

## Notice of Planning Permission (Section 73)

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Ince Park LLP  
C/oTurley - Mr Stephen Bell  
10th Floor  
1 New York Street  
Manchester  
M1 4HD

**Application Number:**  
**14/02278/S73**

Building Control Ref:

26 March 2015

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### Town and Country Planning Act 1990

**Proposal:** Variation of conditions 1 (approved plans), 14 (acoustic barriers), 26 (car parking provision) and removal of conditions 33 (Canal upgrade works) and 34 (railway line) of planning application 11/00040/WAS

**Location:** Plot 9, 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:

Revised Southern Boundary Detail (drawing no. 1274-PL25 date stamped 13 June 2011  
Revised Southern Boundary - Sectional details (drawing no. 1274-PL26) dated 6 June 2011  
Revised Proposed Site Plan - External Works (drawing no 1274\_ PL14 Rev C) received on 13 June 2011  
Revised Landscape Planting Detail Area 1 (drawing No. RSK/M/P66167/02/01/03 Rev 02 date stamped 13 June 2011  
Revised Landscape Planting Detail Area 2 (drawing no. RSK/M/P660167/02/01/04 Rev 01) dated stamped 7th January 2011  
Revised Landscape Layout Plan with Schedule and Maintenance Notes (RSK/M/P660167/0201/02 Rev 02) date stamped 13 June 2011  
Revised Proposed Biomass Roof Plan (drawing no. 1274-PL08D) date stamped 13 June 2011  
Revised Proposed Gatehouse (drawing no. 1274-PL18RevB) date stamped 13 June 2011  
Revised Proposed Cooling Tower (Drawing no. 1274- PL19 Rev B) date stamped 13 June 2011  
Revised Proposed Site Plan (drawing no. 1274-PL03F) received 13 June 2011

Revised Proposed Sections (drawing no. 1274-PL13E) date stamped 13 June 2011  
Proposed Location Plan (drawing no. 1274-PL02 F) date stamped 7 January 2011  
Acoustic Fence Detail (drawing no. 12705-PL14 B) date stamped 7 January 2011  
Option B Proposed 50m ICD Roundabout with Bridge Widening (drawing no. 2155/GA/001 Rev B) dated October 2007  
Proposed Biomass Control Room GA (drawing no. 1274-PL05C) dated 7 January 2011  
Preliminary Road Layout Sheet 1 (drawing no. 0775/GA/101 Rev H) dated 7 January 2011  
Preliminary Road Layout Sheet 2 (drawing no. 0775/GA/103 Rev B) dated 7 January 2011  
Revised Proposed Cooling Tower (drawing non 1274- PL19 Rev B) received June 2011  
Revised Proposed Gatehouse (drawing no. 1274-PL18RevB) received 13 June 2011  
Proposed Storage Facility Roof Plan (drawing no1274-PL12D) date stamped 7 January 2011  
Proposed Storage Facility GA (drawing no. 1274-PL09D) date stamped 7 January 2011  
Proposed Sub Station Layout and Elevations (drawing no 1274-PL22A) date stamped 7 January 2011  
Proposed Storage Facility Elevations (drawing no. 1274-PL10 D) date stamped 7 January 2011  
Proposed Storage Facility Elevations (drawing no. 21740-PL11D)date stamped 7 January 2011  
Proposed Biomass Elevations 2 (drawing no. 1274-PL07 C) received 13 June 2011  
Proposed Biomass Elevations 1 (drawing no. 1274-PL06 D) received 13 June 2011  
Proposed Biomass GA (drawing no 1274-PL04F) received 13 June 2011  
Proposed Micrositing of Approved Acoustic Boundary Fence Line (drawing no. RSK/M/P660237/06/08/03)

Design and Access Statement dated December 2010  
Supplementary Drainage Statement dated 7 June 2011

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 five years from the 9 January 2013 permission (application number 11/00040/WAS). Written notification of the date of commencement 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 and to enable the local planning authority to establish which permissions have been implemented.

3. Prior to the commencement of development, or within such a time as may be agreed in writing by the local planning authority, a method statement shall be submitted to and approved in writing by the local planning authority, which outlines the 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 then be constructed in complete accordance with the method statement unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety, to minimise disruption to vehicular traffic/pedestrian routes and to protect the residential amenity of local residents. This condition has been imposed having regard to policies STRAT1, ENV6, ENV8 of the Cheshire West and Chester Local Plan (2015).

