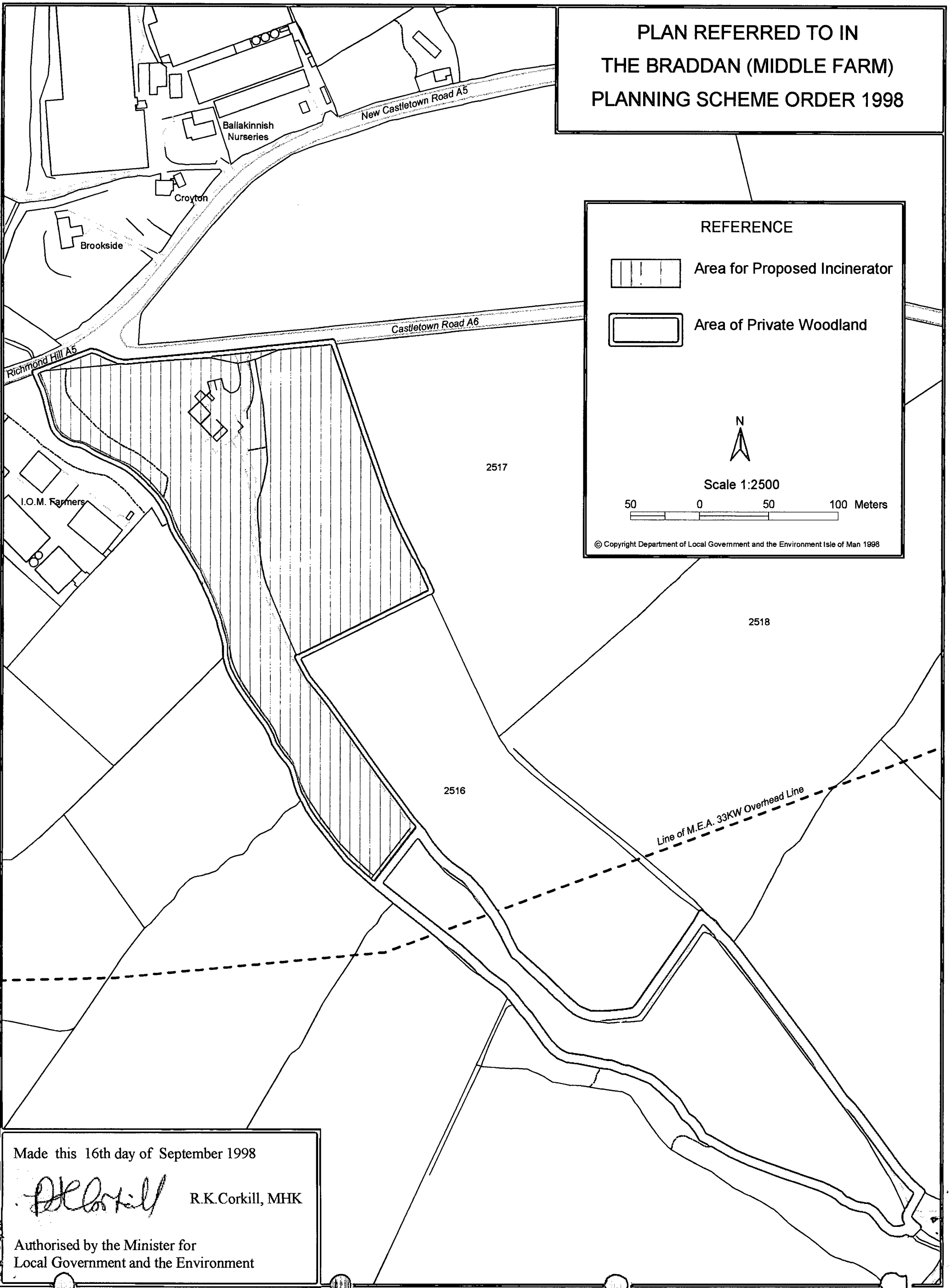




PLAN REFERRED TO IN
THE BRADDAN (MIDDLE FARM)
PLANNING SCHEME ORDER 1998



REFERENCE

-  Area for Proposed Incinerator
-  Area of Private Woodland

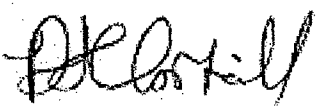
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Made this 16th day of September 1998



R.K. Corkill, MHK

Authorised by the Minister for
Local Government and the Environment

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Statutory Document No. 537/98

THE TOWN AND COUNTRY PLANNING ACTS 1934 TO 1991

THE BRADDAN (MIDDLE FARM) PLANNING SCHEME ORDER 1998

Approved by Tynwald

21st October 1998

Coming into operation

1st January 1999

In exercise of the powers conferred on the Department of Local Government and the Environment by sections 6 and 6A of the Town and Country Planning Act 1934¹, and of all other enabling powers, and after complying with the requirements of the Town and Country Planning (Order Procedure) Regulations 1996², the following Order is hereby made:—

Citation, commencement and interpretation

1. (1) This Order may be cited as the Braddan (Middle Farm) Planning Scheme Order 1998 and, subject to section 14 of the Act, shall come into operation on the 1st January 1999.

