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London
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Our Ref: APP/Z0645/A/07/2059609

11 August 2009

Dear Mr Lake

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78.
APPEAL BY PEEL ENVIRONMENTAL INCE LTD
APPLICATION Ref: 3/P/2007/111/XX/564
RESOURCE RECOVERY PARK ON LAND ADJACENT TO THE
MANCHESTER SHIP CANAL, INCE, CHESHIRE**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Simon Gibbs MA MSocSc MRTPI, who held a public local inquiry which was held from 15 April to 29 May 2008, into your client's appeal under Section 78 of the Town and Country Planning Act 1990 against a failure of Cheshire County Council to give notice within the prescribed period of a decision on an application for outline planning permission for the development of a Resource Recovery Park (RRP) on 127.2 hectares of land adjacent to the Manchester Ship Canal, Ince, Cheshire, ref 3/P/2007/111/564, dated 20 July 2007.

2. The inquiry also considered a related application for a Generating Station on 104.4 hectares of land. This application was made under the Electricity Act 1989 and falls to be decided by the Secretary of State for Energy and Climate Change. A separate decision letter has been issued for this application, also dated 12 March.

3. The planning appeal was recovered on 20 November 2007 for the Secretary of State's determination, in pursuance of Section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the appeal relates to proposals in which another Government Department has a major interest.

INSPECTOR'S RECOMMENDATION AND SUMMARY OF THE DECISION

4. The Inspector, whose report is enclosed with this letter, recommended that the appeal be allowed and planning permission granted. For the reasons given below, the Secretary of State agrees with his conclusions, except where stated, and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

PROCEDURAL MATTERS

5. The Secretary of State agrees with the Inspector's assessment of relevant matters to be addressed at the inquiry (IR1.2 and 1.4) and the revised list of matters set out in IR1.3. He also observes that the Inspector announced that the list of matters should be taken as applying both to the application under the Electricity Act and to the planning appeal (IR1.5) and has determined the planning appeal on this basis.

6. In reaching his decision the Secretary of State has taken into account the Environmental Statement (ES) and revised ES which were submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as well as other evidence brought before the inquiry on this matter (IR2.20 and IR11.9). He has considered the Inspector's assessment of the ES as set out in IR1.6-1.13 and IR11.7-11.12. For the reasons given in that assessment, he agrees with the Inspector that the ES is adequate and complies with the above regulations (IR11.12), and that sufficient information has been provided for him to assess the environmental impact of the appeal.

7. The Secretary of State has taken into account those matters relating to the section 78 appeal set out in IR2.3-2.9. He notes that small scale adjustments have been made to the plans and that a boundary alteration was proposed at the inquiry (IR2.9 and IR11.5-11.6). He does not consider that any prejudice has been caused to any party by accepting these amendments and, like the Inspector, has determined the appeal on this basis.

8. After the inquiry closed, the Secretary of State received a written representation from RAIN dated 20 June 2008. The Secretary of State has considered this correspondence very carefully, but it does not appear to constitute new evidence or raise new issues relevant to this application that either affect his decision, or require him to refer back to the parties for further representations before reaching his decision.

9. After the inquiry closed, the Secretary of State wrote to Addleshaw Goddard LLP (the appellant's agents) on 5 December 2008 (copied to other parties with an interest in the UU and the Environment Agency), noting that the section 106 Unilateral Undertaking (UU) offered by Peel Environmental Ince Ltd, Peel Investments (North) Limited and The Manchester Ship Canal, dated 11 August 2008, did not include the Environment Agency (EA) as signatories, despite their having an interest in land within the application site. His letter invited the appellants to submit a suitably revised UU to which the EA were also signatories, principally in order to ensure that all relevant land be covered by the provisions of the Habitats Creation and Management Plan (HCMP). A response was received from Addleshaw Goddard LLP dated 6 January notifying the Secretary of State that the EA had agreed to be joined as a party, and a signed copy of a UU dated 16 January with the EA as a signatory has been received by the Secretary of State. The Secretary of State has taken full account of this new UU in reaching his decision. He is now satisfied that the EA have been appropriately incorporated as a party to the UU, and that all relevant land within the application site would be included within the HCMP. He is also satisfied that

the amendments to the UU are not such that they raise new issues that affect his decision, or that they are so substantive that they require him to refer back to parties for further representations before reaching a decision. This is because those issues relating to the provisions of the UU that have been amended (principally in order to ensure adequate delivery of the HCMP), were considered at the inquiry and do not change the fundamental aim or outcome of the UU in this respect. Copies of these documents are not attached but may be obtained on written request to this office.

