300 The Crescent, Birmingham Business Park, Birmingham B37 7YE

together ("the Parties")

2 DEFINITIONS AND INTERPRETATION

2.1 In this Deed the following words and phrases shall have the following meanings:

"the Council's Costs"	means the sum of £1,500 (with no VAT) being payable being the agreed contribution to the Council's proper and reasonable costs in the preparation execution and registration of this Deed
"Commencement Date"	means the date on which the Commencement of Development occurs
"Commencement of Development"	means commencement of the Development on the Site by the carrying out of a material operation within the meaning of s.56(4) of the Planning Act but for the purpose of this definition the carrying out of any works of demolition, works of site clearance, ground investigation and site survey works, construction of boundary fencing or hoardings, construction of temporary accesses and/or highway works, archaeological investigation, site decontamination or remediation works landscaping works, laying of sewers and other services creation of site compounds and noise attenuation works shall not be deemed to be the carrying out of a material operation.
"Contribution"	means the financial contributions set out in the First Schedule
"Development"	means the development of the Site by the construction of flexible EG (iii)/B2/B8

	use class buildings, sui generis uses for energy uses and a lorry park, together with servicing, parking, landscaping, drainage, remediation, demolition and earthworks in accordance with the Planning Application
"Disputes Resolution Procedure"	means the procedure referred to in clause 6.9 and set out in the Third Schedule hereto
"Draft Conditions"	means the draft conditions to be attached to the Permission set out in the Fourth Schedule to this Deed
"Monitoring Officer Costs"	means the sum of £4,500 being the agreed contribution to the Council's proper and reasonable costs in monitoring compliance with the obligations and requirements contained in this Deed to be paid in accordance with clause 5.1.5
"Notice"	means a notice in the form which is attached to this Deed at Annex 1
"Occupation"	means physical occupation for the intended beneficial purpose but does not include occupation for the purposes of construction fitting- out decoration landscaping marketing sales security or management of any part of the Development and for the avoidance of doubt in the case of a sale of a freehold or a long leasehold interest to a third party Occupation commences on the date of legal completion of the sale rather than exchange of contracts
"Permission"	means the outline planning permission granted by the Council pursuant to the Planning Application
"Plan 1"	means the red line site plan annexed to this Deed
"Planning Act"	means the Town and Country Planning Act 1990 as amended
"Planning Application"	means the application for outline planning permission to carry out the Development on the Site and given reference MC/21/0979

"Section 73 Consent"	means a planning permission issued pursuant to an application to vary the Permission made under section 73 of the Planning Act
"Secretary of State"	means the Secretary of State for Levelling Up, Housing and Communities or other minister or other authority for the time being having or entitled to exercise the powers conferred on the Secretary of State for Levelling Up, Housing and Communities by the Planning Act.
"Site"	means the land known as Kingsnorth Power Station site, Access Road, Hoo St Werburgh, Medway ME3 9NQ and more particularly delineated edged red on the attached Plan 1
"Statutory Undertaker"	has the meaning given such term in the Planning Act and for the avoidance of doubt, shall include any public gas transporter water or sewerage undertaker electricity supplier or public telecommunications operator
"Trigger Date"	means each date upon which an event occurs that triggers the payment of any Contribution by the Owner and/or the coming into effect of any other obligation under this Deed

2.2 References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the Council to the body or bodies (as appropriate) having statutory responsibility for the relevant function in replacement for the Council

2.3 In the absence of any contrary provision any reference to a statute shall include any statutory extension modification or re-enactment of it and any statutory instrument direction order regulation or byelaw made or issued under the statute or deriving validity from it

2.4 Words importing the masculine gender shall include the feminine gender and the neuter and visa versa

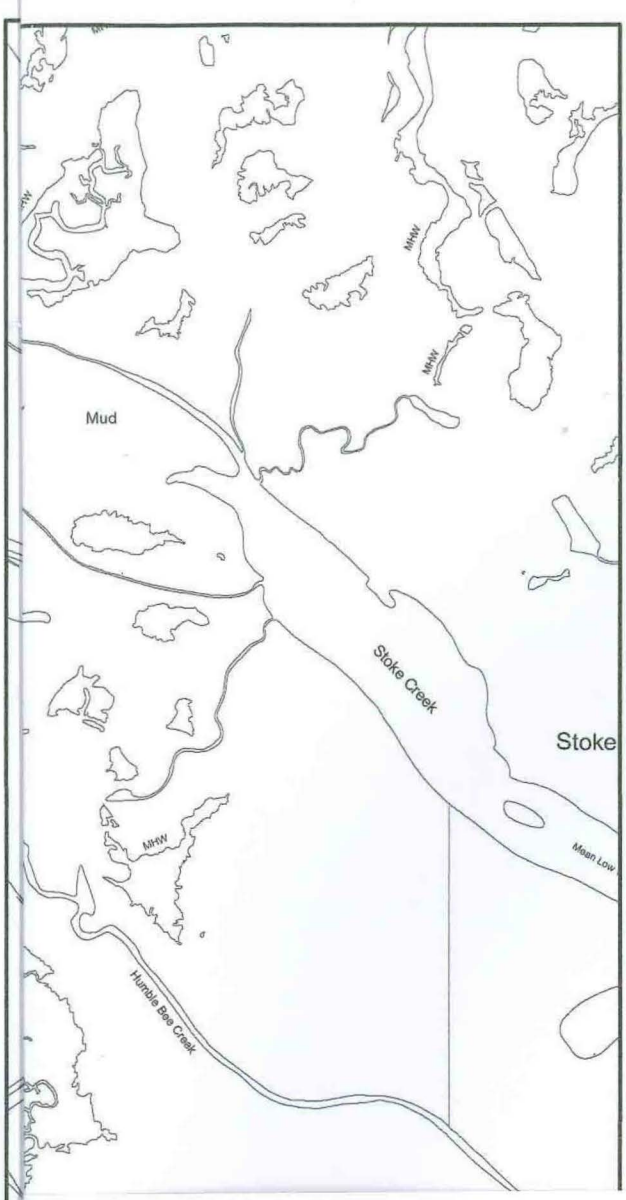
2.5 Words importing persons include companies, partnerships and corporations and vice versa

2.6 Unless the context otherwise requires words importing the singular shall include the plural and vice versa

2.7 Headings are for ease of reference only and shall not be construed as part of this Deed

The scaling of this drawing cannot be assured

Revision		Date	Drn	Ckd
C	Site Boundary Updated	15.01.21	SM	EH



Site Boundary
111.00Ha / 274.29Ac

Land Under Ownership
115.89Ha / 286.37Ac

[redacted]

[redacted]

4.4 The Owner and the Council agree the need for the planning obligations contained in this Deed both for the benefit of the Development and in the interest of proper planning of the area, and that they directly relate to the Development and fairly and reasonably relate in scale and kind to the Development and thus satisfy the requirements of s.106 of the Planning Act and Regulation 122 of the Community and Infrastructure Regulations 2010 as amended.

