

Notice of Planning Permission (Section 73)

Ince Park LLP
C/o Turley - Mr Stephen Bell
1 New York Street
Manchester
M1 4HD

Application Number:
14/02277/S73

Building Control Ref:

26 March 2015

Town and Country Planning Act 1990

Proposal: Variation of conditions 2 (scale and appearance), 3(reserved matters), 6(approved plans), 9(HGV movements), 10(carparking provision), 12(vehicular access), 16(Canal upgrade works), 17(railway line), 19(site gatehouse), 33(acoustic barriers) and 46(business centre and village) of planning permission 10/01488/FUL.

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



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

1. 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 the 21st December 2010 permission (application number 10/01488/FUL) 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.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

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-K), details of the scale and appearance of the buildings proposed within those plots and associated storage areas (i.e. the "reserved matters") shall be submitted to and approved by the Local Planning Authority.

Reason: The application is for outline planning permission with these matters reserved for subsequent approval.

3. Any reserved matters application(s) shall demonstrate that it accords with the Schedule of Development submitted as part of the planning application, the Siting Masterplan (Plan ref: 12705-PL07-K), and 'Design and Access Statement Update to Section 16.0', dated June 2010.

Reason: For the avoidance of doubt.

4. Prior to the commencement of the 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.

Reason: To ensure the development is carried out in a comprehensive and co-ordinated manner. This condition has been imposed having regard to policy EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002) and 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.

5. The scheme outlining the phasing of the Development submitted pursuant to condition 4 will 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 is to be installed prior to the occupation of the buildings coming forward in that phase.

Reason: To ensure the delivery of an integrated approach to waste management. This condition has been imposed having regard to Policies ENV8, STRA1 of the Cheshire West and Chester Local Plan.

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:

12705-PL23 I SITE LOCATION PLAN

12705-PL07 K SITING MASTERPLAN

12705-PL14 B ACOUSTIC FENCE DETAIL

12705-PL15 B MAIN GATE HOUSE

RSK/H/40142/12/P/002 Rev. H LANDSCAPE MASTERPLAN

12705-PL03 J SITE PLAN - PLOT 1 BERTH

12705-PL1-01 K PLOT 1 - PROPOSED ELEVATIONS

12705-PL1-02 K PLOT 1 - PROPOSED ELEVATIONS

12705-PL1-11 B GENERAL PLANT/MACHINERY

12705-PL1-07 D - PLANS AND ELEVATIONS - OFFICE WORKSHOP

12705-PL1-10 C PLANS AND ELEVATIONS - GATE HOUSE

12705-PL04 I SITE PLAN - PLOT 5 WASTE MANAGEMENT

12705-PL5-02 J PLOT 5 - PROPOSED ELEVATIONS

12705-PL5-03 C PLOT 5 - PROPOSED ELEVATIONS

12705-PL5-04 C PLOT 5 - PROPOSED ELEVATIONS

12705-PL5-05 C PLOT 5 – PROPOSED BIOFILTER

12705-PL5-06 F PLOT 5 - MBT PLANT

12705-PL5-07 G PLOT5 - SOURCE SEGRIGATION MRF

12705-PL5-08 F PLOT 5 - COMPOST PLANT

12705-PL7-01 E PLOT 7 - PLANS AND ELEVATIONS

12705-PL06 J PLOT 9 - ETHANOL PLANT

12705-PL9-04 C PLOT 9 - ETHANOL PLANT UNIT A

12705-PL9-05 C PLOT 9 - ETHANOL PLANT UNIT B,C,E

12705-PL9-06 C PLOT 9 - ETHANOL PLANT UNIT D

12705-PL9-07 C PLOT 9 - ETHANOL PLANT UNIT F

0775/GA/101 I PRELIM ROAD LAYOUT - SHEET 1

0775/GA/103 B PRELIM ROAD LAYOUT - SHEET 2

0775/LS/101 A PRELIM ROAD LONGITUDINAL SECTION SHEET 1

0775/LS/102 A PRELIM ROAD LONGITUDINAL SECTION AND TYPICAL CROSS SECTION - SHEET 2

0775/SK/04 A PROPOSED RAILWAY LINE LAYOUT AND TYPICAL DETAILS 1 OF 2

0775/SK/05 A PROPOSED RAILWAY LINE LAYOUT AND TYPICAL DETAILS 2 OF 2

12705-PL08a Rev C PLOT 1 DRY CARGO FACILITY PHASE 1

13031-SK04
RSK/M/P660237/06/08/03 Rev.03

Reason: For the avoidance of doubt.

7. Prior to the 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 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) and Policies ENV8, STRAT10 of the Cheshire West and Chester Local Plan.

8. Prior to the first occupation of any 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 ENV8 of the Cheshire West and Chester Local Plan.