POLICY CONSIDERATIONS

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

11. In this case, the development plan comprises the Regional Spatial Strategy "The North West Plan" (September 2008 – published after the close of the inquiry), the "saved" policies in the Ellesmere Port and Neston Borough Local Plan (Jan 2002), the Chester District Local Plan (2006) and the Cheshire Replacement Waste Local Plan (2007) (WLP). These policies remain extant until such time as they are replaced by the new West Cheshire and Chester Council.

12. The Secretary of State agrees with the Inspector's assessment of development plan policies that are most relevant to this appeal as set out in IR2.30-2.37, with the proviso that the policies of the North West Plan now form part of the development plan and carry full weight, and those of the replaced RSS (RPG13) and the "unsaved" Cheshire Structure Plan Alteration 2016, which has been superseded by the North West Plan, no longer form part of the development plan, and carry no weight. He has also taken into account relevant development plan policies listed at Appendix 8 of the SOCG.

13. The Secretary of State observes that the Inspector rightly anticipated that the then emerging RSS would have become part of the development plan by the time of the Secretary of State's decision (IR2.32). He also notes that the Inspector afforded significant weight to relevant policies within that document (IR11.75). On that basis, and given that only minor changes have been made between the proposed changes and the final RSS, the Secretary of State is content that adequate weight has been afforded to these policies and that there have been no material alterations in this respect that require him to refer back to parties for further representations on this matter prior to reaching a decision.

14. Other material considerations which the Secretary of State has taken into account include those national policies, circulars and regulations set out in the Statement of Common Ground.

15. The Secretary of State has also taken into account *Designing Waste Facilities: a guide to modern design in waste*, published by DEFRA in October 2008. The Secretary of State notes that this publication was prepared in partnership with CABI, and that CABI are enthusiastic in their support for the proposals.

16. Since the close of the inquiry, the Government has published its “Renewable Energy Strategy”, “The UK Low Carbon Transition Plan: National Strategy on Energy and Climate Change”, and “The UK Low Carbon Industrial Strategy”. However, the Secretary of State does not consider that these documents raise any new issues relevant to this application that either affect his decision or require him to refer back to the parties for further representations prior to reaching his decision on the application. He has also taken into account the consultation draft PPS4: *Planning for Sustainable Economic Development*, published in May 2009. However, as this document is still at consultation stage and may be subject to change, he affords it little weight.

MAIN ISSUES

17. The Secretary of State agrees with the Inspector’s approach and observations as set out in his introduction to his reasoning and conclusions in IR11.1-11.4. On the matter of the treatment of objections to the applications set out in IR11.2 (and also referred to in IR2.5 (footnote 3), IR8.25 and IR10.1-10.3), the Secretary of State wishes to make it clear that he has taken into account all objections in determining this appeal, including those made on the original application.

Procedural matters requiring consideration

18. The Secretary of State has addressed those matters relating to modification of the site boundary and the adequacy of the ES in paragraphs 6 and 7 above.

Effect on the Special Protection Area & requirement for Appropriate Assessment

19. The Secretary of State agrees with the Inspector’s reasoning and conclusions on the effect on the Special Protection Area (SPA) and Appropriate Assessment (AA) as set out in IR11.13-11.16. In doing so he has also noted the Inspector’s assessment of this matter as set out in IR1.14-1.19 and IR2.21. The Secretary of State has taken account of the fact that Natural England are content that the appeal proposals would not be likely to have a significant effect on the SPA and that there would be no need to undertake an AA (their reasons for which are set out in IR7.1-7.9). The Secretary of State has carefully considered this matter and has decided, on the evidence before him, that the development proposed is not likely to have a significant effect on the SPA and no AA is necessary.