4.5 Subject to clause 7 nothing in this Deed shall be construed as prohibiting limiting or affecting any right to develop any part of the Site in accordance with a planning permission (other than the Permission) granted by the Council or the Secretary of State after the date of this Deed and for the avoidance of doubt any operations works or development in accordance with such a planning permission shall not constitute Commencement of Development under the terms of this Deed.

5 COVENANTS

5.1 The Owner's Covenants
The Owner covenants with the Council:

5.1.1 To observe the restrictions and perform the obligations set out in the First Schedule

5.1.2 To serve a separate Notice on the Council in relation to and in accordance with each of the following provisions in respect of each phase of the Development:

5.1.2.1 At least 28 days before the Commencement Date to serve notice of the proposed occurrence of the same
5.1.2.2 Within 14 days of the Commencement of Development to serve notice of the actual Commencement Date
5.1.2.3 Within 14 days of the first Occupation of the Development to serve notice of the actual date of first Occupation
5.1.2.4 (Save for Highways Trigger One and Highways Trigger Two) within 14 days of the occurrence of a Trigger Date to serve notice of the date of the relevant Trigger Date and details of the relevant event

5.1.3 To retain such records and information and within 14 days of receipt of a written request by the Council to provide the Council with such records and information as the Council may reasonably request to enable the Council to satisfy itself (acting reasonably) that the Owner is complying with all of its obligations under this Deed and the conditions attached to the Permission

5.1.4 To pay the Council's Costs on completion of this Deed

5.1.5 To pay the Monitoring Officers Costs on completion of this Deed

5.2 The Council's Covenants
The Council covenants with the Owner to perform the obligations set out in the Second Schedule

6 DECLARATIONS AND AGREEMENTS

6.1 Effective Date

The covenants contained in this Deed shall take effect on the date of this Deed other than those contained in the First Schedule and paragraphs 2 to 4 inclusive of the Second Schedule which shall take effect on the Commencement of Development or as otherwise stated in the aforementioned Schedules

6.2 Liability for Breach

No person shall be liable for a breach of a covenant contained in this Deed after that person has irrevocably parted with all their interest in the Site or in the part of the Site in respect of which such breach occurs but without prejudice to any subsisting breach of covenant prior to parting with such interest

6.3 Revocation Modification or Expiry of the Permission

Subject to clause 7 herein this Deed shall determine and cease to have any further effect if the Permission is revoked or modified by the Council pursuant to the Planning Act or by any Court without the written consent of the Owner or if the Permission expires before the Commencement of Development

6.4 Notices

6.4.1 Any Notice required under clause 5.1.2 shall be in the form attached to this Deed at Annex 1 and shall be deemed to be served if sent electronically to the address provided on the Notice or if delivered personally or sent by pre-paid first class recorded delivery or registered post to the address of the Council provided on the Notice

6.4.2 Any other notice consent or approval to be given under this Deed shall be in writing and shall be deemed to be served if delivered personally or sent by pre-paid first class recorded delivery or registered post to the address of the relevant party as described in clause 1 or such other address as shall have been notified in writing to the party giving the notice consent or approval and in the case of a notice to be served on the Council addressed to the Head of Planning quoting reference MC/21/0979

6.5 Approvals

Where any approval consent direction action or authority is required to be given by any of the parties hereto such approval consent direction action or authority shall not be unreasonably delayed or withheld and shall only be effective if given for the purposes of this Deed

6.6 Severance

If any provision in this Deed shall be held to be invalid illegal or unenforceable the validity legality and enforceability of the remaining provisions of this Deed shall not in any way be deemed thereby to be affected or impaired

6.7 Waiver by the Council

No waiver (whether express or implied) by the Council of any breach or default by another party in performing or observing any of the terms and conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said terms or

conditions which they are entitled to enforce or from acting upon any subsequent breach or default in respect thereto by that party

6.8 Registration as a Local Land Charge
This Deed is a Local Land Charge and shall be registered as such by the Council

6.9 Disputes Resolution

6.9.1 Any dispute between the parties under the terms of this Deed may be referred to an expert under the Disputes Resolution Procedure

6.9.2 The decision of any expert appointed under the Disputes Resolution Procedure shall be final and binding on all of the parties to the dispute except in the case of manifest error

6.10 Overdue Payment

6.10.1 Payments required to be made under the terms of this Deed shall for the purposes of this clause be deemed to fall due and to be payable on the date specified for payment in the relevant clause or if no date is specified in the relevant clause then such payment shall fall due 21 days after the occurrence of the relevant Trigger Date (in either case the "**Due Date**")

6.10.2 In the event of any delay in making the payment required under this Deed interest shall be payable on the amount payable at the rate of four percent above the National Westminster Bank plc base lending rate from time to time in force from the date that the relevant payment falls due to the date of actual payment

6.11 VAT

All sums due under this Deed are exclusive of VAT and the Owner shall pay to the Council in addition to any such sums any VAT properly payable in respect thereof

6.12 No Fettering of Discretion
Except in so far as is legally or equitably permitted nothing in this Deed shall not fetter prejudice or affect the exercise of any statutory or regulatory power duty or discretion of the Council

6.13 Variation
No variation or modification of this Deed shall be valid unless made by Deed and executed by the parties or their respective successors

6.14 Contracts (Rights of Third Parties) Act 1999
This Deed is not intended to confer any rights or benefit on a third party pursuant to the Contracts (Rights of Third Parties) Act 1999

6.15 Planning Permission
Nothing in this Deed is or amounts to or shall be construed as a planning permission or approval.

6.16 Jurisdiction
This Deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England

7 SECTION 73 CONSENT

In the event any Section 73 Consent is granted after the date of this Deed:

7.1 the obligations in this Deed shall relate to and bind such Section 73 Consent; and

7.2 the definitions of Planning Application, Permission and Development shall be construed to include reference to the planning application for the Section 73 Consent, the Section 73 Consent itself and the development permitted by the Section 73 Consent respectively

PROVIDED THAT

7.3 nothing in this clause shall fetter the discretion of the Council in determining the planning application for the Section 73 Consent and the appropriate planning obligations required in connection with the determination of the same;

7.4 to the extent that any of the obligations in this Deed have already been discharged at the date that a Section 73 Consent is granted they shall remain discharged for the purposes of the Section 73 Consent; and

7.5 the Parties acknowledge that the Council has the right to insist upon the completion of a separate planning obligation by deed of agreement in connection with any Section 73 Consent if the Council (acting reasonably) considers it desirable to do so

8 MORTGAGEE LIABILITY

The Council acknowledges that any mortgagee of the Site shall have no liability under this Deed unless it takes possession of the Site in which case it too will be bound by the obligations as if it were a person deriving title from the Owner

