

## Notice of Planning Permission

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Ms Jane Gaston  
c/o Mr Andrew Russell  
Axis PED  
Well House Barns  
Chester  
CH4 0DH

**Application Number:**  
**19/03489/FUL**

18 March 2020

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### Town and Country Planning Act 1990

**Proposal:** Development of a hydrogen production facility and electricity generating plant, comprising of a waste reception and handling building, gasification facility, hydrogen production facility with associated/ ancillary infrastructure which includes access roads, weighbridge, fencing / gates, lighting, surface water drainage, and electricity distribution plant

**Location:** Area 10B, Ince Resource Recovery Park, Grinsome Road, Ellesmere Port,



In pursuance of their powers under the above Acts, the Council hereby grants **PERMISSION** for the above development to be carried out, subject to compliance with the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and to enable the local planning authority to establish which permissions have been implemented.

2. The development hereby permitted shall be carried out in accordance with the following approved plans / documents:

Site Location: Red Line Boundary Drawing Number: 2597-01-003 Rev B  
Location Plan Drawing Number: 2597-01-001  
Existing Site Plan Drawing Number: 2597-01-004  
Proposed General Arrangement Drawing Number: 2597-01-005 Rev B  
Proposed Facility Elevations Drawing Number: 2597-01-006  
Electrical Grid Connection Drawing Number: 2597-01-007

Reason: To enable the Local Planning Authority to exercise reasonable and proper control over the design and appearance of the development and ensure that the development will be carried out as permitted so as to avoid any detriment to the amenities by any works remaining uncompleted and for the avoidance of doubt.

3. The surface water drainage scheme shall be implemented in accordance with the Surface Water Management Plan 2018 Update, WSP, December 2018 and associated drawings and calculations (Reference Dec 2018 70047912-CP). Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

Reason: To prevent the increase risk of flooding, to improve and protect water quality and to ensure future maintenance of the surface water drainage system.

4. The development shall be carried out in accordance with the submitted flood risk assessment as set out within the Surface Water Management Plan 2018 Update, WSP, December 2018 and associated drawings and calculations (Reference Dec 2018 70047912-CP) and the following mitigation measures it details:

- Finished floor levels of all buildings, as shown on approved plans, shall be set no lower than 5.063 metres above Ordnance Datum (AOD).
- Access roads, parking areas, pedestrian areas shall be set no lower than 4.763 metres Ordnance Datum.

Reason: To reduce the risk of flooding to the proposed development and to provide safe access/egress in the event of severe flooding.

5. After electricity and hydrogen ceases to be generated for a continuous period of 6 months, or earlier if agreed with the Local Planning Authority, the applicant shall notify the Local Planning Authority of the date on which electricity and hydrogen ceased transmitting from the site in writing.

Reason: To ensure development is restored in compliance to minimise the duration of disturbance and impact upon the surrounding environment and to ensure that there is no risk to human health

6. When electricity and hydrogen ceases to be generated as per the requirements of any of the circumstance in the above Condition, within 6 months a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The DMS shall include decommissioning and site reinstatement arrangement details and shall include a Decommissioning Plan which shall include details of how the site reinstatement works will protect established biodiversity on site. The site shall be decommissioned in accordance with the approved DMS within 24 months of the approved DMS.

Reason: To ensure that the site is properly restored to minimise the duration of disturbance and impact upon the surrounding environment and to ensure that there is no risk to human health

7. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority for approval. Details of the CTMP shall

include method of construction, details of deliveries to the site during construction, how and where materials will be unloaded and details of where contractor's vehicles will park. The development shall be carried out in accordance with the approved scheme.

Reason: In the interest of highway safety to minimise disruption to vehicular traffic/pedestrian routes and to protect the residential amenity of local residents.

8. The number of daily HGV's accessing the facility shall be 5 two way HGV movements (i.e. 5 in and 5 out) per day. Records shall be made available to the Local Planning Authority upon request and records provided to the Local Planning Authority within 5 working days of the request.

