
Notice of Planning Permission (Section 73)

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

Application Number:
14/02271/S73

Building Control Ref:

26 March 2015

Town and Country Planning Act 1990

Proposal: Variation of condition 15 (accoustic barriers) and removal of conditions 33 (upgrades to canal berth) and 34 (railway line) of planning application 11/04083/OUT.

Location: Plot 3, Ince Resource Recovery Park, Grinsome Road, Ellesmere Port, Cheshire,



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

1. The development hereby permitted shall be begun either before the expiration of three years from the 14th October 2013 permission (application number 11/04083) or before the expiration of two years from the date of approval of the last of the reserved matters.

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.

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

3. Details of the scale and appearance, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.

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

4. Unless otherwise controlled by condition attached to this permission, the development shall be carried out strictly in accordance with the following plans, unless such other variations are agreed in writing by the local planning authority:

Proposed site layout (drawing no. 11011_PL02 Rev B)

Application Site Plan (drawing no. 11011_PL01)

Landscape Planting Proposals (drawing no. RSK/M/P6600001/03/01/01/02 Rev 01)

Landscape Planting Proposals (entire red line boundary) (drawing no. RSK/M/P6600001/03/01/01/03 Rev 01)

Timber Recycling Facility – Plot 3 (drawing no. 11011_PL04)

Proposed Site Layout (drawing no. 11011_PL03 Rev B)

Timber Recycling Facility – Ince Park; Design and Access Statement June 2011 Rev A

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

5. Prior to commencement of the Development a scheme (including a timescale for implementation) detailing the proposed linkages at the boundary of the Site (as shown on plan reference 11011_PL03 Rev B) to facilitate the use of Combined Heat and Power (CHP) within neighbouring development shall be submitted to and approved in writing by the Local Planning Authority and the Development shall be carried out in accordance with the approved scheme unless otherwise approved 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), Policy 12 of the Cheshire Replacement Waste Local Plan (2007) and Policies STRAT1 and ENV8 of the Cheshire West and Chester Local Plan (2015).

6. Prior to first occupation of the development hereby permitted, 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 plot, 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 unless other minor variations are otherwise agreed in writing with the Local Planning Authority.

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), policy EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8 Cheshire West and Chester Local Plan (2015).

7. HGV movements to and from the development hereby approved (as shown on plan ref Application Site Plan 11011_PL01) when measured by the automatic traffic counters installed pursuant to condition 3 shall not exceed 72 two-way daily movements on more than 3 days in a continuous 30 day monitoring period and shall not exceed the permitted number of HGV movements by more than 5 two-way HGV movements on any day.

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 policies 12 of the Cheshire Replacement Waste Local Plan (2007), policy EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8 Cheshire West and Chester Local Plan (2015).

8. Prior to commencement of 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, planting density and sizes and its long-term management. The soft landscape works shall thereafter be implemented in accordance with the approved scheme unless other minor variations are otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to promote biodiversity. This condition has been imposed having regard to policies ENV5, ENV9 and ENV10 of the Ellesmere Port and Neston Borough Local Plan (2002).

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

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

10. Prior to commencement of development, full details of hard landscaping works 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 unless other minor variations are otherwise agreed in writing with the Local Planning Authority. These details shall include proposed finished levels or contours, means of enclosure and retaining structures, street furniture, hard surfacing materials and a programme of implementation and maintenance.

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

11. Prior to commencement of development or such other timescale as may be agreed in writing with the local planning authority, all areas of the Site, including natural habitat, drains and watercourses, that are to be retained as part of the Development hereby approved, shall be fenced off or otherwise delineated to avoid incursion and disturbance by construction activity. This protection shall be maintained for the duration of the construction period 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 policies ENV4, STRAT1, ENV8 of the Cheshire West and Chester Local Plan (2015) and Policy ENV5 of the Ellesmere Port and Neston Borough Local Plan (2002).

12. Prior to commencement of development or such other time as may be agreed in writing by the local planning authority, details of areas for the storage of construction material and machinery shall be submitted to and approved in writing by the Local Planning Authority. Storage of construction material and machinery shall be carried out in accordance with the approved details unless other minor variations are otherwise agreed in writing with 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 Cheshire West and Chester Local Plan (2015).

13. Unless other minor variations are 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 STRAT1 and ENV6 Cheshire West and Chester Local Plan (2015).

14. Noise arising from construction activities shall not exceed the following noise levels when measured at the residential receptors closest to the construction works or access route to those works or at any other residential receptors that may otherwise be agreed in writing by the Local Planning Authority;
- 65 dB LAeq,1hr for up to 24 weeks per calendar year
 - 60 dB LAeq,1hr for general activity at all other times
- unless otherwise agreed in writing by the Local Planning Authority.