FIRST SCHEDULE

In this Schedule the following words and phrases shall have the following meanings:

"Bus Contribution"	means the sum up to a maximum of FOUR HUNDRED THOUSAND POUNDS (£400,000) if payable prior to first Occupation and prorated if payable at any of the review periods set out in paragraph 3 of part 2 of the First Schedule of this Deed to the Council to be applied towards sustainable transport solutions in respect of the Site
"Bus Period"	a period of 10 years from first Occupation of the Development
"Bus Service"	means the provision of a bus service between the hours of 07.00 to 09.55 and from 15.00 to 18.45 to and from the Site to Strood Railway Station and Rochester Railway Station as may be amended with the prior agreement of the Council in writing and or following each review as set out in paragraph 3 of Part 2 of the First Schedule of this Deed
"Bus Statement"	means a statement prepared by the Owner and submitted to the Council which confirms whether the Bus Contribution is a more sustainable solution than the Bus Service
"Drawing 1"	means the plan reference number 33410935.100.002 attached to this Deed at Annex 2
"Drawing 2"	means the plan reference number 33410935.100.004 attached to this Deed at Annex 3
"Drawing 3"	means the plan attached to this Deed at Annex 4
"Four Elms Roundabout Works"	means the works as illustrated on Drawing 1 annexed to this Deed
"HIF Development"	means highways works to be undertaken on the Hoo Peninsula secured through a Housing Infrastructure Fund bid
"Highways Agreement"	means an agreement under section 278 of the Highways Act 1980 or similar legislation

"Highways Contribution"	means the capped sum of THREE MILLION SIXTEEN THOUSAND TWO HUNDRED AND NINETY TWO POUNDS (£3,016,292) to be applied by the Council towards improvements to the highways network in the vicinity of the Development which may include the creation of new highways, improvements to existing highways and improvements to the strategic road network
"Highways Scenario One"	means the Development brought forward in isolation
"Highways Scenario Two"	means the Development brought forward at the same time as additional schemes are progressed in the vicinity of the Site
"Highways Scenario Three"	means the HIF Development has been completed, is under construction or confirmation has been provided by the Council that the HIF Development is programmed to commence
"Highways Trigger One"	means the traffic generated by the Development reaching 30% of the anticipated traffic movements (two-way traffic flows assessed pursuant to condition 34 of the Permission at the Site Gate
"Highways Trigger Two"	means the traffic generated by the Development reaching 60% of the anticipated traffic movements (two-way traffic flows assessed pursuant to condition 34 of the Permission at the Site Gate
"Main Road Hoo Roundabout Works"	means the works as illustrated on Drawing 2 annexed to this Deed
"Site Gate"	means the location marked as the site access gate in blue on Drawing 3 annexed to this Deed
"Travel Plan"	means the travel plan submitted pursuant to condition 35 of the Permission

The Owner for themselves and their successors in title covenants with the Council as follows:

Part 1
Highways Improvements

Notification

1. The Owner shall provide notification to the Council as soon as reasonably practicable of the date of Highways Trigger One and Highways Trigger Two.

Highways Trigger One

2. Following the date of Highways Trigger One the Council shall confirm to the Owner which one of the following has been triggered:

    a. Highways Scenario One; or

    b. Highways Scenario Two; or

    c. Highways Scenario Three.

3. If Highways Scenario One has been triggered pursuant to paragraph 2 above then the Owner shall enter into a Highways Agreement in respect of the Four Elms Roundabout Works.

4. If Highways Scenario Two has been triggered pursuant to paragraph 2 above then the Owner shall pay the Council up to 50 per cent of the Highways Contribution.

5. If Highways Scenario Three has been triggered pursuant to paragraph 2 above then the Owner shall pay the Council up to 50 per cent of the Highways Contribution.

6. The Owner shall only be obliged to pay a contribution pursuant to paragraphs 4 or 5 above if the Council has provided justification for each payment including confirmation of why the contribution is required and what schemes the contributions will be put toward as mitigation for the Development.

7. Any payment required pursuant to paragraphs 4 and 5 above shall be made within 30 days of a valid request from the Council.

Highways Trigger Two

8. Following the date of Highways Trigger Two the Council shall confirm to the Owner which one of the following has been triggered:

    a. Highways Scenario One; or

    b. Highways Scenario Two; or

    c. Highways Scenario Three.

9. If Highways Scenario One has been triggered pursuant to paragraph 8 above then the Owner shall enter into a Highways Agreement in respect of the Main Hoo Roundabout Works.

10. If Highways Scenario Two has been triggered pursuant to paragraph 8 above then the Owner shall pay the Council up to 50 per cent of the Highways Contribution.

11. If Highways Scenario Three has been triggered pursuant to paragraph 8 above then the Owner shall pay the Council up to 50 per cent of the Highways Contribution.

12. The Owner shall only be obliged to pay a contribution pursuant to paragraphs 10 or 11 above if the Council has provided justification for each payment including confirmation of why the contribution is required and what schemes the contributions will be put toward as mitigation for the Development.

13. Any payment required pursuant to paragraphs 10 and 11 above shall be made within 30 days of a valid request from the Council.

Part 2
Travel Plan

1. Pursuant to condition 35 of the Permission the Owner will submit a Travel Plan to the Council for approval.

2. Subject to paragraph 3 of this Part 2 of the First Schedule the Owner covenants with the Council that the Travel Plan will include the provision of the Bus Service for the Bus Period.

3. The Bus Service shall be subject to a review at the following times:
    a. Prior to first Occupation;
    b. 3 years post first Occupation;
    c. 6 years post first Occupation; and
    d. 9 years post first Occupation.

4. Upon each review in paragraph 3 of this part of the First Schedule the Owner shall submit a Bus Statement to the Council which shall confirm whether the Bus Service shall be provided or a Bus Contribution paid in lieu to the Council.

5. If the Bus Contribution is paid to the Council then the Owner's obligations under this Part 2 of the First Schedule of this Deed shall cease.

SECOND SCHEDULE
The Council's Covenants

1. To co-operate insofar as is reasonable with the Owner in the performance of the Owners obligations under this Deed

2. Not to use any Contribution other than for the purpose specified in this Deed in relation to that Contribution without the prior written consent of the Owner

3. At the Owner's request to return any part of the Contributions aforesaid which shall not have been used for the purposes set out above within a period of ten (10) years from the date of the payment of the relevant Contribution together with interest at the base rate prevailing from time to time of the National Westminster Bank plc calculated from the date of receipt of the relevant sum by the Council as evidenced by the Council's official receipt Provided That the Council shall not be obliged to return any part of any Contribution which has been spent or contractually committed prior to the date of the request

4. Upon receipt of any Contributions in the First Schedule hereto the Council shall if requested to do so supply (a) its written receipt for the aforesaid Contributions and (b) written confirmation that the relevant obligation(s) has been satisfied.

