

**ENERGY FROM WASTE COMBINED HEAT AND POWER FACILITY TO
HANDLE 245,000 TONNES OF WASTE PER ANNUM AND ASSOCIATED
DEVELOPMENT (“the Development”)**

SECTION 106 AGREEMENT

DRAFT HEADS OF TERMS

Community Infrastructure Levy Note

From 6 April 2010, as set out in the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) a planning obligation may only constitute a reason for granting planning permission for a development if the obligation meets all of the following tests:-

- It is necessary to make the development acceptable in planning terms;
- It is directly related to the development; and
- It is fairly and reasonably related in scale and kind to the development.

Further, a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure as defined in the CIL Regulations.

All of the obligations proposed below are considered capable of complying with the tests set out above in the CIL Regulations and as such can be incorporated into a Section 106 agreement.

Proposed Obligations

- 1 To provide connections to the existing heat and power distribution network in HM Naval Base Devonport concurrent with the construction of the EfW CHP facility and supply energy in the form of renewable heat and electricity generated from the EfW CHP facility subject to the terms of the existing Energy Supply Agreements in place with the relevant parties. MVV will also use reasonable endeavours to ensure that such heat and electricity is also made available to the Help for Heroes and DLCCP developments which are the subject of planning applications.
- 2 To work with the Council to develop further CHP and district heating opportunities in the City and to share expertise (NB MVV has already submitted an expression of interest in the Derriford/City Centre District Heating Project) including:
 - Provisions for monitoring the reduction in Dockyard energy usage and carbon emissions, resulting from the supply of heat and electricity by the EfW CHP facility.

- Subject to the EU procurement rules participation in the wider Plymouth district heating procurement process conducted by the Plymouth District Heating Procurement Partnership.
 - Subject to the results of a commercial feasibility study of district heating proposals for the supply to adjacent areas at Barne Barton (to be carried out by MVV within 12 months of granting of consent), to make proposals to deliver district heating and/or carbon reductions in neighbouring areas at Barne Barton.
 - Subject to the results of a commercial feasibility study of district heating proposals for the supply to adjacent areas at Keyham/St. Budeaux/Weston Mill/Devonport (to be carried out by MVV within 12 months of granting of consent), to make proposals to deliver district heating connections or make future provision for connection with existing or new developments at Keyham/St. Budeaux/Weston Mill/Devonport.
- 3 To support a local employment scheme [requirement for contractors to provide opportunities for training of local apprentices], which will set out mechanisms for securing the use of local labour, contractors and goods and services where appropriate during the construction and operation of the project.
 - 4 To provide reasonable sponsorship of up to 5 apprenticeships per annum in the City including supporting placements with the City College Plymouth and Plymouth University during the operational life of the EfW CHP facility.
 - 5 To employ a full time Community Liaison Manager to educate the local community on recycling and support SWDWP's work to achieve a per capita reduction in waste arisings within the Partnership area and to achieve a combined waste recycling and composting rate of 50%.
 - 6 To set up a Community Fund and to contribute £52,000 per annum. The Community Fund shall be used for specific purposes as defined in the Section 106 Agreement to be similar to those used for the Landfill Tax Credit Scheme and will be managed by the Developer and the Council who shall jointly consult with the Local Liaison Committee on the application of the funds.

- 7 To make the Visitors Centre within the EfW CHP facility available for reasonable local community use for the operational life of the project.
- 8 To create a dedicated web site for the Development, such web site to include Specified Information to be defined in the Section 106 Agreement but including at least monitoring data on the emissions from the Development.
- 9 The Local Liaison Committee has already been established as part of the pre-application consultation strategy. An obligation will be included to ensure that the Local Liaison Committee will continue to exist and shall consist of a maximum of 15 members from within 5 miles of the Development site, will meet on a regular basis to discuss site operations and advise on apportionments of the Community Fund for specific projects.
- 10 Subject to the approval of the Ministry of Defence, within 6 months of the opening of the EfW CHP facility to dedicate the Open Green Space adjacent to Savage Road as shown on the Drawings [to be defined as edged green on a Plan] to the Council [or such other body as may be agreed] provided that the Council [or such other body] shall be obliged to neither use nor permit to be used the Open Green Space other than as amenity areas for the use of the public; and to provide a commuted sum of £[yy] for the maintenance of the said land.
- 11 To implement, and maintain for the life of the Development a woodland management scheme to enhance Blackies Wood and land adjoining Weston Mill Creek (areas to be defined on a Plan) with managed public access including;
 - retain existing vegetation where possible;
 - reinforce existing vegetation groups with additional tree and shrub planting;
 - provide planting to enhance the local and distant views of the development;
 - provide footpaths provided that such paths shall not be classed as public rights of way;
 - remove or make safe potentially dangerous trees;
 - integrate and screen structures with enveloping woodland / tree and shrub planting;

- design a wildlife pond to appear as a 'natural' feature with maximum habitat diversity;
 - provide screening for residential properties where appropriate and practical with planting and earthworks;
 - use a mix of ecologically appropriate plant material and ornamental plant material robust enough to tolerate the conditions of the site;
 - ensure that planting is compatible with mitigation proposed by other specialists and combine benefits where possible (e.g. ecology);
 - grade-out earthworks in order to integrate the proposed development into the surrounding landscape levels;
 - retain, create and protect invertebrate habitat as part of the main construction works,
 - install x bat boxes; y bird nesting boxes, and
 - subject to MOD approval on land to the east of the facility clean out the water courses of Barne Brake and Weston Mill Creek and erect a wildlife viewing platform outside the facility close to the pond.
- 12 To remove marine litter from Weston Mill Creek and to enhance its appearance and to monitoring water quality by funding the management of the existing water quality buoy (just off Weston Mill Lake).
- 13 To make an appropriate financial contribution towards the cost of any works considered necessary to improve the Weston Mill Drive and Carlton Terrace junction provided that such contribution shall not exceed [5%] of the cost of such works as are actually carried out or £[100,000] whichever is the lower; to be contributed only when the Weston Mill Local centre is developed and if a junction improvement at Weston Mill Drive / Carlton Terrace is a requirement of that development.
- 14 To make a contribution to road safety and road noise reduction schemes within 0.5 km of the site provided that the contribution does not exceed £[50,000] and that the schemes are carried out within 5 years of the commencement of the permitted development.

- 15 To implement and maintain a Travel Plan for the Development which shall include measures to promote sustainable travel to and from the Development including the provision of a cycle shed and showers on the Site; a cycle track along the site access road as far as the connection to the junction with the MoD access road to the Camel's Head Gate and setting up a car sharing club; and providing subsidised bus season tickets for employees from the Plymouth area.
- 16 To pay for reasonable modifications including dropped curbs and disabled crossing to the Wolseley Road/Camel's Head Gate junction to improve pedestrian access and enable employees to walk to work up to a limit of £[xx].
- 17 In the event that agreement with relevant landowners can be secured the Developer shall provide funding up to a limit of £x to be used for appropriate planting of vegetation and trees to be provided on specified sites as agreed between the Developer and the Council to further mitigate and improve the view of the EfW CHP facility from various locations.
- 18 To carry out monitoring of noise levels at specified nearby receptors to be agreed between the Developer and the Council during the construction period and for the first year of the operation of the EfW CHP facility and to compare the actual contribution of that noise to the predicted contributions, and if the actual noise exceeds the maximum allowed increases in noise levels as are specified in any relevant planning condition to take appropriate measures to reduce the impact on those receptors to the specified maximum allowed increases.