Reason: In the interest of highway safety, local amenity, to encourage the use of sustainable modes of transport and to comply with Protos vehicle highway movement limitations permission 19/02710/NMA.

9. Prior to the operation of the facility the access road, emergency exist and internal road layout (as shown on Proposed General Arrangement Drawing Number: 2597-01-005 Rev B), shall be constructed for use.

Reason: In the interest of highway safety and convenience and in the interests of amenity.

10. The emergency access as shown on the west side of the application site on Proposed General Arrangement Drawing Number: 2597-01-005 Rev B shall only be used by vehicles in an emergency.

Reason: In the interest of highway safety and convenience and in the interests of amenity.

11. Prior to the operation of the facility a scheme capable of recording the number of HGVs entering and leaving the development, to be included within the automatic traffic counter as set out in Condition 8 of the Protos permission (14/02277/S73) shall be submitted shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme. The scheme shall demonstrate accordance with Condition 8 of the Protos permission (14/02277/S73).

Reason: In the interests of highway safety, local amenity, to encourage the use of sustainable modes of transport and to ensure restrictions on Heavy Goods Vehicle movements are adhered to and complied with regarding to the Resource Recovery Park/Protos as the Plot falls within the Protos permission (14/02277/S73).

12. Prior to occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including the provision for the appointment of a Travel Plan Co-ordinator, targets, a timetable and enforcement mechanism) and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall demonstrate how it complies with requirements of the Ince Resource Recovery Park Preliminary Employee Travel and Freight Management Plan (July 2008 Rev 7). The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

Reason: To encourage the use of alternative forms of transport to the site and in accordance with the Resource Recovery Park / Protos obligations as the Plot falls within the Protos permission (14/02277/S73).

13. Prior to commencement of the development, a scheme (including a timescale for implementation) for the protection of the trees shown to be retained on the approved plan contained at Appendix 7: Arboricultural Implications Plan, Arboricultural Impact Assessment To BS 5837:2012 at Ince Recovery Park, reference 14964b/PH, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall be implemented in accordance with the approved details.

Reason: To provide adequate tree protection in the interest of wildlife conservation and visual impact.

14. No development shall take place until full details of a soft landscaping plan has been submitted to and approved in writing by the local planning authority and the development shall only take place in accordance with the approved details. These details shall include boundary treatment and shall include planting plans; written specifications ; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme, details of vegetation to be retained and its means of protection during construction. If within a period of 5 years from the date of initial planting, any trees or shrubs planted in accordance with the approved landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs shall be planted in the next planting season with others of similar size and species, unless the local planning authority gives its written approval to any variation.

Reason - In the interest of visual amenity and biodiversity.

15. Noise arising from construction activities shall not exceed the following noise levels when measured at the residential receptors closest to the construction works or access route to those works or at any other residential receptors that may otherwise be agreed in writing by the local planning authority
  - o 65 dB LAeq,1hr for up to 24 weeks per calendar year
  - o 60 dB LAeq,1hr for general activity at all other timesunless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting local amenity and to protect neighbouring residents from noise nuisance.

16. All construction on the site shall be undertaken during the following hours, unless otherwise agreed in writing by the Local Planning Authority:

Monday - Friday: 0730 - 1800

Saturday: 0800 - 1330

Sunday, Public and Bank Holidays: No construction activity.

Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity and in the interest of protecting local amenity.

17. All operational noise emissions from the facility shall be controlled using individual plot boundary noise emissions limits to provide overall compliance with the following noise control objectives:

Noise sensitive receptor locations / Daytime noise levels Laeq(1hour) 0700 - 2300 / Night time noise levels Laeq(5mins) 2300 - 0700

Holme Farm / 52 / 41  
Station Road - North of Kemira Road / 48 / 41  
Duke of Wellington / 40 / 35  
Ince Orchards / 45 / 41  
Redwoods Drive, Elton / 51 / 37

Reason: To limit the impact on the residential and local amenity and in the interest of protecting local amenity and to protect future amenity of other Plots .