THIRD SCHEDULE
Dispute Resolution Procedure

1. General
All differences and questions that arise between the parties arising out of or connected with this Deed shall be referred to an expert

2. Choice of Expert
If the difference or question relates to the construction of rights and liabilities of any party or to the terms or conditions to be embodied in any deed or document appertaining thereto it shall be referred to a solicitor or barrister agreed upon by the parties but in default of agreement appointed at the request of any party by or on behalf of the Chairman from time to time of the Bar or any person in an equivalent subsequent role.

3. No Further Submissions
After delivery of counter submissions or (if none) after submission of written submissions no party shall be entitled to make any further submissions and the expert shall forthwith deliberate and deliver to every party to the dispute their decision in writing within a reasonable time of closing submissions or counter submissions

4. Restriction on Terms of Decision
The expert shall be restricted in settling the dispute to choosing between one of the proposals submitted by the parties or elements compatible with one another from the submissions of different parties to the dispute

5. Costs
Each Party shall bear their own costs except in so far as directed by the expert

FOURTH SCHEDULE
The Draft Conditions to be attached to the Permission

The imposition of the conditions as set out in the draft Planning Decision Reference MC/21/0979 attached to this Deed

DRAFT Decision Notice

MC/21/0979

Medway Council
Serving You

[redacted]
Barton Willmore LLP
26 Kings Hill Avenue
Kings Hill
West Malling
ME19 4AE

Applicant Name:
C/O Agent

Planning Service
Physical & Cultural Regeneration
Regeneration, Culture, Environment & Transformation
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
01634 331700
01634 331195
Planning.representations@medway.gov.uk

Town and Country Planning Act 1990

Location: Kingsnorth Power Station, Power Station Access Road, Hoo St Werburgh, Rochester, Medway

Proposal: Outline planning application with all matters reserved except access (to be taken from Eschol Road) for the construction of flexible EG (iii)/B2/B8 use class buildings, sui generis uses for energy uses and a lorry park, together with servicing, parking, landscaping, drainage, remediation, demolition and earthworks

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Notification of Grant of Planning Permission to Develop Land.

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS GRANTED PERMISSION for the development of land as described above in accordance with your application for planning permission received complete on 6 April 2021.

SUBJECT TO THE CONDITIONS SPECIFIED HEREUNDER:

1 Approval of the details of the layout, scale, appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development in any phase is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

2 Within 2 weeks following Commencement of the Development the Local Planning Authority shall be informed in writing of the Commencement date of the Development.

Reason: To ensure the commencement date is known for the benefit of conditions and planning obligations associated with this planning permission.

3 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. The first such application for approval shall be made to the Authority before the expiration of three years from the date of this permission with the final submission to be made within a period of 10 years from the date of this permission. The reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

5 Prior to the submission of or in conjunction with the submission of the first reserved matters application, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall:

- Define the extent of the area of each phase.
- Identify how the phase is severable from the rest of the development.
- Specify the order and timing of the proposed phases, which shall be shown sequentially starting with Phase 1 or any subsequent amendment that has been agreed in writing by the LPA.

The development shall be implemented in accordance with the approved Phasing Plan or any subsequent amendment that has been agreed in writing by the LPA.

Subsequent phases of development permitted under this permission may be carried out even if other phases of the site are developed under a subsequent or drop in planning permission.

Reason: This condition is required to ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure needs, landscaping /open space and access are all in a place relevant to each phase before further development is undertaken, in the interests of good design.

6 The Development shall be carried out in accordance with the following approved plans:

- Site boundary plan (RG-M-20 Rev C)
- Parameter Plan (RG-M-16 Rev N)

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved.

7 The development shall be restricted to the Initial Land Use and Initial Trip Cap parameters as identified in the Technical Note N13-SM-Initial Trip Cap (dated October 2022) prepared by Vectos.

The Initial Trip Cap and Initial Land Use parameters may be exceeded up to the maximum land use and trip parameters where;

i) Analysis is presented and agreed by National Highways that indicates acceptable effects at Junction 1 of the M2; or
ii) A scheme for enhancements to Junction 1 of the M2 has been agreed with National Highways and a programme for its delivery is in place.

Reason: To ensure that Junction 1 of the M2 continues to be an effective part of the Strategic Road Network for through traffic in accordance with section 10 of the Highways Act 1980, Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development', the National Planning Policy Framework and Planning Practice Guidance.

8 The proposed energy production unit shall produce sufficient energy only as required for the uses with the application site (as defined by the outline planning application). This permission allows for a baseline production figure of 27.5MW on the basis of the information submitted to date. No energy production above this figure shall take place upon the site, unless the applicant (or successors in title) provides the Council with evidence (which shall be approved in writing) as part of future reserved matters applications, that the uses on site will require a higher energy production. Evidence shall be submitted on each phase (or future unit) demonstrating why energy production will need to exceed 27.5MW across the whole site. Should this evidence be provided, and the Council be satisfied that greater energy production is required, expansion up to 49.9MW can take place within an agreed timescale.

Should there be any subsequent change to the uses within the application site (resulting in a lower energy need), the applicant (or successor in title) would be required to revert back to the lower energy usage.

Reason: To ensure that the proposal would only meet the energy requirements of this proposal and have no detrimental impact upon the waste hierarchy.

9 Notwithstanding the requirements of condition 8, the overall maximum production of electricity output from an energy production facility on the site shall not exceed 49.9MW.

Reason: To accord with the principles of the Environmental Statement and the evidence that underpins this application.

10 Notwithstanding the provisions of Part 7, Classes A, H, and L of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension subject of this permission shall be carried out without planning permission having been obtained from the Local Planning Authority.

Reason: Because any increase in Floorspace would lead to increased vehicle movements beyond that assessed in the Transport Assessment and this would have an impact upon the efficiency of the highway network, in accordance with Chapter 9 of the NPPF and T1 of the Medway Local Plan 2003

11 Applications for the approval of reserved matters in relation to appearance for any phase or sub-phase that includes a building shall include details and samples of all materials to be used externally. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity, in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

12 Notwithstanding the plans submitted, any reserved matters application which includes a building shall include details of the provision of a brick plinth on the proposed buildings unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity, in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

13 Applications for the approval of reserved matters in relation to landscaping for a phase or sub-phase shall include full details of both hard and soft landscape works, any items to be located within the public space of that phase or sub-phase and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; structures seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. Details of how the development will

enhance biodiversity to include (where applicable) green roof habitat, a native species planting and integrated bird nest bricks. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