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

15. No other part of the development shall commence until the acoustic barriers have been constructed along Grinsome Road as shown on plan ref. 12705-PL14-B in respect of elevational detail and plan ref. RSK/M/P660237/06/08/03 Rev 03 in respect of siting or to such other

design, siting and specification as may be submitted to and approved in writing by the Local Planning Authority. No development shall commence until the area around the acoustic fence has been landscaped in accordance with a scheme that has been 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 policy ENV9 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policies ENV6 and ENV8 Cheshire West and Chester Local Plan (2015).

NOTE: It is noted that planning permission exists for the acoustic fence under other consents including 11/05048/FUL and 10/01488/FUL.

16. Operational noise shall not exceed 55dB(A) Laeq 1hour daytime (0700-2300)at the site boundary; and 55dB(A) Laeq 5 minutes night time (2300-0700) at the site boundary, unless otherwise agreed in writing by the local planning authority.

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 ENV6, STRAT1 and ENV8 Cheshire West and Chester Local Plan (2015).

17. Operational noise emissions from the Resource Recovery Park shall be controlled using individual plot boundary noise emissions limits to provide overall compliance with the following noise control objectives:

Noise sensitive receptor	Daytime noise Levels Laeq (1hr) (0700-2300)	Night time noise levels Laeq (5mins) (2300-0700)
Holme Farm	52	41
Station Rd (North of Grinsome Rd)	48	41
Duke of Wellington	40	35
Ince Orchards	45	41
Redwoods Drive, Elton	51	37

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 Policy ENV8, STRAT1, ENV6 Cheshire West and Chester Local Plan (2015).

18. Finished floor levels of all buildings as shown on the plans shall be set at a minimum level of 5.063m AOD. The development shall be carried out in accordance with the approved details.

Reason: To reduce the dangers 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, STRAT1 Cheshire West and Chester Local Plan (2015).

19. Finished levels for access roads, parking and pedestrian areas to be set no lower than 4.763m above AOD.

Reason: To reduce the dangers 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, STRAT1 Cheshire West and Chester Local Plan (2015).

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

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

21. Prior to commencement of construction of individual buildings/storage structures within the development, samples of all materials to be used on the exterior of that building/storage structure shall be submitted to and approved in writing by the Local Planning Authority. All buildings/storage structures shall be constructed in accordance with the approved details unless otherwise agreed in writing with 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 Cheshire West and Chester Local Plan (2015).

22. If, during development, contamination not previously identified is found to be present at the site then this area shall be demarcated and no further development within that area (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

23. 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, 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 policies 12 of the Cheshire Replacement Waste Local Plan (2007) and Policy ENV8 Cheshire West and Chester Local Plan (2015).

24. The proposed development shall be carried out in accordance with the approved Water Vole Mitigation Plan dated July 2010 and the amended Water Vole Mitigation Plan dated January 2011, unless such other minor variations are otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: In the interests of highway safety and to promote the use of sustainable modes of transport. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007), policy EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policies ENV8, STRAT1, STRAT10 Cheshire West and Chester Local Plan (2015).

26. Notwithstanding the details shown on the approved plans, car parking provision shall be limited to the following maximum levels unless otherwise approved in writing with the Local Planning Authority:

Plot 3 Timber Recycling Facility: Maximum parking provision – 31 spaces (inclusive of 4 spaces for disabled drivers)

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 Cheshire West and Chester Local Plan (2015).

27. Prior to commencement of development, or within such a time as may be approved in writing by the local planning authority, details of parking for cars (31 including disabled parking and parking allocated for car-sharers), and spaces for powered two-wheelers have been submitted to and approved in writing by the Local Planning Authority. Details shall include the number, type and design of each parking facility. The approved parking facilities shall be completed and available for use prior to occupation of the development and shall be retained at all times

thereafter unless other minor variations are otherwise agreed in writing by the Local Planning Authority.

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 Cheshire West and Chester Local Plan (2015).

28. Vehicular access to and from the Site shall only be from the access on to Grinsome Road, as shown on the location plan except in an emergency (plan ref. Application Site Plan 1101_PL01).

Reason: In the interests of highway safety and convenience and in the interests of amenity. This condition has been imposed having regard to policy EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policies STRAT1, STRAT10 Cheshire West and Chester Local Plan (2015).

29. Prior to occupation of the development hereby permitted the works to Grinsome Road between Pool Lane and the Site, as submitted under planning permission 10/01488/FUL shall be completed, unless such other variation is submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and convenience. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007) and policy TRANS1 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8, STRAT10 Cheshire West and Chester Local Plan (2015).

30. Prior to commencement of development, or such other time as may be approved in writing by the local planning authority, details of the access road from Grinsome Road to Plot 3 including details of any 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 prior to occupation of the development hereby permitted.

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 Policy ENV8, STRAT10 Cheshire West and Chester Local Plan (2015).

