



The Millbrook Power (Gas Fired Power Station) Order

10.3 Statement of Proposed Heads of Terms for an Agreement Pursuant to s106 of the TCPA 1990

Planning Act 2008
The Infrastructure Planning
(Applications: Prescribed Forms and Procedure) Regulations 2009

PINS Reference Number: EN010068
Document Reference: 10.3
Regulation Number: 5(2)(q)
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Revision	Date	Description
0	October 2017	Submission Version



1. INTRODUCTION

- 1.1 Millbrook Power Limited (MPL) is proposing to develop a new thermal generating station (including associated Electrical Connection and Gas Connection) with a generating capacity of up to 299 MW in Central Bedfordshire (the "**Project**").
- 1.2 This Statement of proposed Heads of Terms for an agreement pursuant to s106 Town and Country Planning Act 1990 accompanies an application for a Development Consent Order ("**DCO**") for the Project.
- 1.3 The Project will generate over 50 MW of electricity and, as such, is a nationally significant infrastructure project as defined in the Planning Act 2008 (sections 14(1)(a) and 15). In accordance with the Planning Act 2008, the DCO application will be submitted to the Planning Inspectorate, which will examine the application prior to the determination of the application by the Secretary of State.
- 1.4 The Project would be located within areas administered by Central Bedfordshire Council (CBC) and Bedford Borough Council (BBC), both of which are unitary authorities. The elements of the Project which would be carried out within BBC are street works only. As such, physical mitigation measures are not considered to be required within the area of BBC. CBC is closely liaising with MPL on mitigation for the impacts of the Project, and considers that in order to make the scheme acceptable in planning terms, planning obligations should be secured within an agreement pursuant to s106 of the Town and Country Planning Act 1990 ("**s106 Agreement**") (as amended by the Planning Act 2008).
- 1.5 Agreement over the majority of the proposed Heads of Terms has been reached, however, the s106 Agreement is not in an agreed form. As such, MPL has set out below its proposed position on all proposed Heads of Terms and it will continue to liaise with CBC and BBC (hereafter 'the Councils') following submission of its application for a DCO, in order to come to an agreed position as soon as is possible.

2. **MPL'S PROPOSED POSITION REGARDING AREAS FOR MITIGATION BY WAY OF PLANNING OBLIGATION**

- 2.1 To undertake agreed measures for socio-economic and educational improvements within the vicinity of the Project.

PROPOSED OBLIGATIONS RELEVANT TO BOTH CBC AND BBC

3. EDUCATION OPPORTUNITIES

- 3.1 Prior to commencement of construction, to deliver an education scheme (the "**Education Scheme**") to the Councils for approval. The Scheme shall set out:

3.1.1 A proposed programme of visits to schools located within the Central Bedfordshire district and Bedford Borough to be made by MPL for a period of five years from the commencement of construction, such visits to be used to explain the Project and how such a facility fits within the provision of energy for the United Kingdom.

3.2 The Education Scheme shall be implemented by MPL.

4. **LOCAL SERVICE PROVIDERS DURING CONSTRUCTION AND OPERATION**

4.1 Prior to commencement of construction, to deliver a local service provider engagement scheme (the "**Local Services Scheme**") to the Councils for approval. The Local Services Scheme shall set out:

4.1.1 The measures that MPL will take in order to ensure that opportunities for local organisations to bid for contracts during the construction period of the Project are advertised locally (including MPL notifying the Councils at the commencement of the procurement process for construction of the Project in order to allow the Councils to advertise opportunities via any brokerage scheme that they may run);

4.1.2 The measures that MPL will take in order to ensure that opportunities for local organisations to bid for contracts during the operational period of the Project (for example for maintenance, waste, cleaning or security services) are advertised locally (including MPL notifying the Councils at the commencement of the procurement process for operation of the Project in order to allow the Councils to advertise opportunities via any brokerage scheme that they may run);

4.1.3 The anticipated number of local supplier days that will be hosted by MPL prior to and during construction of the Project.

4.2 The Local Services Scheme shall be implemented by MPL.

PROPOSED OBLIGATIONS RELEVANT TO CBC ONLY

5. **TRAFFIC MANAGEMENT**

5.1 **EITHER:** Prior to the commencement of construction for numbered works 3 and 4, MPL to pay a sum to CBC for the installation and maintenance of signage during the construction period in accordance with the construction traffic management strategy for Houghton Lane and Station Lane.

OR: [If CBC would prefer, the S106 Agreement could be widened out to also act as a s278 agreement under the Highways Act 1980 to provide

MPL with the authorisation to install and maintain signage during the construction period in accordance with the construction traffic management strategy for Houghton Lane and Station Lane.