Relationship between the two proposals

20. The Secretary of State agrees with the Inspector’s reasoning and conclusions on the effect on the relationship between the two proposals as set out in IR11.17-11.18. In considering this specific issue he has also taken into account, and agrees with, the Inspector’s views on the need for a linking condition as set out in IR11.165-11.171.

The DBERR issues (as amended)

The effect of atmospheric discharges from the proposed development on human health including consideration of Western Cheshire NHS Primary Care Trust's Rapid Health Impact Assessment (August 2006)

21. In as much as issues regarding this matter relate to the proposed Resource Recovery Park, the Secretary of State agrees with the Inspector's reasoning and conclusions on the effect of atmospheric discharges on human health as set out in IR11.19-11.28.

The impact of the proposed development on flora and fauna including the Mersey Estuary Special Protection Area, including examination of any action required to satisfy the requirements of Regulations 48 and 49 of the Habitats Directive

22. The Secretary of State agrees with the Inspector's reasoning and conclusions on the impact of the proposed development on flora and fauna as set out in IR11.29-11.32. He agrees that the proposed Resource Recovery Park would have significant and substantial ecological benefits, despite provision of infrastructure and development of some 60 hectares of reclaimed marshland currently used for agriculture (IR11.32). The Secretary of State's conclusions on the requirements of the Habitats Regulations are at paragraph 18 above.

Increase in road traffic and impact on the local highways; the scope for use of rail and canal and effectiveness of controls to ensure the contribution of such modes is realised; impact of noise; loss of amenity

23. The Secretary of State agrees with the Inspector's reasoning and conclusions on those matters addressed in IR11.33-11.41. He is satisfied that traffic flows are in themselves not a major issue (IR11.34), and agrees with the Inspector that there is undoubted potential for non-road means of transport (IR11.35). He is also content that noise would not be a cause of problems and that satisfactory conditions have been put forward to mitigate noise (IR11.37). He further agrees that though some individuals would experience a loss of amenity, the facilities to be provided would be at least of equal amenity to the majority of users (IR11.41).

Landscape and visual impact of proposed development; and light pollution from the proposed development

24. The Secretary of State agrees with the Inspector's reasoning and conclusions on landscape, visual impact and light pollution as set out in IR11.42-11.44 and IR11.46-11.47. He agrees with the Inspector that the balance between an agricultural and an industrial landscape would shift but that overall the proposal would have a level of impact that the landscape can absorb without the adverse effect being significant (IR11.44).

Flood risk and impact on water courses of run-off and effluents from the proposed development

25. The Secretary of State agrees with the Inspector's reasoning and conclusions on flood risk and impact on water courses as set out in IR11.48-11.61. He agrees with the Inspector that flood risk, such as there is at this low lying site which is protected from tidal flooding by a double barrier of the embanked Manchester Ship Canal, has been fully addressed within the development of proposals for this site (IR11.61).

Loss of historical value of Ince village

26. For the reasons given in IR11.62-11.64, the Secretary of State agrees with the Inspector that there is little weight in the argument that the historical value of the village and of the Conservation Area at its core would be diminished by the proposals (IR11.64).

Summary of discrete impacts

27. The Secretary of State agrees with the Inspector's summary of these impacts of the proposal as set out in IR11.65-11.66.

DBERR Matters 1, 2 & 3: National Planning Policies, Waste Strategy England and Energy Policies and DBERR Matters 4 & 5: The adopted and emerging development plan

28. The Secretary of State agrees with the Inspector's assessment of, and conclusions on, relevant policies as set out in IR11.67-11.77.