14 Applications for the approval of reserved matters in relation to landscaping for a phase or sub-phase shall include full arboricultural details of:

a) A plan showing the location of all existing trees on site or on land adjacent (where the RPA is likely to fall within the application site) to the site which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. The plan shall provide a reference number for each tree and shall identify which trees are to be retained and the crown spread of each retained tree.
b) The species, diameter (measured in accordance with paragraph a), the approximate height and an assessment of the general state of health and stability of each retained tree.
c) Any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.
d) Any proposed alterations in existing ground levels and the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site where the alterations and/or excavations are within a distance of 5m; from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree.
e) The specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development. In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

15 Prior to the first occupation or use of any phase or sub-phase within the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, for a minimum period of five years, with arrangements for implementation and future review. The document shall also include an appendix incorporating product specification sheets for all street furniture, covering installation and maintenance requirements. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

16 No unit or phase shall be occupied or put into use until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment for each commercial unit shall be completed in accordance with the approved details before that commercial unit is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003

17 As part of each Reserved Matters application, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the Local Planning Authority. The strategy shall include the following:

- Description and evaluation of the habitat features to be created and managed.
- Aims and objectives of habitat creation.
- Appropriate management prescriptions for achieving the objectives.
- Constraints that might influence management.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be updated as necessary with each subsequent detailed application and implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

18 Prior to the installation of any external lighting within a phase or sub-phase details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on biodiversity, the landscaping of the site including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape and nearby residential properties, and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: To limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE12, BNE14, BNE34 and BNE39 of the Medway Local Plan 2003.

19 No development (except for demolition) shall take place within a phase or subphase until a Construction Environmental Management Plan (CEMP) in relation to that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include amongst other matters details of hours of construction working; measures to control noise and vibration affecting nearby residents; dust and air pollution control measures; pollution incident control, ecological mitigation measures indicated within the ecology report and site contact details in case of complaints. With regard to highways impact the CEMP should include numbers, frequency, type and routing of vehicles visiting the site and measures to ensure HGVs loads are adequately secured, and guided access/egress and parking arrangements. The construction works within that phase or subphase shall be undertaken in accordance with the approved CEMP.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, wildlife and to prevent detrimental impact on the strategic road network with regard to Policies T1, BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

20 During the period October to March inclusive, piling shall not take place that gives rise to noise that exceeds 70dB (LAmax) within the Medway Estuary & Marshes SSSI/SPA/Ramsar site in areas where wintering birds are active. Prior to the undertaking of any monitoring, a plan demarcating the area to be monitored and timetable for monitoring shall be submitted to the Local Planning Authority and agreed in writing. Monitoring shall thereafter be undertaken and appropriate mitigation shall be put in place during this period if required.

Reason: In order to protect over-wintering bird populations on the Medway Estuary & Marshes SSSI/SPA/Ramsar site.

21 Should periods of extreme cold occur during the period November to February, when the average daily temperature measured at the boundary between the site and the SSSI/SPA/Ramsar site falls below 0 degrees Celsius for a consecutive period of seven days or more, any construction activities that would result in noise levels exceeding 55dB (LAmax) within the Medway Estuary & Marshes SSSI/SPA/Ramsar site in areas where wintering birds are active shall cease. Monitoring shall be undertaken within the area identified in accordance with details to be submitted pursuant to condition 20 and appropriate mitigation would be put in place during this period if required.

Reason: In order to protect over-wintering bird populations on the Medway Estuary & Marshes SSSI/SPA/Ramsar site.

22 Notwithstanding the requirements of condition 18, from the commencement of works (including site clearance), all mitigation measures for breeding birds shall be carried out in accordance with the details in the Environmental Statement (December 2021) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure protection of the breeding birds in/around the site in accordance with Policy BNE37 of the Medway Local Plan 2003 and paragraph 180 of the National Planning Policy Framework 2021.

23 The proposed development shall be carried out in accordance with the findings of the Biodiversity Chapter of the ES (8A) as submitted in December 2021. The provisions of the LEMP shall accord with the requirements of this document when providing details of the suitable mitigation required.

Reason: In the interests of ensuring that the proposal has no adverse impact on biodiversity and ecology in accordance with BNE37 of the Medway Local Plan 2003 and paragraph 180 of the NPPF.

24 No development shall take place, within a phase or sub-phase, until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

25 No development shall take place within a phase or sub-phase until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction within the phase or sub-phase to which it relates. The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

i. Temporary drainage systems.
ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
iii. Measures for managing any on or offsite flood risk.

The development shall be undertaken in accordance with the approved details.

Reason: Required prior to commencement of development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of the National Planning Policy Framework 2021.

26 No development shall take place within a phase or sub-phase until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Those details shall include (if applicable):

i. a timetable for its implementation (including phased implementation where applicable).
ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the approved details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of National Planning Policy Framework 2021.

27 Applications for the approval of reserved matters in relation to layout for any phase or sub-phase that includes a building shall include details of cycle storage facilities for that phase or subphase. The cycle storage facilities (including the provision of individual lockers where appropriate) shall be implemented in accordance with the approved details prior to the occupation of that phase or sub-phase and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle storage facilities.

Reason: All new development requires provision of adequate accommodation for cycle storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003 and to ensure that development is sustainable.

28 The vehicle parking areas approved pursuant to condition 13 shall be provided, surfaced and drained prior to the first occupation of the phase or sub-phase to which it relates. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

29 Applications for the approval of reserved matters in relation to layout for any phase or sub-phase shall include details of refuse storage facilities including provision for the storage of recyclable materials for that phase or sub-phase. The refuse storage facilities shall be implemented in accordance with the approved details prior to the occupation of that phase or sub-phase and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for refuse storage facilities.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

30 Any application(s) for approval of Reserved Matters for a phase or sub phase in respect of 'Layout' shall include the following details in respect of that phase or sub phase:

a) Movement network including layout of internal roads, junctions, service roads and servicing areas, visibility splay(s), sightlines, accesses, turning space(s), footways, cycleways, crossings, any one-way operation, loading and unloading areas, construction details and road geometry. The details to be submitted shall include plans and sections indicating design, layout, levels and materials. It shall also detail how that fits into a comprehensive movement network for the totality of the site and links off site.
b) Street furniture
c) Surface finishes
d) Signage
e) Security measures to prevent any unauthorised access.
f) Entrance gates and/or barriers
g) Drainage (including to roads, lorry and car parking areas, footways / cycleways); and
h) Timescale for the provision of this infrastructure

Reason: The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters. To ensure the comprehensive planning and design of the site and the timely delivery of infrastructure, in the interests of highway safety, amenity and sustainability.

