

Cornwall Council

Council Offices County Hall Treyew Road Truro
TR1 3AY

Tel: 01872 322611

Email: planning.county@cornwall.gov.uk Web: www.cornwall.gov.uk



Application number: PA10/04671

Agent: Terence O'Rourke Ltd
Everdene House
Deansleigh Road
Bournemouth
Dorset
BH7 7DU

Applicant: EGS Energy Limited
13 North Parade
Penzance
Cornwall
TR18 4SL

Town And Country Planning Act 1990 (As Amended)
Town And Country Planning (Development Management Procedure) (England)
Order 2010

Grant of Conditional Planning Permission

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY GRANTS CONDITIONAL PERMISSION**, subject to the conditions set out on the attached schedule, for the development proposed in the following application received on 6 August 2010 and accompanying plan(s):

Description of Development: Hybrid planning application for an engineered deep Geothermal Energy Facility. Full planning application for hardstanding, two 4.5km deep wells, drilling rig and ancillary plant, mud lagoon, cuttings pit, means of access, and ancillary infrastructure. Outline planning application for power plant and ancillary infrastructure, office, storage, water supply connection, electricity and heating connection to The Eden Project Energy Centre, landscape and habitat strategy, and ancillary infrastructure

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.



Phil Mason
Head of Planning and Regeneration

DATED: 16 December 2010

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA10/04671

Location of Development: The Eden Project
Bodelva Road
Bodelva
Par
Cornwall
PL24 2SG

Parish: Treverbyn



Phil Mason
Head of Planning and Regeneration

DATED: 16 December 2010

CONDITIONS:

- 1 The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this decision. The operators shall submit the date of commencement in writing to the Local Planning Authority (LPA) within 7 days of the development commencing.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The application for approval of reserved matters, in relation to the Geothermal Power Station, shall be submitted to the LPA before the expiration of three years from the date of this decision. The development of the Geothermal Power Station shall not commence until the reserved matters have been agreed in writing by the LPA. The reserved matters are;
- a) The siting of all buildings, structures, hard-standings, plant and machinery, roadways, accesses and fencing;
 - b) The design and external appearance including full dimensions of all buildings, structures and plant and machinery, (including details of the colour, materials and finish to be used);
 - c) Landscaping proposals including an accurate plan showing the position, type and spread of all existing trees on the site and a schedule detailing the size and condition of each tree and the measures proposed for its protection and appropriate additional planting;
 - d) The finished levels (above ordnance datum) of both the ground floor of all buildings, structures, plant and machinery and surrounding ground levels;
 - e) The provision of foul sewers and surface water drains;
 - f) The alignment, height and materials of all walls and fences and other means of enclosure;
 - g) The provision to be made for access, parking, turning, loading and unloading of vehicles;
 - h) The provision of external lighting;
 - i) Details of all machinery, plant and equipment to be installed in or located on the approved site, which is audible outside of the site boundary when in use, shall be submitted in writing to the LPA. These details shall include maximum sound levels (LA max (f)) and average sound levels (LAeq) and any proposed mitigation measures. Any approved noise mitigation measures shall be fully implemented and operational before the associated machinery, plant and equipment.



Phil Mason
Head of Planning and Regeneration

DATED: 16 December 2010

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA10/04671

- j) A timetable for the construction of the Geothermal Power Station and method of construction including details of traffic movements associated with its construction and operation.

The development of the Geothermal Power Station must be begun before the expiration of two years from the date of approval of the last of the reserved matters and shall be carried out in accordance with the approved reserved matters.

Reason: To control the extent of the development in accordance with the provisions of Circular 11/95 and to comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 Prior to the commencement of drilling operations, unless otherwise agreed in writing by the LPA, the operators shall have submitted to, and had approved in writing by the LPA, full details of the microseismic survey. This shall include the location of the microseismic network and shall provide for the opportunity to amend the location of sensors if required by the LPA. The records from the network shall be provided to the LPA following receipt by the LPA of a complaint regarding a possible seismic event. The survey shall include full details of the control measures to be implemented should any potentially damaging seismic trends become apparent. Following the approval of the LPA the microseismic survey shall be undertaken throughout the operational life of the development and the results of the monitoring shall be submitted annually to the LPA, or within five working days of a written request for such information.