18. No development shall commence until a scheme for the installation of air quality monitoring equipment within the Helsby area, to enable monitoring of dioxins, furans, particulates (PM10 and PM2.5), PAHs and heavy metals (to include mercury, arsenic, chromium and nickel) before, during and after the operational lifetime of the Plant, has been submitted to and approved in writing by the local planning authority. The scheme shall be developed in consultation with the Environmental Protection Unit/Environment Agency. The details of the scheme shall include the measurement location, within the relevant area from which air pollution will be monitored, how the equipment will be installed, details of the monitoring equipment and methods to be used, monitoring schedules including frequency of measurement, how the air quality information shall be collected and reported and details of who this information will be made available to and when, maintenance schedule details and details of who will be authorised to access and inspect the equipment. The scheme shall allow continuous access to the air monitoring equipment by Cheshire West and Chester Council personnel. The scheme shall provide for the first measurement to be taken not less than 9 months prior to the commissioning of the development and for the final measurement to be taken not more than 24 months after decommissioning of the development. The approved air quality monitoring scheme shall be implemented in accordance with the approved details, subject to any variation approved in writing in advance by the local planning authority in consultation with Environmental Protection/Environment Agency.

Reason: To limit the impact on the residential and local amenity and in the interest of protecting local amenity and to protect future amenity of other Plots.

19. The development hereby permitted shall achieve a BREEAM Level Very Good in accordance with the requirements of the relevant BREEAM 2018 New Construction Pre-Assessment Report February 2020 Ref: 2019.153. The final BREEAM Certificate shall be issued to the local planning authority certifying that BREEAM Level Very Good has been achieved within 12 months of occupation of the development.

Reason: In the interest of sustainable development.

- 20 No development shall take place until the following components (a to d ) of a structured scheme to deal with the risks associated with actual or potential contamination of the site have each been submitted to and approved in writing by the Local Planning Authority:

- a. A preliminary risk assessment which identifies :
    - all previous uses on or within influencing distance of the site
    - potential contaminants associated with those uses
    - a conceptual model indicating the sources, pathways and receptors of contamination
    - actual or potentially unacceptable risks arising from contamination.
    - initial remediation options.
  - b. A detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, will be derived.
  - c. A remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken.
  - d. A verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in (c) are complete and effective and identifying any requirements for longer-term:- monitoring of pollutant linkages; maintenance, contingency actions and reporting.
- The pre development structured scheme shall be implemented as approved unless revision is agreed with the LPA in writing.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks.

21. If during site preparation, demolition or development works contamination is encountered or is suspected in areas where it had not been anticipated (being from an existing risk assessed source and containing comparable risk assessed substances and affecting an already risk assessed pathway or receptor ) that could be addressed by simple extension of the approved measures to a larger area, then the Local Planning Authority shall be notified promptly in writing confirming:- the areas affected, the approved investigation, remediation and validation measures to be applied and the anticipated completion timescale.  
However if the contamination is from a different source or contains a new contaminative substance or affects a new pathway or receptor, then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted for the written approval of the Local Planning Authority prior to all but urgent remediation works necessary to secure the area and control pollution risks.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks.

22. No part of the development site approved by this permission shall be occupied until:
  - a) all components of the pre-approved or revised remediation measures to deal with the risks associated with actual or potential contamination of the site, relevant to that part, have been completed and
  - b) written evidence of satisfactory remediation completion and of the suitability of that part of the site for occupation has been submitted to and accepted by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks.