31 Prior to the occupation of any building within each phase or sub phase of development a vehicle parking management plan in respect of that phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. Each vehicle parking management plan must demonstrate compliance with the Council's adopted parking policy or any subsequent parking standards document, and provide details of spaces allocated for:

a) Vehicle parking
b) Car club
c) Disabled Space Parking
d) Active electric vehicle charging points (to be a minimum of 20% of spaces)
e) Details of passive provision or electric vehicle charging infrastructure to all identified electric vehicle parking spaces.
f) No building within a phase shall be occupied until the approved details have been implemented in full. The ongoing approved details shall be implemented, and the facilities provided shall be serviceable and maintained at all times thereafter for the lifetime of the development.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

32 Prior to the commencement of the development on site, details of HGV and LGV routing plans (for both during construction and once the site becomes operational) shall be submitted to and agreed in writing by the Local Planning Authority. The subsequently agreed HGV and LGV routing plans shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interest of highway safety and efficiency to ensure that HGV and LGV vehicle movement do not severely adversely impact the local road network, in accordance with the requirements of chapter 9 of the NPPF.

33 The occupation of any individual or in combination floorspace in the development hereby permitted shall not at any time generate traffic exceeding the approved Initial Trip Cap (agreed via Condition 7) in the AM (8.00 to 9.00) or PM (17.00 to 18.00) peak at M2 Junction 1 northbound off slip and/or southbound on slip.

Reason: To ensure that the M2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

34 Prior to the first occupation of any floorspace on the development hereby permitted, a Monitor & Manage Framework shall be submitted to and approved in writing by the Local Planning Authority (who shall consult National Highways). The Framework shall set out the means by which it will be demonstrated that the approved Initial Trip Cap will not at any time be exceeded. Thereafter the approved Framework shall be implemented for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority (who shall consult National Highways). The Framework shall be based on the initial Trip Cap that shall be a total of 60 vehicle movements from either an individual or a combination of land uses or developments on the site.

Reason: To ensure that the M2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

35 Prior to the first occupation of any floorspace on the development hereby permitted a detailed Travel Plan, based on the approved Framework Travel Plan, to ensure the reduction of trips and promote active travel and covering staff and visitors, shall be submitted to and approved in writing by the Local Planning Authority and thereafter fully implemented. The Travel Plan shall include details regarding responsibilities and arrangements for monitoring, review, amendment, and effective enforcement of measures. Thereafter, all businesses occupying any part of the development shall be responsible individually and severally for the monitoring, review, amendment, and effective enforcement of the approved Travel Plan in perpetuity.

Reason: To ensure that the M2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

36 No phase of development shall be commenced until a Waste Management Plan (WMP) has been submitted to and approved in writing by the Local Planning Authority for that phase or sub phase. Each WMP shall include details of:

a) The anticipated nature and volumes of construction waste
b) Measures to minimise waste and maximise re-use
c) Measures to mitigate the risk of polluting ground water, water courses or sensitive receptors
d) Measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside that Phase
e) Any other steps to ensure the minimisation of waste during construction
f) The location and timing of provision of facilities pursuant to criteria (b), (c) and (d) above.

The implementation, management and monitoring of construction waste for each phase or sub phase shall be undertaken in accordance with the approved Waste Management Plan (WMP) for that phase.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

37 All facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls with covers. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at

least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow outlets shall be discharged downwards into the bund.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

38 Applications for approval of reserved matters for any phase or sub phase of development which includes a building shall include details of the ventilation and extraction equipment for that phase or unit The approved ventilation and extraction equipment shall be installed prior to occupation of that phase and shall be retained and maintained as such at all times thereafter.

Reason: In the interests of the amenity and ecology and air quality to mitigate the impact of development in accordance with the requirements of Policy BNE24 of the Medway Local Plan 2003 and paragraphs 153 and 186 of the NPPF.

39 No development within each phase or sub-phase which includes a building shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall provide full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE24 of the Medway Local Plan 2003.

40 Applications for the approval of reserved matters in relation a phase or subphase which includes a building shall be accompanied by a Climate Change and Energy Efficiency Statement. These details shall outline the measures the development would incorporate to address climate change. The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the approved statement. The development shall not be occupied within a phase or sub-phase until a verification report prepared by a suitably qualified professional has been carried out to demonstrate compliance. This shall then be submitted to and approved in writing by the Local Planning Authority after the construction of every phase of the development confirming that all the approved measures have been implemented within the phase to which it relates.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

41 No remediation within any phase of development approved by this planning permission shall commence upon each phase until a strategy to deal with the potential risks associated with any contamination of the site for that phase of development has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
o all previous uses;
o potential contaminants associated with those uses;
o a conceptual model of the site indicating sources, pathways and receptors; and
o potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework

42 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

43 The cumulative noise rating level (LAr) associated with the development site shall not exceed 43dB at any noise sensitive premises during the operational

phase. The measurement and assessment shall be made according to BS 4142:2014+A1:2019.

Reason: To ensure that the development has an acceptable impact on residential amenity and upon the nearby ecological designations.

44 An acoustic assessment of compliance with condition (01) shall be submitted to the Local Planning Authority prior to the bringing into use of any building hereby permitted Any provisions indicated in the assessment which need to be made to control noise emanating from the site pursuant to condition (01) shall be submitted in writing for the written approval of the Local Planning Authority and all works which form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority and thereafter maintained.

Reason: To ensure that the development has an acceptable impact on residential amenity and upon the nearby ecological designations.

45 Prior to the commencement of the energy production facility, the undertaker must submit to the relevant planning authority for approval a study which sets out arrangements for how the facility positively responds to the waste hierarchy and aims to minimise recyclable and reusable waste received at the authorised development during the commissioning and operational period of the authorised development (the "waste hierarchy study"). The waste hierarchy study must include details of:

(a) the criteria applied to securing appropriate waste supply agreements that source residual waste after recyclable and reusable waste has been removed;
(b) the auditing arrangement to be applied to the waste supply to ensure that feedstocks are appropriate quality and type (with appropriate reusable and recyclable waste removed from waste), including contractual measures to govern auditing, sampling and testing;
(c) details of the environmental management systems employed by waste suppliers;
(d) the arrangements (including timelines) put in place for suspending and/or discontinuing supply arrangements from commercial suppliers who fail to supply waste of an appropriate quality;
(e) details of the annual reporting which will be maintained by the operator of the facility and the analysis shall include waste quantities, types received, testing, audits, etc., with the reports submitted to the relevant planning authority annually, within one month from the end of the year (or within one month of a similar fixed point to be nominated by the operator and agreed with the relevant planning authority; and
(f) details of the operational records that will be kept for the purpose of maintaining compliance with the principles within the waste hierarchy study.

Reason: To ensure that the proposal is designed in such a way as to protect the waste hierarchy, and to provide a sustainable form of development within the site.

46 The Energy from Waste plant hereby permitted shall be built with appropriate provision to enable future heat export to relevant buildings within the Medway One Estate and other potential heat users, once they are operational. A report shall be prepared annually (until such time all available heat export is utilised) to assess the potential for commercially viable heat and export opportunities. Where appropriate commercial terms can be agreed, the heat export and associated district heating network shall be promptly installed, tested and commissioned enabling commercial operation. The operator shall maintain details of the heat production and performance achieved.