(2) In this Order —

"the Act" means the Town and Country Planning Act 1934;

"the Department" means the Department of Local Government and the Environment;

"the site" means the area notated "Area for Proposed Incinerator" on the plan;

"the permitted development" means the works specified in Schedule 1;

"the plan" means the plan hereto annexed and marked "PLAN REFERRED TO IN THE BRADDAN (MIDDLE FARM) PLANNING SCHEME ORDER 1998";

"the principal Order" means the Isle of Man Planning Scheme (Development Plan) Order 1982³;

"the scheme area" means the land at and adjoining Middle Farm in the parish district of Braddan shown edged with thick black lines on the plan.

¹ XIV p.163

² SD 546/96

³ GC 140/82

Price

(3) Other expressions in this Order have the same meanings as in the principal Order.

Scheme with respect to development of land

2. (1) The land in the scheme area may be used for the purposes indicated by the notations on the plan, which shall have effect in place of any notations having effect under the principal Order or any other order under section 6 of the Act made before the date of this Order.

(2) Notwithstanding anything in the principal Order, the Department is authorised to carry out the permitted development within the site subject to the conditions specified in Schedule 2.

(3) Paragraph 8 of Schedule 1 to the principal Order (planning procedures) applies with any necessary modifications to applications by the Department for approval under any conditions specified in Schedule 2 as it applied to an application by the Department for planning approval.

Saving

3. Except as provided by article 2, nothing in this Order affects the operation of the principal Order in relation to the scheme area.

Article 1.

SCHEDULE 1

THE PERMITTED DEVELOPMENT

The construction and use of —

- (a) an all-Island integrated incinerator (energy from waste) plant;
- (b) a general storage building;
- (c) a new access from the A6 highway;
- (d) siteworks in association with (a), (b) and (c) above.

Article 2(2).

SCHEDULE 2

CONDITIONS

Interpretation

1. In this Schedule —

"commissioning", in relation to the plant, means the first incineration of waste by it;

"distillate oil" means burner fuel oil complying with the specification for Class D Fuel oil in British Standard 2869 : Part 2 : 1988 as amended by subsequent European Community Standards;

"the plant" means the plant referred to in paragraph 1 of Schedule 1.

Commencement of development

2. The permitted development shall not be commenced after the expiration of the period of 4 years beginning with the date of this Order.

Reserved matters

3. (1) The permitted development shall not be commenced unless the Department has submitted particulars of the following matters and such particulars have been approved by the Governor in Council —

- (a) the siting of buildings, structures, roads, sewers and other works;
- (b) the design and external appearance of buildings and other structures;
- (c) the detailed design of the means of access to the site;
- (d) the landscaping of the site and its boundaries, including a programme for carrying out such works;
- (e) a scheme for the monitoring of the operation of the plant, including —
 - (i) particulars of the devices to be used, their nature and their position;
 - (ii) a management plan showing the frequency with which the monitoring is to take place, whether it is to be automatic or measured, the keeping of records and their availability to the authority by whom the plant is licensed under Part IV of the Public Health Act 1990⁴;
- (f) a scheme for controlling and monitoring noise;
- (g) a scheme for ensuring that no offensive odours escape from the site and for monitoring any such escapes;
- (h) a scheme for ensuring that no dust escapes from the site and for monitoring any such escapes;
- (i) a scheme for ensuring that no waste effluent or other solid waste products escape from the site or into surface or ground waters;
- (j) a scheme for the disposal of foul sewage and surface water;
- (k) a scheme for the safe and secure disposal of liquid effluent and solid residues arising from the operation of the plant;
- (l) the layout of vehicle parking on the site;
- (m) the provision of wheel-washing facilities during the construction phase of the permitted development.

(2) The permitted development shall be carried out in all respects in accordance with the particulars approved under sub-paragraph (1).

(3) The Governor in Council may, in relation to any part of the permitted development, authorise the commencement of that part although approval of other parts has not been given.