4. Prior to first occupation of any of the buildings, a scheme (including a timescale for implementation) for the introduction and permanent retention of automatic traffic counter loops, capable of recording the number of HGVs entering and leaving the Development, and for the transfer of data to the relevant monitoring authority, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme.

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. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007) and policy EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8 of the Cheshire West and Chester Local Plan 2015.

5. HGV movements to and from the biomass development hereby permitted (plot 9 shown on the proposed site plan reference 1274-PL03-F) when measured by the automatic traffic counters installed pursuant to condition 4, shall not exceed the permitted number on more than 3 days in a continuous 30 day monitoring period and shall not exceed the permitted number by more than the amounts shown on any day (exceedances calculated as one 2-way HGV movement per 20 (or part of 20) daily 2-way HGV movements allowed. The overall permitted number shall be calculated by reference to plot 9 (identified on the Proposed Site Plan ref. 1274-PL03-F) on the basis of the following allowance:

Plot 9 Biomass development: 36 permitted two way HGV movements  
Plot 9 Biomass development: permitted exceedance (2 way HGV): 2

Reason: In the interests of local amenity and to encourage the use of sustainable modes of transport. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007) and policy EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8 of the Cheshire West and Chester Local Plan 2015.

6. 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 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, in accordance with the provisions of PPG13 and Policy STRAT 10 of the Cheshire West and Chester Local Plan 2015.

7. Prior to commencement of the Development, or within such a time as may be approved in writing by the local planning authority, a scheme (including a timescale for implementation) for soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The soft landscape scheme shall include details of vegetation to be retained and its means of protection during construction, proposed earthwork materials, fencing, finished levels or contours, proposed plant species, plant locations and mixes (including the location and mix of

planting alongside the acoustic barriers as shown on plan ref: 12705-PL14B), planting density and sizes and its long-term management. The soft landscape works shall thereafter be implemented in accordance with the approved scheme. Unless alternative landscaping details are approved, the planting shall be in accordance with the following approved plans: 'Landscape Planting Detail Area 1': RSK/M/P660167/02/01/03 Rev 02; 'Landscape Planting Detail Area 2': RSK/M/P660167/02/01/04 Rev 01; 'Landscape Layout Plan with schedule and Maintenance Notes': RSK/M/P660167/02/01/02 Rev 02 and RSK/M/P660167/02/01/01 Rev 00.

Reason: In the interests of visual amenity and to promote biodiversity. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007) and policies ENV9 and ENV10 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8 of the Cheshire West and Chester Local Plan 2015.

8. If within a period of five years from the date of the planting of any tree (pursuant to condition 7) that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to promote biodiversity. This condition has been imposed having regard to Policy 12 of the Cheshire Replacement Waste Local Plan (2007) and policy ENV10 Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8 of the Cheshire West and Chester Local Plan 2015.

9. Prior to commencement of the Development, or within such a time as may be approved in writing by the local planning authority, full details of hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved plans. These details shall include proposed finished levels or contours, means of enclosure/retaining structures, street furniture, hard surfacing materials and a programme of implementation and maintenance.

Reason: In the interests of visual amenity. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007) Policy ENV8 of the Cheshire West and Chester Local Plan 2015.

10. Prior to commencement of development, all areas of the site, including natural habitat, drains and watercourses, that are to be retained as part of the Development hereby approved, shall be fenced off or otherwise delineated to avoid incursion and disturbance by construction activity. This protection shall be maintained for the duration of the construction period. No construction materials or machinery are to be stored within these areas.

Reason: In the interests of nature conservation and to ensure adequate drainage of the site to protect against flooding. This condition has been imposed having regard to policies ENV5 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8, ENV4, STRA1 of the Cheshire West and Chester Local Plan 2015

11. Prior to commencement of development details of areas for the storage of construction material and machinery shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting local amenity. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007) and Policies ENV8, STRA1 of the Cheshire West and Chester Local Plan 2015

12. Unless otherwise agreed in writing by the Local Planning Authority, construction on the Site shall be limited to the following hours:  
Monday to Friday: 0730 to 1800  
Saturday: 0800 to 1330  
Sunday, Public and Bank Holidays: No construction activity.