Application of policies in the development plan

29. The Secretary of State agrees with the Inspector's reasoning and conclusions on the application of policies in the development plan as set out in IR11.78-11.112. He agrees that the Panel's report on the need for a study of "broad locations" (in line with advice in paragraph 12 of PPS10) reflects the acceptance of a large scale capacity gap and a need for additional sites (IR11.92). He also agrees that notwithstanding an element of conflict with Policy DP4 of RSS, there is support for the provision of waste management facilities on a regional scale at Ince Marshes from both Policy EM13 of the RSS and from Policy 6 of the Waste Local Plan (IR11.110).

30. On the matter of competing proposals addressed by the Inspector in IR11.101-11.105, the proposal at Ineos Chlor referred to in IR11.103 has now been granted consent. The implications of this are essentially a matter for the Secretary of State for ECC in that they principally relate to the provision of the proposed RDF. However, the Secretary of State agrees with the Inspector that the fact that the Companion Guide to PPS10 (paragraph 7.27) refers to the broad test as not being a "rigid cap on the development of waste management capacity" is pertinent to this case.

Review of other DBERR matters and of overall planning merits

31. The Secretary of State agrees with the Inspector's reasoning and conclusions on the review of other DBERR matters and of overall planning merits as set out in IR11.113-11.121. He agrees that there is support for these proposals from the development plan, and material considerations within national policy also provide support for the grant of planning permission. He also agrees that the balance of advantages in relation to the proposal is enough to outweigh arguments relating to according priority to development of previously developed land over a greenfield site (IR11.120).

Other matters raised

32. The Secretary of State agrees with the Inspector's reasoning and conclusions on those other matters raised, as set out in IR11.122-11.126.

Effectiveness of the Unilateral Undertaking

The Environment Agency's interest in the site

33. The Secretary of State has addressed the matter of EA's interest in the site in relation to the UU in paragraph 9 above.

The Habitat Creation and Management Plan (HCMP)

34. The Secretary of State agrees with the Inspector's reasoning and conclusions on the HCMP, including that it has been well thought out and that the related clauses of the UU would deliver significant benefits, particularly in relation to ecology (IR11.137).

The Travel Plan (TP)

35. The Secretary of State agrees with the Inspector's conclusion that the Employee Travel Plan should help to mitigate the adverse impacts of the site's relative remoteness from urban areas and public transport facilities, but that it will not eliminate the inherent disadvantages of providing significant new employment in a relatively remote location (IR11.139).

36. He has carefully considered the Freight Management Plan, and agrees with the Inspector's reasoning and conclusions as set out in IR11.140-11.151. He shares the Inspector's view that the key reason (and in his opinion, benefit) of the Freight Management Plan, is not for reasons related to traffic capacity but on grounds of sustainability and because the site's potential for use of rail and/or canal for freight movements is acknowledged as a significant advantage of the appeal site (IR11.142). He agrees with the Inspector at IR11.144 that the Unilateral Undertaking and its ties to the Freight Management Plan, together with the related conditions, go as far as they reasonably can in limiting HGV movements to the site and in promoting use of water and rail as preferred modes for transport of freight.

37. The Secretary of State has, like the Inspector in IR11.152-11.154, carefully considered the effectiveness of the UU and conditions in helping to deliver a modal shift of freight movement, particularly with regard to enforcement. He agrees with the Inspector that in this respect it is important to have a strong management structure in place to secure compliance with the UU and planning condition. He considers that the provisions of the Travel Plan would secure an adequate management structure, but that condition 9, in the form proposed by the Inspector, would not offer sufficient clarity or enforceability. He has amended this condition to make clear the permitted exceedance for each individual facility (based on one additional 2-way HGV movement permitted per each 20 2-way movements, or part of 20 2-way movements, permitted under the agreed allowances). This will ensure that each facility will be aware of its allowance and permitted exceedance, and will ensure that enforcement can easily be directed against any occupant breaching this. It will result in a maximum possible exceedance on any individual day of 5.4% of the total allowance; slightly above the Inspector's suggested maximum exceedance of 5%.

38. Given that this matter was discussed at the inquiry and that the amendments do not change the fundamental aim or outcome of the condition, the Secretary of State does not consider that any prejudice has been caused to any party by making these amendments.