⁴ 1990 c.10

(4) The particulars of the landscaping referred to in sub-paragraph (1)(d) shall include indications of all existing trees and hedges in the scheme area and of those to be retained, together with measures for the protection of the latter during the carrying out of the permitted development.

(5) The landscaping referred to in sub-paragraph (1)(d) shall be carried out before the commissioning of the plant, except so far as the approved programme of landscaping provides for such works to be carried out thereafter.

Archaeological investigations

4. The Department shall give the Manx Museum and National Trust —
- (a) reasonable notice of the intended date on which any excavation or other groundwork on the site is to commence; and
 - (b) access to the site at all reasonable times before and during construction work and reasonable opportunity to inspect the site, to observe all excavations and investigate any archaeological features exposed.

Operation of the plant

5. (1) The plant shall be operated so as to comply at all times with the emission limits set out in the Annex to this Schedule.

(2) The Chief Environmental Health Officer shall be notified immediately of any accidental or unauthorised discharge or spillage of polluting material, and appropriate steps shall be taken, to his satisfaction, to mitigate the consequences for the environment.

(3) No waste shall be delivered to the site except in sealed containers or adequately contained or covered vehicles.

(4) All solid residues from the plant, including ash and scrap materials, shall be removed from the site in suitable and adequately contained vehicles.

(5) No waste shall be delivered to the site except waste for the treatment of which the plant is designed.

(6) No animal waste (except whole carcasses) may be delivered to the site except in such a condition that it can be directly incinerated without any further treatment.

(7) The operator of the plant shall retain for not less than 4 years all records of its operation and of any matters which are to be monitored under Schedule 2 and shall make such records available to the planning authority.

(8) No fuel other than uncontaminated distillate oil or natural gas shall be used as standby fuel or start-up fuel in the incineration process.

(9) Fuel oil shall be stored in appropriately designed tanks sited on impervious bases and surrounded by impervious bund walls.

(10) Materials shall be transferred within enclosed conveying systems.

(11) No visible plume shall be emitted from the stack except during the first 15 minutes of starting up from cold, at which time visible smoke shall not exceed Ringelmann Shade 1. All releases from the stack shall be colourless.

(12) Sub-paragraph (1) shall not apply to the extent that, and for the period that, any licence for the plant under Part IV of the Public Health Act 1990 is in force and imposes emission limits equal to or more stringent than those set out in the Annex to this Schedule.

(13) Sub-paragraphs (2) to (11) shall not apply to the extent that, and for the period that, any licence for the plant under Part IV of the Public Health Act 1990 is in force and imposes conditions equal to or more stringent than those set out in those sub-paragraphs.

(14) Car-parking areas (other than areas used temporarily for parking during construction) —

- (a) shall not be used otherwise than by persons employed at or visiting the site; and
- (b) shall not be used for the parking of goods vehicles exceeding 12 tonnes maximum laden weight or vehicles transporting waste.

(15) No waste may be delivered to the site without the prior consent in writing of the planning authority —

- (a) before 0700 hours or after 1800 hours on Mondays to Fridays;
- (b) before 0700 hours or after 1400 hours on Saturdays;
- (c) on Sundays.

(16) No waste exceeding the following quantities may be delivered to the site in any period of 12 months without the prior consent in writing of the planning authority —

<i>Type of waste</i>	<i>Quantity (tonnes)</i>
household waste and commercial waste	60,000
clinical and healthcare waste	470
animal waste	2,000

(17) The operator of the plant shall record particulars of the weight and type of every load of waste delivered to the site and shall make such records available to the planning authority.

(18) After the commissioning of the plant no part of the site may be used for the open storage of waste or other substances.

Services

6. All new services must be laid underground.

Lighting

7. All external lighting must be hooded so as to prevent unnecessary escape of light.

Restoration

8. (1) The permitted development shall not be commenced unless the Department has submitted particulars of the following works, to be carried out in the event of the plant ceasing to be used for the incineration of waste, and such particulars have been approved by the Governor in Council —

- (a) the demolition of buildings and structures on the site;
 - (b) the decontamination of the site (other than areas of existing landfill);
 - (c) the restoration of the site to agriculture, with appropriate landscaping.
- (2) If the plant ceases to be used for the incineration of waste for a period exceeding 12 months the works specified in the approved scheme shall be carried out in accordance with that scheme.

ANNEX
EMISSIONS

- (1) No releases from the stack shall exceed any of the concentration limits specified in the following tables. The results of the measurements made to verify compliance with those limits shall be standardised at 273K, 101.3 kPa, 11% oxygen, dry gas.