Reason: To minimise the potential for pollution and disturbance to local amenity.

- 4 Prior to the construction of the drilling rig, the operators shall have submitted to, and had agreed in writing by the LPA, full details of the drilling rig to be used on the site including height, appearance, materials and colour. The drilling rig shall be no more than 55m in height and the drilling rig erected shall be in accordance with the agreed details.

Reason: To control the extent of the development in accordance with the provisions of Circular 11/95 and to comply with Section 92(2) of the Town and Country Planning Act.



Phil Mason
Head of Planning and Regeneration

DATED: 16 December 2010

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA10/04671

- 5 Prior to the commencement of development the operators shall have submitted to and had approved in writing by the LPA a scheme for the provision of surface water management. The scheme shall include:
- a) Ground investigation results to assess the appropriateness of infiltration drainage;
 - b) Details of the drainage during the construction phase;
 - c) A timetable of construction;
 - d) A construction quality control procedure;
 - e) Details of the final drainage scheme;
 - f) Provision for overland flow routes from surface water and the watercourse and;
 - g) A plan for the future maintenance and management of the system.

The scheme shall thereafter be managed and maintained in accordance with the approved details for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal.

- 6 Prior to the commencement of development, the operators shall have submitted to, and had agreed in writing by the LPA, a Construction Traffic Management Plan and programme of works. The Plan shall include construction vehicle details (number, size and type), vehicular routes, delivery hours and contractor's arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall be carried out in accordance with the approved Plan at all times during the construction period as defined in Condition 15.

Reason: To minimise the potential for pollution and disturbance to local amenity.

- 7 Prior to the commencement of development the operators shall have submitted, and had agreed in writing by the LPA, a Construction Environment Management Plan (CEMP). This shall include details showing how emissions to air, water and soils are controlled and how pollution would be prevented and the responses necessary should prevention measures fail. The CEMP shall include a section for the statutory site waste management plan and a Construction Method Statement



Phil Mason

Head of Planning and Regeneration

DATED: 16 December 2010

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA10/04671

detailing how the development would be constructed. The development shall take place in accordance with the approved CEMP.

Reason: To minimise the potential for pollution and disturbance to local amenity.

- 8 Prior to the commencement of development, the operators shall have submitted and had agreed in writing by the LPA a timetable and details of arrangements for a regular local liaison group meeting. The operators shall be responsible for convening and hosting these meetings, taking minutes and distributing papers. The details shall include the constitution of the Group and frequency of meetings. The meetings shall take place in accordance with the approved details.

Reason: To minimise the potential for pollution and disturbance to local amenity.

- 9 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 LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this contamination shall be dealt with.

Reason: In order to protect against the release of potential contaminants that may be present on the site.

- 10 Unless otherwise agreed in writing with the Local Planning Authority (LPA), or required by the further conditions below, the development shall take place in strict accordance with the submitted details and following drawings and details: -

Figure SLP1	(Location Plan)
Drawing 224001/10/003A	(Typical ground works cross sections)
Drawing 224001/10/004A	(Building/plant heights plan)
Drawing 224001/10/005A	(Planning application approach)
Drawing 224001/10/001G	(Proposed Site Plan incorporating landscaping and habitat strategy)

Paragraphs 7.1.2 to 7.1.3 and 7.1.6 to 7.1.8 of the Final Protected Species Report dated October 2010 (Bats)

Paragraphs 7.2.6 and 7.2.8 to 7.2.10 of the Final Protected Species Report Dated October 2010 (Dormice)



Phil Mason

Head of Planning and Regeneration

DATED: 16 December 2010

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA10/04671

Paragraph 7.3.1 of the Final Protected Species Report dated October 2010 (Birds)

Paragraphs 7.4.1 to 7.4.2 of the Final Protected Species Report dated October 2010 (Reptiles)

Section 5 of the Biodiversity Impact Assessment and Mitigation Strategy.