Reason: In the interests of protecting local amenity and to protect neighbouring residents from noise nuisance. This condition has been imposed having regard to policies ENV8, STRAT1 of the Cheshire West and Chester Local Plan 2015

13. 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;

65 dB LAeq,1hr for up to 24 weeks per calendar year  
60 dB LAeq,1hr for general activity at all other times

unless 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. This condition has been imposed having regard to Policies ENV8, STRAT1, ENV6 of the Cheshire West and Chester Local Plan 2015

14. The implemented site acoustic barriers shall be maintained along Grinsome Road (formerly Kemira Road) as shown on plan ref. 12705-PL14-B. Any damage to the fence shall be repaired.

Reason: In the interests of protecting local amenity and to protect neighbouring residents from noise nuisance. This condition has been imposed having regard to Policies ENV8, STRAT1, ENV6 of the Cheshire West and Chester Local Plan 2015.

15. Operational noise emissions from the Site shall be controlled using individual plot boundary noise emissions limits to provide overall compliance with the following noise control objectives:

Holme Farm:  
Day (0700 to 2300) (dBL Aeq 1 hour)                      52  
Night (2300 to 0700) (dBL Aeq 5 min)                      41

Station Road - North of Grinsome Road:  
Day (0700 to 2300) (dBL Aeq 1 hour)                      48  
Night (2300 to 0700) (dBL Aeq 5 min)                      41

Duke of Wellington:

Day (0700 to 2300) (dBL Aeq 1 hour)	40
Night (2300 - 0700) (dBL Aeq 5 min)	35

Ince Orchards:

Day (0700 to 2300) (dBL Aeq 1 hour)	45
Night (2300 to 0700) (dBL Aeq 5 min)	41

Redwoods Drive, Elton:

Day (0700 to 2300) (dBL Aeq 1 hour)	51
Night (2300 to 0700) (dBL Aeq 5 min)	37

Note: Levels refer to free field L Aeq ref 20uPa over 1hour operational period during the day, or 5 minutes at night, to apply to whichever combination of development is operational at that time, as approved by this permission and approved under permission DBERR ref: 01.08.10.04/36C.

Reason: In the interests of protecting local amenity, to protect neighbouring residents from noise nuisance and to protect the amenity of future occupiers of the site. This condition has been imposed having regard to Policies ENV8, STRAT1, ENV6 of the Cheshire West and Chester Local Plan 2015

16. Unless otherwise approved in writing by the local planning authority, operational noise emissions from the plant as measured on the western boundary of the plant site shall not exceed 68dB LAeq, 1 hour between 0700 and 2300, and shall not exceed 68dB LAeq, 5 minutes after 2300 and before 0700 of the day following.

Should noise emission levels be shown to exceed the above plot boundary criteria, either noise mitigation measures should be submitted to and approved in writing by the local planning authority and thereafter adopted in accordance with the approved details, or a review of the Ince Park plot boundary noise limit framework should be submitted to the satisfaction of the local planning authority, to ensure that the noise control objectives as detailed in condition 15 are achieved.

Reason: In the interests of protecting local amenity, to protect neighbouring residents from noise nuisance and to protect the amenity of future occupiers of the site. This condition has been imposed having regard to Policies ENV8, STRAT1, ENV6 of the Cheshire West and Chester Local Plan 2015

17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref no. 660167-FRA-R1(3), dated November 2010 from RSK Land and Engineering Ltd and the following mitigation measures detailed within the FRA, unless otherwise approved in writing by the local planning authority:

Finished floor levels of all buildings as shown on the plans hereby permitted shall be set no lower than 5.063m above Ordnance Datum (AOD).

Reason: To reduce the danger to the users of the buildings from potential flooding, to reduce the impact of flooding on the proposed development and future occupants and to ensure safe access and egress from and to the site. This condition has been imposed having regard to

policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8 of the Cheshire West and Chester Local Plan 2015.

18. The finished levels for access roads, internal roads, parking and pedestrian areas are to be set no lower than 4.763m above Ordnance Datum (AOD).