23. Prior to the commencement of development a Construction Environment Management Plan shall be submitted to the Local Planning Authority for approval. Details shall include:
- i) measures to be adopted to reduce the potential for adverse water quality impacts during the construction phase
  - ii) measures to minimise and mitigate the impacts of dust and odour on local air quality from construction operations
  - iii) a construction phase waste management plan

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the development does not result in an unacceptable detrimental impact on the amenities of neighbours and to protect on-site and neighbouring biodiversity and to ensure that occupiers of neighbouring premises do not suffer a loss of amenity as in accordance.

24. Details of all external lighting (including any floodlighting) shall be submitted to and approved in writing by the Local Planning Authority before the development is operational. The scheme shall be designed to mitigate light spillage on adjacent habitats.

Any lighting scheme should be designed in accordance with the Institution of Lighting Engineers' Guidance Notes For The Reduction Of Light Pollution.

Such details shall include:

- a) the equipment and supporting structures, together with isolux drawings to demonstrate the levels of illumination within the site and the amount of any overspill of lighting beyond the site boundaries.
- b) the hours at which the lighting is to be operated

The development shall not be occupied or brought into use until the lighting scheme has been constructed in accordance with the approved details and no external lighting shall be operated other than in accordance with details approved by the Local Planning Authority.

Reason: In the interests of protecting local amenity

25. A 10 year management plan for the retained woodland habitat area, as set out within the Ecological Assessment Rev B by Avian Ecology Reference AxisL-043-1145V4a, shall be submitted to and approved by the local planning authority prior to the commencement of the development. The plan shall include:
- (i) Description and evaluation of the features to be managed;
  - (ii) Ecological trends and constraints on site that may influence management;
  - (iii) Aims and objectives of management;
  - (iv) Appropriate management options for achieving aims and objectives;
  - (v) Prescriptions for management actions;

- (vi) Preparation of a work schedule (including a project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - (vii) Personnel/organisation responsible for implementation of the plan;
  - (viii) Monitoring and remedial / contingencies measures triggered by monitoring
- The management plan shall be carried out in accordance with the approved plan, unless otherwise approved in writing by the local planning authority.

Reason: In the interest of biodiversity

26. Prior to the commencement of development an updated walkover survey for large mammals as set out within the Ecological Assessment Rev B by Avian Ecology Reference AxisL-043-1145V4a, shall be submitted to the Local Planning Authority for approval. Proposed recommendations as set out within the updated survey shall be implemented.

Reason: To provide adequate safeguards for the protection of any protected species existing on the site.

27. Prior to the commencement of the development a detailed water vole mitigation method statement shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented for the duration of the development.

Reason: To provide adequate safeguards for the protection of any protected species existing on the site.

28. Prior to the commencement of development Reasonable Avoidance Measures (RAMs) in relation to the removal of trees as identified within the Ecological Assessment Rev B by Avian Ecology Reference AxisL-043-1145V4a, as low bat roost potential, shall be submitted for approval to the Local Planning Authority. The RAMs shall be implemented in accordance with the submitted details throughout the duration of the construction period.

Reason: To provide adequate safeguards for the protection of any protected species existing on the site and their habitat.

29. Prior to the commencement of development a series of Reasonable Avoidance Measures (RAMs) in relation to Amphibians shall be submitted for approval to the Local Planning Authority. The RAMs shall be implemented in accordance with the submitted details throughout the duration of the construction period.

Reason: To provide adequate safeguards for the protection of any protected species existing on the site and their habitat.

30. Prior to the commencement of development, details (including samples) of external surfaces of buildings and external plant shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved materials.

Reason - To ensure that the external appearance of the development is appropriate to its surroundings and in the interest of visual amenity.



## Notes

1. The local planning authority has sought to work with the applicant in a positive and proactive way to secure a development that will improve the economic, social and environmental conditions of the area, in line with the NPPF.
2. No site clearance shall be carried out during bird breeding season (1st March to 31st August inclusive). If vegetation works are necessary during the breeding season, potential nesting habitat should be searched by a suitably experienced ecologist prior to works commencing. Only when the ecologist is satisfied that no offence will occur under the legislation will works be permitted to proceed.
3. Please refer to informative included within Environment Agency response dated 29th October 2019.
4. Please refer to informative included within Cheshire Fire & Rescue Service response dated 22 January 2020.
5. Please refer to informative included within United Utilities response dated 11 October 2019.