Reason: To control the extent of the development in accordance with the provisions of Circular 11/95 and to comply with Section 92(2) of the Town and Country Planning Act.

- 11 All trees, hedges and associated vegetation not scheduled for removal during the development of the site shall be protected from damage or disturbance for the duration of the construction works on site in accordance with BS5837:2005 (Trees in relation to construction). There shall be no topping or lopping of such trees unless with the prior written approval of the LPA.

Reason: To achieve a satisfactory restoration.

- 12 The noise emissions from the enabling works (Site preparation, construction, equipment and associated infrastructure importation, erection and export and drilling rig importation, erection and export) shall not exceed 65dB LAeq, 1 hour as measured 1 metre from the façade of any noise-sensitive receptor during normal working hours.

Reason: To minimise the potential for pollution and disturbance to local amenity.

- 13 The noise emissions from drilling operations shall not exceed 45dB LAeq, 1 hour as measured 1 metre from the façade of any noise-sensitive receptor at any time.

Reason: To minimise the potential for pollution and disturbance to local amenity.

- 14 The noise emissions from operations of the geothermal plant excluding drilling operations shall not exceed 30dB LAeq, 1 hour as measured 1 metre from the façade of any noise-sensitive receptor at any time.

Reason: To minimise the potential for pollution and disturbance to local amenity.



Phil Mason

Head of Planning and Regeneration

DATED: 16 December 2010

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA10/04671

- 15 Unless otherwise agreed in writing by the LPA, no construction or enabling works excluding drilling operations shall take place except between the following hours: -
- Between 07:00 and 19:00 Monday to Fridays inclusive.
Between 07:00 and 13:00 Saturdays.
- With the exception of drilling operations, there shall be no working on Sundays, Bank Holidays or Public Holidays.
- Reason: To minimise the potential for pollution and disturbance to local amenity.
- 16 Best practicable means shall be employed at all times to ensure that vehicles leaving the site during construction and operational periods and which enter the public highway are in a condition such as not to emit dust or deposit mud, slurry or other debris.
- Reason: In the interests of highway and pedestrian safety.
- 17 There shall be no lighting of the approved development areas except in accordance with details to be agreed in writing with the LPA. Any approved lighting shall be positioned so as not to cause glare or annoyance to local residents or users of the adjacent public highway.
- Reason: To minimise the potential for pollution and disturbance to local amenity.
- 18 All practicable means shall be employed by the operators for preventing and minimising the emission of dust, fumes, odour or the creation of vibration during the approved use of the site. Vehicles, plant and machinery operated within the site shall be fitted with silencers in accordance with the manufacturer's specifications and shall be maintained to their specification at all times.
- Reason: To minimise the potential for pollution and disturbance to local amenity.
- 19 Stone removed from hedges should be retained on site for re-use in the provision of the new hedges in accordance with a scheme to be approved in writing with the LPA. The scheme shall identify the locations for stone removal, locations for



Phil Mason

Head of Planning and Regeneration

DATED: 16 December 2010

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA10/04671

new hedges and internal storage locations. Stone removal and refuse shall be carried out in accordance with the approved scheme.

Reason: To achieve a satisfactory restoration.

- 20 During the operation of the site, noxious weeds in particular Ragwort and Japanese Knotweed shall not be allowed to colonise the site. Recognised control measures shall be implemented as soon as is practicable following initial infestation until clearance has been achieved.

Reason: To achieve a satisfactory restoration.

- 21 All available soils shall be stripped from the development areas. Topsoil and subsoil shall be stripped and stored separately for subsequent re-use in profiling the site in accordance with details to be agreed in writing with the LPA.

Reason: To achieve a satisfactory restoration.

- 22 At such time as the development is not used for the purposes hereby approved, all buildings, structures, hard-standings, plant and machinery, roadways and fencing shall be removed and the land restored in accordance with details to be agreed in writing by the LPA.

Reason: To achieve a satisfactory restoration.