Reason: To reduce the danger to the road and pedestrian footway users from potential flooding, to reduce the impact of flooding on the proposed development and future occupants and to ensure safe access and egress from and to the site. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8 of the Cheshire West and Chester Local Plan 2015.

19. Prior to commencement of the development, or unless otherwise approved in writing by the local planning authority, full details of existing levels and proposed finished floor levels (slab) and site levels of the Site shall be submitted to and approved in writing by the local planning authority. All submitted details must relate to adjoining land. The development shall be carried out in accordance with the approved details.

Reason: To ensure these details are satisfactory. This condition has been imposed having regard to Policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8, STRAT1 of the Cheshire West and Chester Local Plan 2015.

20. Prior to commencement of construction of individual buildings within the Development, samples of all materials to be used on the exterior of that building shall be submitted to and approved in writing by the Local Planning Authority. All buildings shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8, STRAT1, of the Cheshire West and Chester Local Plan 2015

21. If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment. This condition has been imposed having regard to Policies ENV8, STRAT1 of the Cheshire West and Chester Local Plan 2015

22. Unless otherwise approved in writing by the local planning authority, the development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol

separators has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8 of the Cheshire West and Chester Local Plan 2015.

23. A scheme to identify how the proposed development will be CHP ready to include details of any site infrastructure and pipe work to be installed to facilitate use of Combined Heat and Power (CHP) to the site boundary, and to include timescales for implementation, shall be submitted to and approved in writing by the local planning authority. The CHP infrastructure shall be constructed in accordance with the approved details.

Reason: To ensure the delivery of an integrated approach to waste management. This condition has been imposed having regard to Policies ENV8, STRAT1, of the Cheshire West and Chester Local Plan 2015

24. The proposed development shall be carried out in accordance with the approved Water Vole Mitigation Plan undertaken by RSK dated July 2010, and the amended Water Vole Mitigation Plan dated January 2011, unless such other minor variations are otherwise agreed in writing by the Local Planning Authority. The mitigation should be based on an updated pre-construction survey of those areas affected.

Reason: In the interests of nature conservation and to promote and protect biodiversity. This condition has been imposed having regard to policy ENV8 of the Cheshire West and Chester Local Plan (2015) and policy ENV5 of the Ellesmere Port and Neston Borough Local Plan (2002).

25. Overspill parking shall not be permitted on the internal road system for the Resource Recovery Park.

Reason: In the interests of highway safety and to promote the use of sustainable modes of transport. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007) and policy EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002). This condition has been imposed having regard to Policies ENV8, STRAT10 of the Cheshire West and Chester Local Plan 2015

26. Notwithstanding the details shown on the approved plans, car parking provision shall be limited to 33 spaces.

Reason: In the interests of highway safety and convenience and to encourage the use of sustainable modes of transport. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007) and policy TRANS6 of the Ellesmere Port



and Neston Borough Local Plan (2002). This condition has been imposed having regard to Policies ENV8, STRAT10 of the Cheshire West and Chester Local Plan 2015.

27. Prior to the first occupation of any building, a scheme (including a timescale for implementation) for preventing vehicle access, other than in an emergency, from Marsh Lane and Lordship Lane to and from the Site, shall be submitted to and approved in writing by the Local Planning Authority with a timescale for implementation and thereafter implemented in accordance with that timetable or as otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience and in the interests of local amenity. This condition has been imposed having regard to policies 12, of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8, STRAT10 of the Cheshire West and Chester Local Plan 2015.

28. Vehicular access to and from the Site shall only be from the access on to Grinsome Road, as shown on plan reference 1274\_PL02 F, except in an emergency when access from Marsh Lane and Lordship Lane will be permissible.

Reason: In the interests of highway safety and convenience and in the interests of amenity. This condition has been imposed having regard to policies 12, of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8, STRAT10 of the Cheshire West and Chester Local Plan 2015.

29. Prior to occupation of any building hereby permitted, the works to Grinsome Road between Pool Lane and the Site, as shown on drawing refs.0775/GA/101/H; 0775/GA/103/B; 0775/LS/101/A; 0775/LS/102/A; shall be completed, unless otherwise approved in writing by the local planning authority.

Reason: In the interests of highway safety and convenience. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8, STRAT10 of the Cheshire West and Chester Local Plan 2015.