39. Having regard to the above paragraph, the Secretary of State agrees with the Inspector that the UU and conditions taken together are sufficient to conform to Policy EM12 of RSS which seeks to use rail and water for the transport of waste "when practicable" and to comply with the transport criterion in Policy 6 of the Waste Local Plan (IR11.155).

Conditions

40. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions as set out in IR11.156-11.162. The Secretary of State has taken into account the Inspector's assessment of the control of HGV numbers as set out in 11.163-11.164, in revising condition 9 (see paragraph 36 above).

OVERALL CONCLUSION

41. Whilst the Secretary of State accepts that there is some conflict with the sequential approach set out in RSS policy DP4, he considers RSS Policy EM13 and Policy 6 of the WLP are directly relevant policies for the purposes of determining this proposal and taken together lend substantial policy support from the development plan. Overall, he considers that the proposal would largely accord with relevant development plan and national planning policies. These include that it would be acceptable in terms of landscape and visual impact (including light pollution), ecology, traffic impact, noise impact, health impact, adequate assessment of flood risk, impact on Ince village and Conservation Area, and with the guidance in PPS10 and PPS22.

42. The Secretary of State has considered factors weighing against the proposal. This is a greenfield site and there would be a loss of local amenity for some individuals, and some limited landscape and visual impact. In addition, the site is relatively remote from urban areas and public transport, although this would be partially mitigated through the Travel Plan, which would also promote the use of rail and water as preferred modes of transport for freight.

43. Having weighed up all relevant considerations, the Secretary of State is satisfied that the factors which weigh in favour of the proposal outweigh the harm identified. He therefore does not consider that there are any material considerations of sufficient weight which would justify refusing planning permission.

FORMAL DECISION

44. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows the appeal and grants outline planning permission for a Resource Recovery Park on 127.2 hectares of land, on land adjacent to the Manchester Ship Canal, Ince, Cheshire, in accordance with application number 3/P/2007/111/XX/564 dated 20 July 2007, subject to the conditions set out at Annex A.

45. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period.

46. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.

47. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

RIGHT TO CHALLENGE THE DECISION

48. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within 6 weeks of the date of this letter.

49. A copy of this letter has been sent to Cheshire West and Chester Council (which replaced Cheshire County Council on 1 April 2009) and all parties who appeared at the inquiry.

Yours sincerely,

Maria Stasiak

Authorised by the Secretary of State to sign in that behalf

ANNEX A

Conditions

1. Applications for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of 5 years beginning with the date of this permission and the Development hereby permitted shall be begun either before:
 - a) The expiration of 3 years from the date of this permission, or
 - b) The expiration of 2 years from the date of approval of the last of the reserved matters to be approved; whichever is the later.
2. Before development commences within each or any of plots 2, 3, 4, 6, 10a, 10b, 11, 12, 13 and 14, as defined on the Siting Masterplan (plan ref. 12705-PL07-F), details of the scale and appearance of the buildings proposed within those plots and associated storage areas (the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.
3. Any reserved matters application shall demonstrate that it accords with the Schedule of Development submitted as part of the planning application, the Siting Masterplan (Plan ref: 12705-PL07-F), as amended by the change to the site boundary shown on LD11.52, and Section 16.0 of the Design and Access Statement, December 2007.
4. Prior to commencement of development a scheme outlining the phasing of different elements of the Resource Recovery Park shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing scheme, unless otherwise agreed in writing by the Local Planning Authority.
5. The scheme outlining the phasing of the Development submitted pursuant to condition 4 shall for each respective phase identify the site infrastructure to be installed to facilitate use of Combined Heat and Power (CHP) in the buildings contained in that phase. The CHP infrastructure required for a particular phase shall be installed prior to the occupation of the buildings coming forward in that phase.
6. Unless otherwise controlled by condition attached to this permission or as agreed in writing by the Local Planning Authority, development of Plots 1, 5, 7 and 9 shall be carried out strictly in accordance with the following plans:

<ul style="list-style-type: none">▪ 12705-PL23 H SITE LOCATION PLAN▪ 12705-PL07 F SITING MASTERPLAN▪ 12705-PL14 B ACOUSTIC FENCE DETAIL▪ 12705-PL16 A MAIN GATE HOUSE▪ RSK/H/40142/12/P/002-1 B LANDSCAPE MASTERPLAN▪ 12705-PL03 F SITE PLAN – PLOT 1 BERTH▪ 12705-PL1-01 J PLOT 1 – PROPOSED ELEVATIONS	<ul style="list-style-type: none">▪ 12705-PL5-05 B PLOT 5 – PROPOSED BIOFILTER▪ 12705-PL5-06 D PLOT 5 – MBT PLANT▪ 12705-PL5-07 E PLOT 5 – SOURCE SEGRICATION MRF▪ 12705-PL5-08 D PLOT 5 – COMPOST PLANT▪ 12705-PL7-01 C PLOT 7 – PLANS AND ELEVATIONS▪ 12705-PL06 G PLOT 9 – ETHANOL PLANT▪ 12705-PL9-04 B PLOT 9 – ETHANOL PLANT UNIT A
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- 12705-PL1-02 J PLOT 1 – PROPOSED ELEVATIONS
- 12705-PL1-03 J PLOT 1 – PROPOSED ELEVATIONS
- 12705-PL1-04 J PLOT 1 – PROPOSED ELEVATIONS
- 12705-PL1-06 J PLOT 1 – PROPOSED ELEVATIONS
- 12705-PL1-09 B PLOT 1 – PORT OFFICE
- 12705-PL1-11 B GENERAL PLANT/MACHINERY
- 12705-PL1-12 - PLANS AND ELEVATIONS – PETROL STATION
- 12705-PL1-13 - PLANS AND ELEVATIONS – FITTING SHOP
- 12705-PL1-14 A PLANS AND ELEVATIONS – GATE HOUSE
- 12705-PL04 F SITE PLAN – PLOT 5 WASTE MANAGEMENT
- 12705-PL5-02 H PLOT 5 – PROPOSED ELEVATIONS
- 12705-PL5-03 B PLOT 5 – PROPOSED ELEVATIONS
- 12705-PL5-04 B PLOT 5 – PROPOSED ELEVATIONS
- 12705-PL9-05 B PLOT 9 – ETHANOL PLANT UNIT B,C, E
- 12705-PL9-06 B PLOT 9 – ETHANOL PLANT UNIT D
- 12705-PL9-07 B PLOT 9 – ETHANOL PLANT UNIT F
- 0775/GA/101 G PRELIM ROAD LAYOUT – SHEET 1
- 0775/GA/103 A PRELIM ROAD LAYOUT – SHEET 2
- 0775/LS/101 A PRELIM ROAD LONGITUDINAL SECTION – SHEET 1
- 0775/LS/102 A PRELIM ROAD LONGITUDINAL SECTION – SHEET 2
- 0775/SK/02 B PROPOSED RAILWAY LINE 1 OF 2
- 0775/SK/03 B PROPOSED RAILWAY LINE 2 OF 2

7. Prior to commencement of any on site access road within any individual phase of the Development, 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. That site access road shall thereafter be constructed in accordance with the approved details.
8. Prior to first occupation of any building 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 that 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.
9. HGV movements to and from each individual facility (as shown on plan ref 12705-PL23H) when measured by the automatic traffic counters installed pursuant to condition 8 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 below 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 those plots (identified on the Siting Masterplan ref. 12705-PL07-F) that have been fully developed at any point of time on the basis of the following allowances per completed development plot:

Plot	Facility	Daily 2-way HGV Movements – Allowance	Permitted exceedance (2-way HGV movement)
1	Dry Cargo Facility	14	1
2	Soil Treatment Facility	54	3
3	Waste Electrical and Electronics Equipment (WEEE) Recycling Facility	72	4
4	Wood / Timber Recycling Facility	84	5
5	Integrated Waste Management Facility (IWMF)	290	15
6	Plastics Recycling Village	30	2
7	Waste Treatment Plant	0	0
9	Ethanol Production Facility	36	2
10a/b	Resource Recovery Business Centre	0	0
11	Commercial / Industrial Waste Transfer Station	118	6
12	Resource Recovery Village	0	0
14	Block Making Facility	20	1