Phil Mason
Head of Planning and Regeneration

DATED: 16 December 2010

REASON(S) FOR APPROVAL:

The proposal would provide technology for renewable energy production thereby reducing dependency on existing non-renewable energy sources.

In regard to the Cornwall Structure Plan 2004 (CSP) objectives for landscape it is concluded that whilst there would be some visual impact from the drilling rig, these would be temporary and not be of overriding significance. Issues regarding the impact on local amenity in relation to noise during construction and drilling would be limited in time and potential noise from operations could be controlled by planning condition. Subject to the imposition of appropriate conditions, the proposals are considered acceptable in respect of the provisions of CSP Policy 3. Subject to appropriate mitigation and the recommended conditions, the proposed development is considered to be acceptable in relation to these policies. The development would assist in contributing towards renewable energy generation, maximizing environmental and economic benefits whilst minimising adverse local impacts.

RELEVANT PLANNING POLICIES:

While affording limited statutory weight to the planning assessment, there are a range of International and European policy drivers that are relevant to the consideration of renewable energy developments.

Under the Kyoto Protocol 1997, the UK has agreed to reduce emissions of the basket of six greenhouse gases by 12.5% below 1990 levels by the period 2008-12. Under the Copenhagen Accord (2010) the UK, as part of the EU, has since agreed to make further emissions cuts of between 20 and 30% by 2020 on 1990 levels (the higher figure being subject to certain caveats). This agreement is based on achieving a reduction in global emissions to limit average increases in global temperature to no more than 2°C. The draft European Renewable Energy Directive 2008 states that in 2007 the European Union (EU) leaders had agreed to adopt a binding target requiring 20% of the EU's energy (electricity, heat and transport) to come from renewable energy sources by 2020. This Directive is also intended to promote the use of renewable energy across the European Union. In particular this Directive commits the UK to meet 15 percent of its total energy from renewable sources by 2020.



Phil Mason
Head of Planning and Regeneration

DATED: 16 December 2010

At the National level there are a range of statutory and non statutory policy drivers and initiatives which are relevant to the consideration of this planning application. The 2008 UK Climate Change Bill increases the 60% target in greenhouse gas emissions to an 80% reduction by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008 Building a Low Carbon Economy provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in the above Renewable Energy Directive. The RES envisages more than 30% of the UK electricity generated from renewable sources.

The 2003 Energy White Paper provides a target for 40% of national electricity to be generated from renewable sources by 2050, with interim targets of 10% by 2010 and 20% by 2020. The 2007 Energy White Paper contains a range of proposals which address the climate change and energy challenge by reducing the demand for energy, by securing a mix of clean, low carbon energy sources and by streamlining the planning process for energy projects. The Planning and Energy Act 2008 is also relevant in that it enables Local Planning Authorities (LPAs) to set requirements for energy use and energy efficiency in local plans.

National planning policy in the form of Planning Policy Statement 22: Renewable Energy (2004) requires that the environmental and economic benefit of renewable energy projects be given significant weight as material considerations for the determination of planning applications. The supplement to Planning Policy Statement 1: Planning for a Changing Climate (2007) also requires development to make a full contribution to delivering the Governments Climate Change Programme and energy policies.

In March 2010 a draft Planning Policy Statement was issued for consultation (Planning Policy Statement 1: Planning for a Low Carbon Future in a Changing Climate). This draft reiterates the weight to be given to the environmental, social and economic benefits associated with renewable energy developments and sets out the role for development management decisions in supporting the transition to a low carbon future in a changing climate. The draft also stipulates that development management should not prevent, delay or inhibit proposals for renewable and low carbon energy, and associated infrastructure, which could be permitted having regard to the objectives and policies within the Planning Policy Statement.



Phil Mason

Head of Planning and Regeneration

DATED: 16 December 2010

The draft Planning Policy Statement makes it clear that local planning authorities should not refuse planning permission for a renewable energy project because a renewable energy target set has been reached; but where targets have not been reached this should carry significant weight in favour of proposals when determining planning applications.