30. Prior to the commencement of any on site access roads, details of that road or any part of it, including details of proposed footpaths and cycleways shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of highway safety and local amenity. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8, STRAT10 of the Cheshire West and Chester Local Plan 2015.

31. Prior to occupation of any building hereby permitted, details of works to improve vehicle movements on the Grinsome Road / Pool Lane roundabout and Pool Lane railway bridge as shown in outline on WSP drawing ref. 2155/GA/001/B, shall have been submitted to and

approved in writing by the Local Planning Authority, and thereafter completed in accordance with the approved details.

Reason: In the interests of highway safety. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8, STRAT10 of the Cheshire West and Chester Local Plan 2015.

32. Prior to occupation of any building hereby permitted, details of the footway/cycleway link between Station Road and Grinsome Road as shown in outline on drawing 12705-PL14B, shall have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be implemented in accordance with the approved details.

Reason: In the interest of promoting sustainable modes of transport and in the interests of highway safety. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2002) and policy EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002). This condition has been imposed having regard to Policy STRAT10 of the Cheshire West and Chester Local Plan 2015.

33. Prior to occupation of any building hereby permitted, a Waste Management Plan relating to the operation of the Development shall be submitted to and approved in writing by the Local Planning Authority. The Development shall be operated in accordance with the approved Waste Management Plan.

Reason: In the interest of local amenity and to promote sustainable waste management. This condition has been imposed having regard to policy ENV8 of the Cheshire West and Chester Local Plan 2015.

34. Prior to commencement of development, an Environmental Management Plan, providing a framework of control in relation to noise, dust and waste during the construction phase, shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall be operated during the construction phase.

Reason: In the interests of protecting local amenity. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8, STRAT1, ENV6 of the Cheshire West and Chester Local Plan 2015.

35. Prior to commencement of development, a Surface Water Management Plan, including a programme for maintaining and monitoring watercourses and proposals for compensatory flood storage and surface water regulation, shall be submitted to and approved in writing by the Local Planning Authority. The Surface Water Management Plan shall thereafter be implemented and operated as approved.

Reason: To protect the environment from flood risk and pollution. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This

condition has been imposed having regard to Policy ENV8 of the Cheshire West and Chester Local Plan 2015.

36. Unless otherwise approved in writing by the local planning authority, the surface water run off generated by the proposed development shall be limited so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off site for up to the 1 in 100 years design event including allowances for climate change. Unless otherwise approved in writing by the local planning authority, provision shall be made for compensatory flood storage to prevent flooding on or in the vicinity of the site to a 1 in 100 year design standard, as set out in the mitigation measures contained within the Flood Risk Assessment (FRA) ref no. 660167-FRA-R1 (3) dated November 2010 from RSK Land and Engineering Ltd.

Reason: To reduce the impact of flooding on the development hereby permitted and future occupants, to ensure safe access and egress from and to the site, to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to prevent flooding by the provision of compensatory flood storage. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policy ENV8 of the Cheshire West and Chester Local Plan 2015.

37. Prior to commencement of the Development, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall be implemented in accordance with the approved details.

Reason: To protect the water environment and prevent flooding and pollution. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policy ENV8 of the Cheshire West and Chester Local Plan 2015.

38. Prior to implementation of external lighting (including security lighting) details shall be submitted to and approved in writing by the Local Planning Authority. The lighting as measured on the north bank of the Manchester Ship Canal opposite Plot 1 shall be designed to avoid light levels from the Development of above 1 lux.

Reason: In the interests of amenity and to protect the character of the adjacent Green Belt and designated areas. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8, ENV4 of the Cheshire West and Chester Local Plan 2015.

39. All areas used for the washing of vehicles shall be contained to prevent the discharge to underground strata or controlled waters.

Reason: To prevent pollution of the water environment. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policy ENV8 of the Cheshire West and Chester Local Plan 2015.

40. Prior to construction of the buildings, or such other time as may be approved in writing by the local planning authority, a scheme of details setting out the location and type of bicycle parking/storage facilities shall be submitted for the approval in writing of the Local Planning Authority. The secure and covered bicycle facilities shall be installed prior to the use commencing and shall be retained thereafter for bicycle use.