9. HGV movements to and from each individual facility (as shown on plan ref 12705-PL07K) 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 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-H) 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	Permitted exceedance (2-way HGV)
1	Dry Cargo Facility	14	1
2	Soil Treatment Facility	54	3
3	Waste Electrical and Electronics Equipment (WEEE) Recycling Facility	72	4
4	Food / Timber Recycling	84	5
5	Integrated Waste Management Facility (WMF)	290	15

6	Plastics Recycling Facility	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

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.

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 K):

Plot	Facility	Maximum parking provision (spaces)
1	Dry Cargo Facility	34*
2	Soil Treatment Facility	20
3	Waste Electrical and Electronics Equipment (WEEE) Recycling Facility	83
4	Food / Timber Recycling Facility	31
5 and 11	Integrated Waste Management Facility (WMF) and Commercial and Industrial Waste Transfer Station	25
6	Plastics Recycling Facility	38
7	Waste Treatment Plant	0
9	Ethanol Production Facility	33
10a / b	Resource Recovery Business Centre	251
12 / 13	Resource Recovery Village	206
14	Block Making Facility	27

* The allowance for Plot 1 shall be inclusive of, not additional to, the 34 spaces permitted for the dry cargo facility by planning permission ref. GDBC/001/00265C & 01.08.10.04/36C

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) and Policy ENV8 of the Cheshire West and Chester Local Plan.

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.

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

12. Vehicular access to and from the Site shall only be from the access on to Grinsome Road (formerly Kemira Road, as shown on the Siting Masterplan (plan ref. 12705-PL07-K), 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 policy 12 of the Cheshire Replacement Waste Local Plan (2007) and policy ENV8, STRAT10 of the Cheshire West and Chester Local Plan.

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/H; 0775/GA/103/B; 0775/LS/101/A; 0775/LS/102/A; shall be completed.

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) and policies ENV8, STRAT10 of the Cheshire West and Chester Local Plan.

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.

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) and policies ENV8, STRAT10 of the Cheshire West and Chester Local Plan.

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.

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 policies EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002), and Policy STRAT10 of the Cheshire West and Chester Local Plan.

16. Prior to occupation of any of the buildings hereby permitted within the blue line boundary shown on Plan ref 13031-SK04, details of the upgrade works to the existing berth on the Manchester

Ship Canal shall be submitted to and approved in writing by the local planning authority. Prior to occupation of any of the buildings hereby permitted within the blue line boundary shown on Plan ref 13031-SK04, the first phase of upgrading works to the existing berth on the Manchester Ship Canal (as shown on drawing ref.12705-PL08a Rev C, showing first phase of works) to allow for importation and exportation of dry cargo shall be implemented, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To maximise the opportunities for transporting waste by water, to encourage the use of sustainable modes of transport and to ensure that the site is accessible by a range of 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 Council (2002) and Policy ENV8, STRAT10 of the Cheshire West and Chester Local Plan.

17. Prior to the first occupation of any buildings hereby permitted within the blue line boundary shown on Plan ref 13031-SK04, the first phase of the approved railway line in to the Site (as shown on drawing refs. 0775/SK/04A and 0775/SK/05A shall be constructed and capable of operation for through movement to and from the Network Rail network.

Reason: To maximise the opportunities for transporting waste by rail, in the interests of promoting sustainable modes of transport and to ensure that the site is accessible by a range of 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, STRAT10 of the Cheshire West and Chester Local Plan.

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.

Reason: In the interests of visual amenity 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) and Policy ENV8, STRAT1, STRAT10, of the Cheshire West and Chester Local Plan.

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-K), the main site gatehouse as shown on plan references 12705-PL07-K, marked gatehouse and shown sites between plots 10a and 10b and plan ref: 12705-PL15-B shall have been constructed and be operational.

Reason: To ensure the development is brought forward in a co-ordinated manner. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007) and Policy ENV6, STRAT1 of the Cheshire West and Chester Local Plan.

20. 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) and Policy ENV8, STRAT1 of the Cheshire West and Chester Local Plan.

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.

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 Policy ENV8, STRAT1, ENV6 of the Cheshire West and Chester Local Plan.

22. 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.

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.

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) and policy ENV8 of the Cheshire West and Chester Local Plan.

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.

Reason: In the interests of nature conservation and to protect and preserve the character of the land and adjacent land having regard to its status as a Ramsar site, Special Protection Area, Site of Scientific Interest and local nature reserve. This condition has been imposed having regard to ENV5 of the Ellesmere Port and Neston Borough Local Plan and Policy ENV8, ENV4 of the Cheshire West and Chester Local Plan.

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.

Reason: In the interests of nature conservation and to protect and preserve the character of the land and adjacent land having regard to its status as a Ramsar site, Special Protection Area, Site of Scientific Interest and local nature reserve. This condition has been imposed having regard to policy ENV5 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8, ENV4 of the Cheshire West and Chester Local Plan.

