

Notice of Planning Permission

Mr Geoff Baxter
c/o Mr Mike Hopkins
JLL
One Piccadilly Gardens
Manchester
M1 1RG

Application Number:
18/04894/FUL

8 July 2019

Town and Country Planning Act 1990

Proposal: Creation of a geological research facility including the formation and operation of 50 No monitoring boreholes across 14 locations, a central telemetry mast, with associated infrastructure (including monitoring equipment, in-field data centre, access tracks, telemetry and fencing); together with formation of temporary access, temporary construction compounds, temporary fencing with a lifetime of 20 years allowing for construction, operational period and decommissioning.

Location: Land At Ince Marshes, Lordship Lane, Frodsham, 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 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.

2. The development hereby approved shall be carried out in accordance with the plans submitted with the application.

Reason - For the avoidance of doubt and in the interests of proper planning.

3. The planning permission hereby approved shall be limited to a period of 20 years from the date of permission. This period shall include construction, operation and decommissioning.

Reason: To protect the landscape character of the surrounding area.

4. All boreholes must be drilled, constructed, operated and decommissioned in such a way as to prevent the transfer of drilling fluids between different geological formations and to prevent uncontrolled discharge of groundwater to surface.

Reason: To protect water resources from derogation or pollution and to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the National Planning Policy Framework.

5. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water at the operational phase of the development has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that there is no pollution to the environment.

6. Details of the phasing of the construction traffic for the development, including temporary highway vehicle and pedestrian routings, times and days of drill rig delivery vehicle movements to/from the site, suitable off-highway parking for all construction related vehicles and vehicle cleansing/ wheel washing facilities shall be submitted to and approved in writing by the local Planning Authority prior to the commencement of the development. The development must then be carried out in strict accordance with the agreed details.

Reason: In the interests of highway safety.

7. Before the end of the authorised period, as set out in condition 3, site restoration shall be carried out in accordance with the following approved details :

- Site A Decommissioning site plan Drawing No: RAM-CH-A-DR-Z-00040 Rev I03
- Site B Decommissioning site plan Drawing No: RAM-CH-B-DR-Z-00040 Rev I02
- Site C Decommissioning site plan Drawing No: RAM-CH-C-DR-Z-00040 Rev I02
- Site D Decommissioning site plan Drawing No: RAM-CH-D-DR-Z-00040 Rev I02
- Site E Decommissioning site plan Drawing No: RAM-CH-E-DR-Z-00040 Rev I01
- Site F Decommissioning site plan Drawing No: RAM-CH-F-DR-Z-00040 Rev I02
- Site G Decommissioning site plan Drawing No: RAM-CH-G-DR-Z-00040 Rev I02
- Site H Decommissioning site plan Drawing No: RAM-CH-H-DR-Z-00040 Rev I02
- Site I Decommissioning site plan Drawing No: RAM-CH-I-DR-Z-00040 Rev I02
- Site J Decommissioning site plan Drawing No: RAM-CH-J-DR-Z-00040 Rev I02
- Site K Decommissioning site plan Drawing No: RAM-CH-K-DR-Z-00040 Rev I02
- Site L Decommissioning site plan Drawing No: RAM-CH-L-DR-Z-00040 Rev I02
- Site M Decommissioning site plan Drawing No: RAM-CH-M-DR-Z-00040 Rev I02
- Site N Decommissioning site plan Drawing No: RAM-CH-N-DR-Z-00040 Rev I02

Reason: To ensure the sites are restored in accordance with the submitted details in the interests of visual amenity and the character of the surrounding landscape.

8. No development at sites A, B, F and I shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been

submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: To protect heritage assets.

9. No development shall take place at sites D, E and J until a site investigation of the nature and extent of contamination at the borehole locations has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. Where relevant contamination is identified at the borehole locations during the site investigation, a report specifying the reasonable measures necessary to suitably mitigate this during the drilling operation and safeguard the development shall be submitted to and approved in writing by the local planning authority.

The work shall be undertaken in accordance with the approved mitigation measures and written confirmation that the work has been completed provided to the local planning (unless otherwise agreed with the local planning authority).

If, during the course of development, unexpected contamination is identified, additional measures for the mitigation of this source of contamination shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the development does not give rise to significant adverse impacts on health and quality of life.

10. If, during the course of development, unexpected contamination is identified at Sites, A, B, C, F, G, H, I, K L, M, N, measures for the mitigation of this the contamination shall be submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved mitigation measures.

Reason: To ensure the development does not give rise to significant adverse impacts on health and quality of life.

11. No development at sites B, E, G, H, I, J, L and M, including and/or construction works shall take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank Holidays.

Any variation to the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented.

Reason: To ensure the development does not give rise to significant adverse impacts on health and quality of life.

12. No construction deliveries shall be taken at or dispatched from the sites B, E, G, H, I, J, L and M outside the following hours 08.00 hours to 17.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank Holidays.

Any variation to the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented.

Reason: To ensure the development does not give rise to significant adverse impacts on health and quality of life.

13. No development at sites C, D, F, K and N, including and/or construction works shall take place outside 07.00 hours to 18.00 hours Mondays to Fridays; 07.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank Holidays.

Any variation to the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented.

Reason: To ensure the development does not give rise to significant adverse impacts on health and quality of life.

14. No construction deliveries shall be taken at or dispatched from sites C, D, F, K and N outside the following hours 07.00 hours to 19.00 hours Mondays to Fridays; 07.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank Holidays.

Any variation to the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented.