Reason: To promote sustainable modes of transport and to promote access to the site by a range of modes of transport. This condition has been imposed having regard to Policy 12 of Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8, STRAT10, of the Cheshire West and Chester Local Plan 2015.

41. There shall be no outside storage of plant, containers, equipment, materials or products within the application site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policies ENV8, STRAT1 of the Cheshire West and Chester Local Plan 2015.

42. The feedstock for the Biomass renewable energy plant shall consist of waste wood (including but not limited to: saw dust from saw mills; recovered waste wood from construction/demolition; wood pellets; short rotation coppice; short rotation forestry; agricultural wastes such as olive residues or other biomass crop materials); and virgin wood. For the avoidance of doubt, no other materials shall be used as feedstock for the biomass renewable energy plant.

Reason: To ensure the development is carried out in accordance with the submitted details and in the interests of local amenity. This condition has been imposed having regard to Policies ENV8, of the Cheshire West and Chester Local Plan 2015.

43. Unless otherwise approved in writing by the local planning authority, within 12 months of the site ceasing to be used for the purposes of electricity generation, the Company shall submit to the local planning authority, for approval in writing, a scheme for the demolition and removal of the development and the restoration of the site.

This scheme shall include:

- (a) details of all structures and buildings which are to be demolished;
- (b) details of the means of removal of materials resulting from the demolition;
- (c) the phasing of the demolition and removal;
- (d) details of the restoration works; and
- (e) the phasing of the restoration works.

The demolition and removal of the development (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access roads) and subsequent restoration of the site shall thereafter be implemented in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority.

Reason: In the interests of visual amenity. This condition has been imposed having regard to Policies ENV8 of the Cheshire West and Chester Local Plan 2015.

44. 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 biomass renewable energy 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 12 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 address local concerns regarding perceptions of ill health and poor air quality as a result of the development and to keep local residents informed regarding local air quality. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007). This condition has been imposed having regard to Policy ENV8 of the Cheshire West and Chester Local Plan 2015.

45. No clearance works shall be carried out on the site between the 1st March and 31st August inclusive, unless any vegetation to be removed is surveyed by an ecologist to ensure there are no breeding birds. If breeding birds are present, a suitable buffer zone shall be put in place until any young have fledged. This shall be undertaken under the supervision of a suitably qualified ecologist.

Reason: To provide adequate safeguards for the protection of any species on the site, in accordance with PPS9 and Policy ENV5 of the Ellesmere Port and Neston Borough Local Plan (2002).

## Notes

1. This decision has been made having regard to policies in the Ellesmere Port and Neston Borough Local Plan (2002), policies within the Cheshire Replacement Waste Local Plan (adopted July 2007), policies within the Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015).

Regard has been given to National planning policy:

National Planning Policy Framework March 2012  
National Planning Policy for Waste

In its determination of this application Cheshire West and Chester Council, acting as the local planning authority, has given due consideration to the proposal. The impact of the development on the landscape and ecology have been considered. Highway issues have also been taken into account. The economic viability of the proposal and the legal format of the proposed planning permission have been given due regard.

Regard has been given to the history of the site, the existing extant permissions on the site and the site designation within the local plan as well as the strategic siting of a sustainable waste management scheme in this location.

Due consideration has been given to the objections received through the consultation process for the application.

Due regard has been given to the Environmental Statement submitted with the application and it is considered that the Environmental Statement demonstrates that the proposed development would not cause unacceptable harm to the local environment in terms of the following identified impact areas:

- a. landscape and visual impact
- b. ecology
- c. Cumulative impacts, consequential developments and impact interactions;
- d. environmental management

The Local Planning Authority has sought to work with the applicant/agent 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. The applicant is advised that a revised stopping up order is required for the re-routing of the bridleway.
3. Any waste activities relating to construction works may require an environmental permit or exemption.
4. The watercourse West Central Drain, which is designated a 'main river' flows through the proposed development. Consent for works within 8 metres of the top of the banks of the watercourse will require the Environment Agency's prior written consent. Culverting of an 'ordinary watercourse' will require the Environment Agency's prior written consent. Please refer to the comments received from the Environment Agency.
5. There is a Supplemental Planning Obligation associated with this permission, dated 24<sup>th</sup> March 2015.

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Signed:

Date: 26 March 2015



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 below notes, 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, using a form which you can get 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.