Reason: To ensure that the proposal is designed in such a way as to protect the waste hierarchy, and to provide a sustainable form of development within the site.

Your attention is drawn to the following informative(s) :-

1 In carrying out the development the developer shall have regard to the information provided within the following plans:
- o Phasing Plan (RG-M-03)
- o Site Location and Zones of Influence (Figure 8.1A)
- o Site Appraisal Plan (LN-LP-04)
- o Landscape Character Plan (LN-LP-012)
- o Illustrative Layout Plan (RG-M-21-2)
- o Illustrative Masterplan
- o Visual Appraisal North (LN-LP-06)
- o Visual Appraisal South (LN-LP-07)

2 Prior to the Occupation of any Building CCTV shall be installed and be operational and be retained and maintained at all times thereafter.

3 The Development shall be carried out with regard to the mitigation measures set out in the Environmental Statement submitted with this planning application.



David Harris
Head of Planning
Date of Notice

IN WITNESS whereof this Deed has been duly executed as a Deed by the Parties the day and year first before written

THE COMMON SEAL of **MEDWAY**)
COUNCIL was hereunto affixed to)
This Deed in the presence of)



Authorised Signatory [redacted]

EXECUTED as a **Deed**)
By **UNIPER UK LIMITED**)
acting by two directors)
or a director and secretary)

[redacted]
Signature of director

[redacted]
Signature of director/secretary

ANNEX 1
Notice

To: Medway Council, Section 106/CIL Officer, The Planning Service, Dock Road, Chatham, ME4 4TR

Planning application number: MC/ / *[to be completed in full]*

Section 106 Agreement dated: *[to be completed in full]*

Development Site Address: *[to be completed in full]*

In accordance with the terms of the above section 106 Agreement, **I GIVE YOU NOTICE** that the following event has been reached *(please complete as appropriate)*

EITHER:

PRIOR TO COMMENCEMENT OF WORKS ON THE DEVELOPMENT ON SITE *(1)*

Work is expected to commence on the Development Site on *[insert date]*

(1) this notification should be sent at least 28 days prior to commencement of works on the Development Site as required under Clause 5.1.2 of the Section 106 Agreement

OR

WORKS HAVE COMMENCED ON SITE *(2)*

Work commenced on the Development Site on *[insert date]*

(2) this notification should be sent within 14 days after commencement of works on the Development Site as required under Clause 5.1.2 of the Section 106 Agreement

OR

A TRIGGER DATE(S) HAS OCCURRED *(3)*

Obligation type: *(insert each obligation)*
e.g. Education Contribution

Trigger Date: *(insert the date that each obligation was due to be paid or was due to come into effect)*
e.g. 1 March 2013

(3) this notification should be sent within 14 days after trigger date occurred as required under Clause 5.1.2 of the Section 106 Agreement

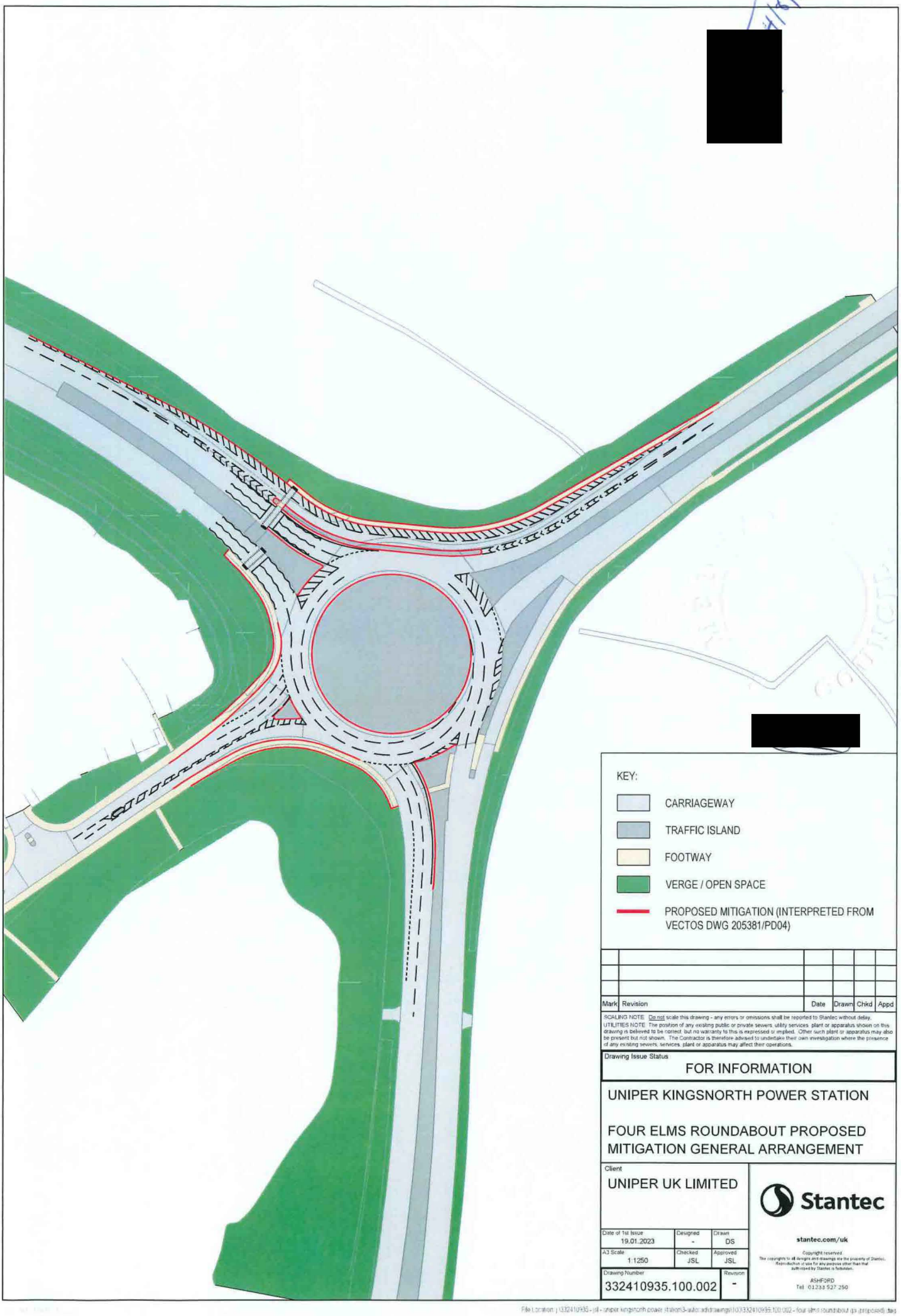
FROM:

Company/Owner/Payee:
Address *(required for invoicing):*
Email address:

Please send this notification to:
By email: S106@medway.gov.uk *(preferred option)*
By post: Section 106/CIL Officer, The Planning Service
Medway Council, Dock Road, Chatham, ME4 4TR

ANNEX 2
Drawing 1

[redacted]



[redacted]

KEY:

- CARRIAGEWAY
- TRAFFIC ISLAND
- FOOTWAY
- VERGE / OPEN SPACE
- PROPOSED MITIGATION (INTERPRETED FROM VECTOS DWG 205381/PD04)

Mark	Revision	Date	Drawn	Chkd	Appd

SCALING NOTE Do not scale this drawing - any errors or omissions shall be reported to Stantec without delay.
UTILITIES NOTE The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake their own investigation where the presence of any existing sewers, services, plant or apparatus may affect their operations.