10. Notwithstanding the details shown on the approved plans (listed at condition 6), car parking provision shall be limited to the following maximum levels (plots identified on Siting Masterplan ref. 12705-PL07 F):

Plot	Facility	Maximum parking provision
Plot 1	Dry Cargo Facility	34 ¹
Plot 2	Soil Treatment Facility	20
Plot 3	Waste Electrical and Electronics Equipment (WEEE) Recycling Facility	83
Plot 4	Wood / Timber Recycling Facility	31
Plot 5 and Plot 11	Integrated Waste Management Facility and Commercial and Industrial Waste Transfer Station	38
Plot 6	Plastics Recycling Village	38
Plot 7	Water Treatment Plant	0
Plot 9	Ethanol Production Facility	34
Plots 10a/b	Resource Recovery Business Centre	251
Plots 12/13	Resource Recovery Village	245
Plot 14	Block Making Facility	27

¹ The allowance for Plot 1 shall be inclusive of, not additional to, the 34 daily 2 way HGV movements permitted for the dry cargo facility by planning permission DBERR ref: 01.08.10.04/36C.

11. 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.
12. Vehicular access to and from the Site shall only be from the access on to Kemira Road, as shown on the Siting Masterplan (12705-PL07-F), except in an emergency when access from Marsh Lane and Lordship Lane will be permissible.
13. Prior to occupation of any building hereby permitted, the works to Kemira Road between Pool Lane and the Site, as shown on drawing refs. 0775/GA/101/G; 0775/GA/103/A; 0775/LS/101/A; 0775/LS/102/A; shall be completed.
14. Prior to occupation of any building hereby permitted, details of works to improve vehicle movements on the Kemira 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.
15. Prior to occupation of any building hereby permitted, details of the footway/cycleway link between Station Road and Kemira 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.
16. Prior to commencement of development, a detailed scheme for upgrading the existing berth on the Manchester Ship Canal (as shown on drawing ref. 12705-PL03 F) to allow for importation and exportation of dry cargo shall be submitted to and approved in writing by the Local Planning Authority. The upgrading works shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority and shall be completed prior to first occupation of any of the buildings forming part of the Resource Recovery Park.
17. Prior to occupation of any building erected pursuant to this outline permission, the railway line in to the Site, as shown on drawing refs: 0775/SK/02/B & 0775/SK/03/B, shall have been constructed and shall be capable of operation for through movement to and from the Network Rail network.
18. Prior to the operation of either the extended railway line or the upgraded berth, details of areas to be used for open storage of freight containers, shall be submitted to and approved in writing by the Local Planning Authority. Containers shall not be stacked to more than 3 containers in height.
19. Prior to occupation of any building within Plots 2, 3, 4, 5, 6, 7, 9 and 13 as shown on the Siting Masterplan (ref. 12705-PL07-F), the main site gatehouse as shown on plan ref: 12705-PL16-A shall have been constructed and be operational.
20. Overspill parking shall not be permitted on the internal road system for the Resource Recovery Park.
21. 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.
22. Prior to occupation of any building hereby permitted, a Waste Management Plan relating to the operation of the Development shall be submitted and approved in writing

by the Local Planning Authority. The Development shall be operated in accordance with the approved Waste Management Plan.

