

## Notice of Planning Permission

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Ince Park LLP  
C/oTurley  
1 New York Street  
Manchester  
M1 4HD

**Application Number:**  
**14/02268/FUL**

Building Control Ref:

6<sup>th</sup> November 2014

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### Town and Country Planning Act 1990

**Proposal:** Construction of access

**Location:** Ince Resource Recovery Park, Grinsome Road, Ellesmere Port, Cheshire,



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 carried out in accordance with the following approved plans;

Drawing Number: 13031\_SK03 Illustrative layout Plan

Drawing Number: 1121-GA-202 Rev B Temporary Access Road Arrangement

Drawing Number: 13031\_SK02 Site Location Plan

Drawing Number: 1274\_PL20B Proposed Commercial Development : Siting Masterplan Complete Biomass Facility

Drawing Number: 12705\_PL07K Proposed Commercial Development : Siting Masterplan Complete Ince Resource Recovery Park

Application Form dated 21/05/14

Covering letter to Winsford Area Office by Turley dated 21/05/14

Environmental Review Report by RSK Environmental Ltd reference RSK/MA/P660444/03/04 Rev 05

Flood Risk Assessment Report by RSK Environmental Ltd reference 66044-06-04 Rev 03

Reason: For the avoidance of doubt and in the interest of proper planning.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement of development shall be sent to the Local Planning Authority a minimum of 7 days prior to commencement.

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

3. Written notification of the development being brought into use shall be sent to the Local Planning Authority a minimum of seven days prior to the development being brought into use.

Reason: For the avoidance of doubt and to ensure that the development is temporary. This condition has been imposed having regard to Policies GEN1 and TRANS1 of the Ellesmere Port and Neston Borough Local Plan (2002).

4. The temporary access will remain in place until such a time as the permanent internal road to Plot 9 of Ince Park has been completed and is available for use, as authorised under RRP permission (10/01488/FUL) and the BREP permission (11/00040/WAS) and as shown on plans 1205-PL07-K siting masterplan and 1274-PL-20-B site masterplan complete. The bailey bridge shall be removed and the temporary access road and associated land shall be restored to its former use in accordance with a scheme of work (including a timescale for its implementation) to be submitted to and approved in writing by the local planning authority. The scheme of work for restoration of the land shall be submitted for approval to the local planning authority no less than eight weeks prior to the cessation of the use of the temporary access road and bailey bridge.

Reason: The temporary access road and bailey bridge are of a temporary nature to facilitate permanent construction works within Ince Resource Recovery Park site. This condition has been imposed having regard to Policies GEN1 and TRANS1 of the Ellesmere Port and Neston Borough Local Plan (2002).

5. Unless otherwise approved in writing by the local planning authority, the Recommendations set out in the Flood Risk Assessment entitled Temporary Access Road, Ince Park LLP, Flood Risk Assessment, dated May 2014, reference 66044-06-04 Rev 03 shall be implemented specifically with reference to the road level shall be set at a minimum of 4.763m AOD.

Reason: To ensure adequate surface water drainage measures are provided and to protect the water environment from pollution. This condition has been imposed having regard to policies GEN1 and EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002).

6. The temporary access road hereby permitted shall be finished in asphalt as set out in the application form, unless otherwise approved in writing by the local planning authority.

Reason: In the interests of protection local amenity. This condition has been imposed having regard to policies GEN1 and EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002)

7. Prior to the commencement of development an up to date water vole survey shall be undertaken and method statement detailing any mitigation to avoid harmful impacts to the species shall be submitted and approved in writing by the local planning authority. The method statement and mitigation measure shall be implemented in accordance with the approved survey.

Reason: In the interests of protecting and promoting biodiversity. This condition has been imposed having regard to Policy ENV5 of the Ellesmere Port and Neston Borough Local Plan (2002).

8. The access road shall be built in accordance with plans listed at Condition 1 and details shall be submitted to the Local Planning Authority for approval, prior to commencement of development. The access road shall be retained in accordance with the approved details for the duration of the temporary permission.

Reason: In the interests of highways safety in accordance with Policies TRANS1 and TRANS2 of the Ellesmere Port and Neston Borough Local Plan (2002).

NB: Nothing in these conditions shall relieve the developer from obtaining such consents and approvals to these proposals as may be required from any public, local or statutory undertaker, complying with any bye-law, statute or enactment from the time being in force or from observing common law rights.

## POLICY REQUIREMENT

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application has been determined in accordance with the development plan for the area. The Development Plan consists of the following plans:

Ellesmere Port and Neston Borough Local Plan 2002 (EP&NBLP)

In determining this application the Local Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, and consultation response that have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## Notes

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Signed:

Date: 6 November 2014



Fiona Hore  
Development Planning Manager, Cheshire West and Chester Borough Council,  
Planning Service, Wyvern House The Drummer Winsford CW7 1AH

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

## 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.

### OTHER IMPORTANT POINTS TO NOTE.

Under the provisions of Circular 04/2008 entitled Planning-Related Fees standard national fees of £28 for householder developments and £97 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.