PPS 7: Sustainable Development in Rural Areas (2004) advises that planning applications should recognise the need to protect natural resources, and provide for sensitive exploitation of renewable energy sources.

Cornwall Structure Plan 2004 (CSP).

Policy 1 (Principles for Sustainable Development) requires that development should be compatible with the conservation and enhancement of Cornwall's character and distinctiveness. This is backed up by the need to ensure the prudent use of resources and the conservation of natural and historic assets.

Policy 2 (Character Areas, Design and Environmental Protection) argues in favour of the protection and enhancement of the natural and built environment.

Policy 3 (Use of Resources) sets out ways in which development must contribute to the prudent use of resources while making the best use of existing land and buildings. Furthermore, this Policy encourages energy conservation and the utilisation of renewable energy sources.

Policy 7 (Renewable Energy Resources) indicates that provision should be made for renewable energy generation to maximise environmental and economic benefits whilst minimising any adverse local impacts.

Policy 27 (Transport Strategies and Proposals) seeks to reduce the adverse effects of transport upon health and the natural and built environment.

National Policy Guidance

Planning Policy Statement 1 (Delivering Sustainable Development). One of the objectives of which is ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities.

Planning Policy Statement 5 (Planning for the Historic Environment) sets out planning policies on the conservation of the historic environment and requires local planning authorities to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset)



Phil Mason

Head of Planning and Regeneration

DATED: 16 December 2010

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA10/04671

Planning Policy Statement 23 (Planning and Pollution Control) confirms that any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to an impact on health, is capable of being a material planning consideration, in so far as it arises or may arise from any land use.

Planning Policy Guidance 24 (Planning and Noise) gives guidance to local authorities in England on the use of their planning powers to minimise the adverse impact of noise and builds on the advice previously contained in DOE Circular 10/73. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which will generate noise. Furthermore, it introduces the concept of noise exposure categories for residential development, encourages their use and recommends appropriate levels for exposure to different sources of noise and advises on the use of conditions to minimise the impact of noise.

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Figure SLP1	(Location Plan)
Drawing 224001/10/003A	(Typical ground works cross sections)
Drawing 224001/10/004A	(Building/plant heights plan)
Drawing 224001/10/005A	(Planning application approach)
Drawing 224001/10/001G	(Proposed Site Plan incorporating landscaping and habitat strategy)

Paragraphs 7.1.2 to 7.1.3 and 7.1.6 to 7.1.8 of the Final Protected Species Report dated October 2010 (Bats)

Paragraphs 7.2.6 and 7.2.8 to 7.2.10 of the Final Protected Species Report Dated October 2010 (Dormice)

Paragraph 7.3.1 of the Final Protected Species Report dated October 2010 (Birds)

Paragraphs 7.4.1 to 7.4.2 of the Final Protected Species Report dated October 2010 (Reptiles)

Section 5 of the Biodiversity Impact Assessment and Mitigation Strategy.



Phil Mason

Head of Planning and Regeneration

DATED: 16 December 2010

ANY ADDITIONAL INFORMATION:

Definition

Section 79(9) of the Environmental Protection Act 1990

'Practicable means' reasonably practicable having regard amongst other things to local conditions and circumstances; the current state of technical knowledge and to the financial implications. The means to be employed shall include the design, installation, maintenance and manner and periods of operation of plant and machinery, and the design, construction and maintenance of buildings and structures.

- If the applicant fails to submit any required scheme(s) within the specified period the applicant may be in breach of the relevant condition.
- If the applicant submits the scheme which in the opinion of the LPA cannot be reasonably approved, or if the LPA fail to determine the application for approval of the scheme within 8 weeks of receiving it (Article 30 of the DMPO 2010) or such longer as may be agreed in writing with the LPA, then the applicant may lodge an appeal within the prescribed time limit against that refusal or non determination.
- In the absence of the lodging of any such appeal in those circumstances the applicants will be in breach of the relevant conditions.



Phil Mason
Head of Planning and Regeneration

DATED: 16 December 2010

NOTES

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

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 their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop 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 Cornwall Council. 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.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.