31. Prior to occupation of the development hereby permitted details of works to improve vehicle movements on the Grinsome Road / Pool Lane roundabout and Pool Lane railway bridge as shown in outline on approved drawing ref. 2155/GA/001/B, shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the occupation of the development hereby permitted.

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 Policy ENV8, STRAT10 Cheshire West and Chester Local Plan (2015).

32. No building shall be occupied until details of the footway/cycleway link between Station Road and Grinsome Road as shown in outline on drawing 12705-PL14B, shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the footpath/cycleway has been 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 Cheshire West and Chester Local Plan (2015).

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

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

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

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

35. Prior to commencement of development, or such other time as may be approved in writing by the local planning authority, a Surface Water Management Plan, including a programme for maintaining and monitoring watercourses 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 unless other minor variations are otherwise agreed in writing by the Local Planning Authority.

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 Cheshire West and Chester Local Plan (2015).

36. Unless otherwise approved in writing by the local planning authority, the development hereby permitted shall not be commenced until such time as a scheme to limit the surface water run off generated by the proposed development, so that it will not exceed the run off from the undeveloped site and not increase the risk of flooding off site, for up to the 1 in 100 years design event including allowances for climate change has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details, or such other variation that may otherwise be approved in writing by the local planning authority, prior to the development hereby permitted being brought into use.

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

37. Prior to commencement of the development, or within such a time as may be approved in writing by the local planning authority, a scheme for the disposal of foul and surface water shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development hereby permitted being brought into use, unless other minor variations are otherwise agreed in writing with the Local Planning Authority.

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 Cheshire West and Chester Local Plan (2015).

38. No development shall commence until such time as a scheme to provide compensatory flood storage to a 1 in 100 years standard in the vicinity of the site has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the development hereby permitted being brought into use.

Reason: To ensure a safe form of development that prevents flooding elsewhere. This condition has been imposed having regard to policy 12 of the Cheshire Replacement Waste Local Plan (2007) and Policy ENV8 Cheshire West and Chester Local Plan (2015).

39. 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. The lighting shall be implemented as approved and retained thereafter.

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 Cheshire West and Chester Local Plan (2015).

40. 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 Cheshire West and Chester Local Plan (2015).

41. Prior to occupation of the development a scheme of details setting out the location and type of bicycle parking/storage facilities for a minimum of 6 cycles shall be submitted for the approval in writing of the Local Planning Authority. The secure and covered bicycle facilities shall be installed in accordance with the approved details prior to the use commencing and shall be retained thereafter for bicycle use unless other minor variations are otherwise agreed in writing by the Local Planning Authority.

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 Cheshire West and Chester Local Plan (2015).

42. There shall be no outside storage of plant, containers, equipment, materials or products within the application site other than those areas shown for those purposes on approved plan ref Proposed Site Layout 11011_PL02 Rev B 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 Cheshire West and Chester Local Plan (2015).

43. Prior to occupation of the development hereby permitted, a stockpile management plan to include details of any storage structures shall be submitted to and approved in writing by the local planning authority and implemented thereafter. The stockpile material shall not be stored on the site above a height of 6 metres.

Reason: In the interests of visual amenity. This condition has been imposed having regard to policy EMP4 of the Ellesmere Port and Neston Borough Local Plan (2002) and policies 12 of the Cheshire Replacement Waste Local Plan (2007) and Policy ENV8, STRAT1 Cheshire West and Chester Local Plan (2015).

44. Prior to the commencement of development, or such other time as may be approved in writing by the local planning authority, an Ecological Mitigation scheme to protect badgers from the impacts of the development during construction shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details.

Reason: To provide adequate safeguards for the protection of any species on the site, in accordance with PPS9, policy ENV5 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8 Cheshire West and Chester Local Plan (2015).

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

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

46. Prior to commencement of development or such other time as may be approved in writing by the local planning authority, an ecological mitigation scheme for the incorporation of bat boxes within the ecological mitigation areas (to include a timescale for implementation) shall be submitted and approved in writing by the local planning authority. The bat boxes shall be erected in accordance with the approved details and retained thereafter.

Reason: To provide adequate safeguards for the protection of any species on the site, in accordance with PPS9, policy ENV5 of the Ellesmere Port and Neston Borough Local Plan (2002) and Policy ENV8 Cheshire West and Chester Local Plan (2015).

Notes

1. There is a Supplementary Planning Obligation associated with this permission, dated 24 March 2015.
2. **REASON FOR GRANT**
This decision has been made having regard to policies in the Ellesmere Port and Neston Borough Local Plan (2002), policies within the Cheshire Replacement Waste Local Plan (adopted July 2007) 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
PPS10: Planning for Sustainable Waste Management

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

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

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

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

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

The local planning authority has sought to work with the applicant 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.