Reason: To ensure the development does not give rise to significant adverse impacts on health and quality of life.

15. Before the commencement of development a Noise Management Plan to control noise from the drilling and construction activities shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt the scheme shall incorporate the measures outlined in document ES-Vol 4- Technical Appendix 19 - Schedule of Mitigation and the best practice set out ES
- Vol 2- Main Report - Chapter 10 - Noise and Vibration.

Reason: To ensure the development does not give rise to significant adverse impacts on health and quality of life.

16. The use of the sites during the operational phase shall have a cumulative noise impact no louder than a rated noise level of 5dB below background noise level (as measured as an LA90) at any time as measured at the nearest noise sensitive residential receptor. The methodology for assessing noise impact within BS4142: 2014 'Methods for rating and assessing industrial and commercial sound' shall be used to demonstrate compliance with this condition. Any mitigation necessary to achieve compliance with the noise level shall be implemented in full prior to operation and retained thereafter; any variation to the agreed scheme shall be agreed in writing with the Local Planning.

Reason: To ensure the development does not give rise to significant adverse impacts on health and quality of life.

17. No operations requiring piling or subsurface vibration ground improvement techniques (Excluding drilling operations) shall be carried out on the site unless, details of the work, monitoring and environmental controls proposed have been submitted to and agreed in writing

by the local planning authority. All such works to be undertaken in accordance with guidance provided in BS 5228: 2009

+A1-2014 "Code of practice for noise and vibration control on construction and open sites -Part 1: Noise and Part 2: Vibration" and in complete accordance with the agreed scheme, any variations to be submitted to and agreed in writing with the Local Planning Authority prior to such works commencing.

Reason: To ensure the development does not give rise to significant adverse impacts on health and quality of life.

18. Prior to the installation of any external lighting a scheme detailing all external lighting equipment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of both external lighting during construction phases as well as the permanent lighting of the completed development. Details of any lighting scheme proposed should be provided to demonstrate that there is no impact on nearby residential receptors nor unnecessary illumination of the night sky. The scheme should be designed in accordance with the Institute of Lighting Professionals document "Guidance on the Control of Obtrusive Light". The approved external lighting plan shall be implemented in accordance with the approved details and thereafter retained. No other external lighting equipment may then be used within the development other than as approved by the Local Planning Authority.

Reason: To ensure the development does not give rise to significant adverse impacts on health and quality of life.

19. Before the commencement of development a Dust Management Plan to control dust from the construction of the sites shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt the scheme shall incorporate the measures outlined in document ES-Vol 4-Technical Appendix 19 - Schedule of Mitigation the best practice set out ES-Vol 2- Technical Appendix 9 - Air Quality - Table 9.1.13 - Recommended Dust Mitigation Measures for Low Risk Sites.

Reason: To ensure the development does not give rise to significant adverse impacts on health and quality of life.

20. Before the commencement of development a drilling rig deployment scheme detailing the planned use of drilling rigs across the array of boreholes shall be submitted to and approved in writing by the Local Planning authority. For the avoidance of doubt the scheme shall detail the engine and emissions specifications for drilling rig setups to be used at each individual site, with the aim of minimising emissions to atmosphere.

Reason: In the interest of highway safety, air quality and public amenity.

21. No construction works shall be undertaken at Site K between 1 October to 31 March inclusive unless otherwise approved in writing by the local planning authority.

Reason: To avoid the risk of disturbance to qualifying species on land outside of the application site. To safeguard features of biodiversity.

22. Prior to the commencement of the reinstatement works development details of soft landscaping/hedgerow replacement, including a time table for the implementation of measures and species mixes, should be submitted and approved in writing by the local planning authority. Replacement shall be carried out in accordance with the agreed details.

Reason: To protect the landscape character of the surrounding area.

23. No ground clearance or vegetation removal shall be undertaken during the bird breeding season (1st March to 31st August inclusive) unless otherwise approved in writing by the local planning authority (i.e. checked in advance by the developer's ecologist).

Reason: To safeguard features of biodiversity.

24. No construction works shall be undertaken at Site B between 1st March and 31st October inclusive unless otherwise approved in writing by the local planning authority i.e. checked in advance by the developer's ecologist.

Reason: To avoid the risk of disturbance to Schedule 1 birds.

25. Prior to the commencement of development at Sites A, C, E, F, K, L and N a method statement detailing any mitigation to avoid harmful impacts to reptiles shall be submitted and approved in writing by the local planning authority. In addition, prior to the commencement of development at Sites A, C, F, K and L a method statement detailing any mitigation to avoid harmful impacts to European eels shall be submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved method statements.

Reason: To safeguard features of biodiversity.

26. The development at Site A shall be undertaken in accordance with the mitigation measures for Water Vole (Environmental Statement Volume 2).

Reason: To safeguard features of biodiversity.

27. Prior to the commencement of development at Sites A & K an updated badger survey shall be undertaken and a method statement detailing any mitigation to avoid harmful impacts to badgers and otters shall be submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved statement.

Reason: To safeguard features of biodiversity.

28. The development at Site C shall be undertaken in accordance with the Method Statement for Controlling Invasive Species (Ramboll Technical Appendix 7.6).

Reason: To safeguard features of biodiversity.

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.

Signed:

Date: 8 July 2019



Fiona Hore
Senior Manager, Planning and Strategic Transport,
Cheshire West and Chester Borough Council 4 Civic Way Ellesmere Port CH65 0BE

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.

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

For further information you can contact the Council's CIL and S106 Officer on 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.