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.

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) and Policy ENV8, ENV4 of the Cheshire West and Chester Local Plan.

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.

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 policy ENV5 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8, ENV4, STRAT1 of the Cheshire West and Chester Local Plan.

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.

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 Policy ENV8 of the Cheshire West and Chester Local Plan.

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.

Reason: To protect the archaeological and historical interest of the site. This condition has been imposed having regard to policy ENV17 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8 of the Cheshire West and Chester Local Plan.

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.

Reason: To protect the archaeological and historical interest of the sluice gate. This condition has been imposed having regard to policy ENV17 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8 of the Cheshire West and Chester Local Plan.

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.

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

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.

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.

33. Prior to commencement of any other part of the development on the Site the acoustic barriers shall be constructed along Grinsome Road (formerly Kemira Road) as shown on plan ref. 12705-PL14-B in respect of elevatinoal details and plan ref.RSK/M/P660237/06/08/03 Rev 03 in respect of siting or to such other design and specification as may be submitted to and approved 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, ENV6 of the Cheshire West and Chester Local Plan.

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.

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.

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.

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.

36. If within a period of five years from the date of the planting of any tree (pursuant to condition 35) 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 Policies 12 and 17 of the Cheshire Replacement Waste Local Plan (2007) and policy ENV10 Ellesmere Port and Neston Borough Local Plan (2002).

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.

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) and Policy ENV8 of the Cheshire West and Chester Local Plan.

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.

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) and Policy ENV8 of the Cheshire West and Chester Local Plan.

39. Base slabs of all buildings as shown on the plans shall be set at a minimum level of 5.063m AOD.

Reason: To reduce the danger to the users of the buildings from potential flooding. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007) and Policy ENV8 of the Cheshire West and Chester Local Plan.

40. Internal roads and pedestrian footways are to be set at a minimum level of 4.763m AOD.

Reason: To reduce the danger to the road and pedestrian footway users from potential flooding. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007) and Policy ENV8 of the Cheshire West and Chester Local Plan.

41. Prior to the 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, prior to the commencement of the development a scheme (including a programme of implementation) for the conservation of this species in accordance with the Habitat Creation and Management Plan submitted in support of the Environmental Statement shall be submitted to the Local Planning Authority for approval. The scheme shall thereafter be implemented in accordance with the approved details.

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

NOTE: The 'Environmental Statement' referred to above relates to the Environmental Statement dated December 2007 which accompanied the original permission APP/ZO645/A/07/205909.

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.

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

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.

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) and Policy ENV8 of the Cheshire West and Chester Local Plan.

44. 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) and Policy ENV8 of the Cheshire West and Chester Local Plan.

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.

Reason: In the interests of protecting human health. This condition has been imposed having regard to Policy ENV8, STRAT1 of the Cheshire West and Chester Local Plan.

46. The Resource Recovery Business Centre and Resource Recovery Village (plots 10a, 10b, 12 and 13, as shown on Siting Masterplan ref. 12705-PL07-K) 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.

Reason: To maximise the benefits of co-location for this sector and to prevent the use of the site for a general industrial use. This condition has been imposed having regard to policy EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8 of the Cheshire West and Chester Local Plan.

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.

Reason: To promote communication between the community, the developer and elected representatives regarding the development hereby permitted to discuss site operations, local site issues and forthcoming planning applications. This condition has been imposed having regard to policy 33 of the Cheshire Replacement Waste Local Plan (2007).

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.

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) and Policy ENV8, STRAT10 of the Cheshire West and Chester Local Plan.

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.

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) and Policy ENV8 of the Cheshire West and Chester Local Plan.

50. Prior to commencement of each phase 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 each phase 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) and Policy ENV8, STRAT1 of the Cheshire West and Chester Local Plan.

Notes

1. **INFORMATIVE -**

This decision has been made having regard to policies in the Cheshire Waste Replacement Local Plan (2007), policies within the Ellesmere Port and Neston Borough Local Plan (2002) and 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
Consideration has also been given to PPS10.

In its determination of this application Cheshire West and Chester Council, acting as the local planning authority, has given due consideration to whether there have been any changes to the development plan or other material considerations that affect the determination of the development hereby permitted.

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. It is considered that the amendments constitute minor alterations to the extant outline consent and the development hereby permitted will enable the delivery of a sustainable scheme incorporating multi modal transport links. It is considered that there have been no significant or material change in circumstances since the granting of the outline consent.

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
2. **INFORMATIVE:** There is a Supplemental Planning Obligation associated with this permission, dated 24th March 2015.
 3. **INFORMATIVE:** The applicant is advised that a revised stopping up order is required for the re-routing of the bridleway.
 4. 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.

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

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.