*Table 1
Dust, gases etc.*

<i>Substance</i>	<i>Half-hourly average values</i>	<i>Daily average values</i>
Dust	30 mg/m ³	10 mg/m ³
Gaseous and vaporous organic substances, expressed as total organic carbon (TOC)	20 mg/m ³	10 mg/m ³
Hydrogen chloride (HCl)	60 mg/m ³	10 mg/m ³
Hydrogen fluoride (HF)	4 mg/m ³	1 mg/m ³
Sulphur dioxide (SO ₂)	200 mg/m ³	50 mg/m ³
Nitrogen monoxide (NO) and Nitrogen dioxide (NO ₂) expressed as nitrogen dioxide	400 mg/m ³	200 mg/m ³

*Table 2
Heavy metals*

<i>Substance (covering gaseous and the vapour forms of the metals as well as their compounds)</i>	<i>Average values over the sample period of 30 minutes and a maximum of 8 hours</i>
Cadmium and its compounds, expressed as cadmium (Cd)	Total 0.05 mg/m ³
Thallium and its compounds, expressed as thallium (Tl)	
Mercury and its compounds, expressed as mercury (Hg)	0.05 mg/m ³
Antimony and its compounds, expressed as antimony (Sb)	
Arsenic and its compounds, expressed as arsenic (As)	
Lead and its compounds, expressed as lead (Pb)	

Chromium and its compounds, expressed as chromium (Cr)	Total 0.5 mg/m ³
Cobalt and its compounds, expressed as cobalt (Co)	
Copper and its compounds, expressed as copper (Cu)	
Manganese and its compounds, expressed as manganese (Mn)	
Nickel and its compounds, expressed as nickel (Ni)	
Vanadium and its compounds, expressed as vanadium (V)	
Tin and its compounds, expressed as tin (Sn)	

Table 3
Dioxins and Furans

<i>Substances (measured in accordance with Annex 1 of the draft EC Commission Proposal for a Directive on the incineration of waste dated June 1998)</i>	<i>Average values over the sample period of at least 6 hours and a maximum of 8 hours</i>
Dioxins and furans (expressed as TEQ)	0.1 ng/m ³

- (2) During the operation of the plant (start-up and shut-down excluded) the following emission limit values of carbon monoxide (CO) concentrations shall not be exceeded in the combustion gases:
- 50 mg/m³ of combustion gas determined as a daily average value
 - 150 mg/m³ of combustion gas of at least 95% of all measurements determined as 10 minute average values or 100 mg/m³ of combustion gas of all measurements determined as 30 minute average values taken in any 24 hour period.
- (3) Emissions of the following substances shall be monitored continuously:
- Carbon monoxide (CO)
 - Dust
 - Gaseous and vaporous organic substances (TOC)
 - Hydrogen chloride (HCl)
 - Sulphur dioxide (SO₂)
 - Nitrogen dioxide (NO₂)

At least two measurements per year shall be taken of heavy metals, Hydrogen fluoride (HF), dioxins and furans; However, one measurement every three months shall be carried out in the first 12 months of operation.

- (4) At the daily emission limit value level, the values of the 95% confidence intervals of a single measured result shall not exceed the following percentages of the emission limit values:

<i>Substance</i>	<i>Percentage</i>
Carbon monoxide (CO)	10

Dust	40
Gaseous and vaporous organic substances (TOC)	30
Hydrogen chloride (HCl)	40
Sulphur dioxide (SO ₂)	20
Nitrogen dioxide (NO ₂)	20

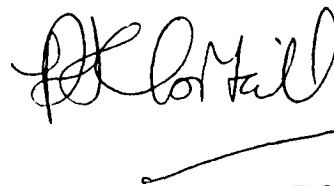
The 30 minute average values and the 10 minute averages shall be determined within the effective operating time (excluding the start-up and shut-down periods if no waste is being incinerated) from the measured values after having subtracted the value of the confidence interval specified above. The daily average values shall be determined from those validated average values.

- (5) To obtain a valid daily average value no more than five 30 minute average values in any day shall be discarded due to malfunction or maintenance of the continuous measurement system. No more than ten daily average values per year shall be discarded due to malfunction or maintenance of the continuous measurement system.

MADE

16th Sept. 1998

Authorised by the Minister for Local Government and the Environment



R K Corkill MHK

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order propounds a planning scheme for the development of the area shown on the order map at Middle Farm, Braddan. It provides for the zoning of part of the area as the site of a proposed an all-Island integrated incinerator (energy from waste) plant, and of the remainder as an area of private woodland. It also grants planning approval for the development comprising the plant, subject to the conditions specified in Schedule 2.