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Signed:

Date: 18 March 2020



Fiona Hore  
Chief Planning Officer  
Cheshire West and Chester Borough Council 4 Civic Way Ellesmere Port CH65 0BE

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**Please read the notes on the following page, they will explain your rights and other important matters about this decision.**

**Please see the bottom of this notice for important information about the Community Infrastructure Levy.**

## NOTICE TO APPLICANT WHERE PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

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 for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice. However, if this application relates to a Householder development and you want to appeal, then you must do so within 12 weeks of the date of this notice

Forms can be obtained from:

**The Planning Inspectorate, 3/13 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN - (Tel: 0303 444 5000)**

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 it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

If either the local planning authority or the Secretary of State for the Environment 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 can he 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 District Council 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.

Please note before starting work that your project may also require **building regulations approval**, which is different from planning approval. You can find out if you need approval, how to submit an application and get further helpful information by visiting the Council's website, [www.cheshirewestandchester.gov.uk/buildingcontrol](http://www.cheshirewestandchester.gov.uk/buildingcontrol).

## Community Infrastructure Levy (CIL)

**The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. The onus is on the applicant to provide any relevant relief or exemption to the Council before commencement of development. Any exemption or relief that is applied for after development is deemed to have commenced will be refused.**

**The Council may impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate.**

**All forms are available at <http://www.cheshirewestandchester.gov.uk/cil> and once completed, should be emailed to [cil@cheshirewestandchester.gov.uk](mailto:cil@cheshirewestandchester.gov.uk)**

**For further information you can contact the Council's CIL and S106 Officer on [cil@cheshirewestandchester.gov.uk](mailto:cil@cheshirewestandchester.gov.uk) or tel: 0300 123 7027.**

## OTHER IMPORTANT POINTS TO NOTE

Under the provisions of Circular 04/2008 entitled Planning-Related Fees standard national fees of £34 for householder developments and £116 for all other development will be charged for requests for the discharge of planning conditions.

Your attention is drawn to the relevant provisions of the Chronically Sick and Disabled Persons Act, 1970 and the Code of Practice for Access for the Disabled to Buildings. These provisions apply to (a) buildings or premises to which the public are admitted, whether on

payment or otherwise or (b) premises in which persons are employed to work. Similar provisions also apply for the benefit of disabled in educational buildings.

Development for which listed building consent and/or permission is granted is subject to compliance with the general statutory provisions in force in the District, except as may be modified in this permission and the Building Regulations. Your attention is drawn to Section 50 of the Cheshire County Council Act, 1980 which provides that where plans are deposited under the Building Regulations for the erection/extension of a building with the district council, then that council will reject the plans unless, after consultation with the Fire Authority, they are satisfied that the plans show there is an adequate means of access for the Fire Brigade to the building or extension and that the building or extension will not render inadequate any existing means of access, for the Fire Brigade, to the neighbouring buildings. This note is included to give effect to Section 50 of the 1980 Act by virtue of sub-section (2) of the said Section.

Developers should check with all statutory undertakers at an early stage to ensure where their equipment (pipes, cables, poles etc) is located in relation to the development site and agree measures to ensure that no damage is caused to that equipment during construction, or negotiate the repositioning of some or all of the equipment.

Any Environmental Statement submitted with the application, together with any related information, has been taken into account by the Council in arriving at this decision.

**Street Naming and Numbering** – It is a legal function of the Council to allocate property numbers and street names to new developments and conversions. This service is chargeable, please visit the Street Naming and Numbering page on our website and use the online form to submit an application. The charging scheme, guidance and contact details are also available on our Street Naming and Numbering web page.