Drawing Issue Status
FOR INFORMATION

UNIPER KINGSNORTH POWER STATION

FOUR ELMS ROUNDABOUT PROPOSED MITIGATION GENERAL ARRANGEMENT

Client
UNIPER UK LIMITED

Date of 1st Issue	Designed	Drawn
19.01.2023	-	DS
A3 Scale	Checked	Approved
1:1250	JSL	JSL
Drawing Number		Revision
332410935.100.002		-

Stantec

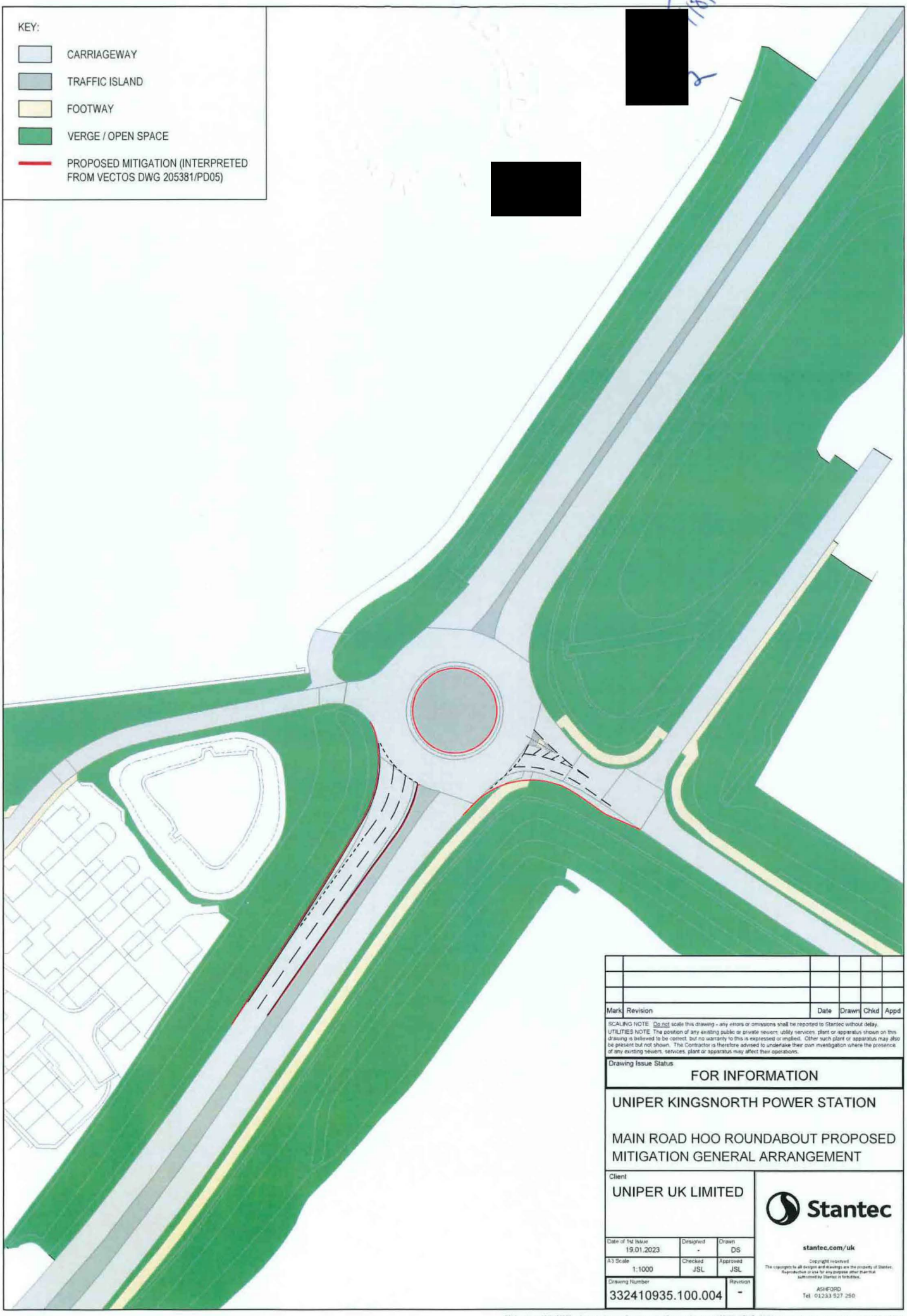
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File Location: j:\332410935 - jsl - uniper kingsnorth power station\3-autocad\drawings\100\332410935.100.002 - four elms roundabout ga (proposed).dwg

ANNEX 3
Drawing 2



Mark	Revision	Date	Drawn	Chkd	Appd

SCALING NOTE: Do not scale this drawing - any errors or omissions shall be reported to Stantec without delay.
UTILITIES NOTE: The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake their own investigation where the presence of any existing sewers, services, plant or apparatus may affect their operations.

Drawing Issue Status
FOR INFORMATION

UNIPER KINGSNORTH POWER STATION

MAIN ROAD HOO ROUNDABOUT PROPOSED MITIGATION GENERAL ARRANGEMENT

Client
UNIPER UK LIMITED

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ASHFORD
Tel: 01233 527 250

Date of 1st Issue	Designed	Drawn
19.01.2023	-	DS
A3 Scale	Checked	Approved
1:1000	JSL	JSL

Drawing Number	Revision
332410935.100.004	-

File Location: I:\332410935 - all - uniper kingsnorth power station\4-acad\drawings\100\332410935.100.004 - generate a w_main road hoo ga (proposed).dwg

ANNEX 4
Drawing 3

Site Access Gate

(+/- 1.0m)

(+/- 1.0m)

(+/- 1.0m)

(+/- 3.0m)

(+/- 3.0m)

Approximately 24m High

Burnt House Cottages

Eshcol Farm Cottages

ESHCOL ROAD

JACOB'S LANE

Burnt House Farm

Works

Track

Slipway

Sluice

Mean High Water

River Medway

[redacted]