23. 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.
24. During November, December, January and February no construction works relating to the upgrading of the berth on the Manchester Ship Canal and the development of Plot 1 shall take place one hour either side of high tide when the temperature is below -3 degrees Celsius.
25. Prior to commencement of development, a scheme to enable monitoring required by condition 24, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented. The records shall be made available for inspection by the Local Planning Authority on reasonable notice in writing at any time.
26. 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.
27. Prior to commencement of development within a particular phase, all areas of the Site, including natural habitat, drains and watercourses, within that phase 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 of that phase. No construction materials or machinery are to be stored within these areas.
28. Prior to commencement of development within a particular phase, details of areas for the storage of construction material and machinery relating to that phase shall be submitted to and approved in writing by the Local Planning Authority.
29. Prior to commencement of each phase of the Development, a scheme of archaeological work relating to that phase shall be implemented in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority. The work shall comprise:
 - a) a metal detecting survey prior to commencement of development for areas where development is proposed;
 - b) a watching brief on all excavations of new drainage ditches;
 - c) a watching brief in the area of the Manchester Ship Canal;
 - d) a watching brief on topsoil stripping on the site of Grinsome Farm;
 - e) post excavation assessment of findings pursuant to (a) to (d) above.
30. Prior to commencement of development, the sluice gate within the Site that is to be retained as part of the Development, shall be fenced off with high visibility fencing and signed as a site of archaeological interest. The fencing shall be maintained for the duration of the construction period.
31. 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.

32. Unless otherwise agreed in writing by the Local Planning Authority, construction on the Site shall be limited to the following hours:

Monday – Friday: 0730 – 1800
Saturday: 0800 – 1330
Sunday, Public and Bank Holidays: No construction activity.

33. Prior to commencement of development on the Site acoustic barriers shall be constructed along Kemira Road as shown on plan ref. 12705-PL14-B or to such other design and specification as may be submitted to and approved in writing by the Local Planning Authority.

34. 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:

	Day (0700-2300)	Night (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

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.

35. Prior to commencement of each phase of the Development 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, 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.
36. If within a period of five years from the date of the planting of any tree (pursuant to condition 37) 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.
37. Prior to commencement of each phase of the Development, full details of hard landscaping works relating to that phase shall have been 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, street furniture, hard surfacing materials and a programme of implementation and maintenance.

38. 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 implemented in accordance with the approved details.
39. Base slabs of all buildings as shown on the plans shall be set at a minimum level of 5.063m AOD.
40. Internal roads and pedestrian footways are to be set at a minimum level of 4.763m AOD.
41. Prior to commencement of development, additional water vole surveys shall be undertaken along all watercourses within the Site affected by the Development. Surveys must be carried out at the appropriate time of year and with recognised techniques and submitted to the Local Planning Authority. If water voles are found to inhabit ditches impacted by this proposal, no development shall commence until a scheme (including a timescale for implementation) for the conservation of this species in accordance with the Habitat Creation and Management Plan submitted in support of the Environmental Statement has been carried out.
42. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the Site being drained. Roof water shall not pass through any such interceptor.
43. Prior to commencement of each phase of the Development, a scheme for the disposal of foul and surface waters from that phase shall have been submitted to and approved in writing by the Local Planning Authority. That scheme shall be implemented in accordance with the approved details.
44. All areas used for the washing of vehicles shall be contained to prevent the discharge to underground strata or controlled waters.
45. Prior to commencement of development (or such other date as may be agreed in writing with the Local Planning Authority), a scheme to deal with risks associated with any contamination of the Site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include the following elements unless any are specifically excluded in writing by the Local Planning Authority:
 - a) A desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the Site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the Site.
 - b) A site investigation scheme, based on (a) to provide information for an assessment of risk to any receptors that may be affected on and off the site.
 - c) A method statement, based on results of the site investigation and risk assessment, giving details of any remediation measures required and of how they are to be undertaken.
 - d) A verification report on any remediation measures that have been undertaken.

e) A timescale for implementation.

46. The Resource Recovery Business Centre and Resource Recovery Village (plots 10a, 10b, 12 and 13, as shown on Siting Masterplan ref. 12705-PL07-F) shall be used for purposes related to the Environmental Technologies and Services sector as defined by the North West Development Agency and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless with the written approval of the Local Planning Authority.
47. Prior to commencement of development a local liaison committee shall be set up in accordance with details, including potential membership, submitted to and agreed in writing by the Local Planning Authority.
48. Prior to commencement of each phase of the Development a scheme of details setting out the location and type of bicycle parking/storage facilities within that phase 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 on each development plot and shall be retained thereafter for bicycle use.
49. 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.