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TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

APPROVAL SUBJECT TO CONDITIONS

Application Number: 16/2165/VARY

Applicant :

Gaia Power Limited
Mr Alex Dickinson
C/O 45 Ernest Grove
Beckenham
BR3 3HY

Agent :

Axis
Mr Alistair Hoyle
Well House Barns
Bretton
Chester
CH4 0DH

This Council of Stockton on Tees as the Local Planning Authority **HEREBY PERMIT** the development proposed by you in your application registered on 18 August 2016 namely

Section 73 application to vary condition no.4 (fuel for the burner) of planning approval 09/1562/EIS - Erection of a biomass powered electricity generating station. at Billingham Reach Industrial Estate, Haverton Hill Road, Billingham

and shown on the approved plan(s) subject to the compliance with the Building Regulations and general statutory provisions in force in the district and subject to the conditions and reasons specified hereunder:

Change to planning procedure relating to Amendments to Approved Plans

As a result of changes contained in the Town and Country Planning (General Development Procedure)(Amendment No 3) (England) Order 2009 There are now procedures for dealing with Non Material changes to Planning permissions, Varying conditions attached to a planning permission under Section 73 of the Town and Country Planning Act 1990 and planning applications which seek to extend the period of an Extant planning permission granted on or before 1st October 2009 for development which has not yet begun. For further guidance please contact the Development Services Section.

Dated: 7 November 2016

Richard McGuckin



Director of Economic Growth and Development

This decision relates to planning consent only. Any other statutory decision e.g. Building Regulation and Improvement Grant must be obtained from the appropriate authority

1. Environmental Impact Statement
The development hereby approved shall be carried out in accordance with the Environmental Statement accompanying planning approval 09/1562/EIS unless updated by the addendum submitted with the hereby approved application.

Reason: To define the consent

2. Mitigation Measures
The development shall not be operated except in accordance with the implementation of all the mitigation measures as specified in the Environmental Statement accompanying the planning approval 09/1562/EIS unless updated by the addendum submitted with the hereby approved application.

Reason: In the interests of protecting the amenities of the surrounding area from the potential adverse impact of the development hereby approved

3. Fuel for the Burner
The primary combustion fuel to be used shall be refuse derived fuel, unless otherwise agreed in writing by the local planning authority.

Reason: To define the permission and for the avoidance of doubt

4. Scope of the Consent
Nothing in this permission other than the variation of condition.4 (fuel for the burner) of application 09/1562/EIS shall be construed as discharging the conditions attached the previous permission 09/1562/EIS dated 14 October 2009, or subsequent approvals 12/0398/VARY dated 9th May 2012 and 12/1855/VARY which conditions apply to this consent.

Reason: For the avoidance of doubt.

INFORMATIVES

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application

Appeals to the Secretary of State

Important Note: The applicant's attention is drawn to the appeal time limits indicated below and the need to adhere to the specific time limit for appeal in relation to the application/appeal type

- 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 under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.*
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land to grant it subject to conditions, the owner may claim that the land has become incapable of reasonable beneficial use in its existing state and in a case where planning permission was granted subject to condition, that the land cannot be rendered capable of reasonable beneficial use by the carrying out of the permitted development in accordance with these conditions, and in any case that the land cannot be rendered capable of reasonably beneficial use for the carrying out of any other development for which planning permission has been granted or for which the Local Planning Authority or the Secretary of State has undertaken to grant planning permission.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated requiring 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.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Part VI of the Town and country Planning Act 1990. By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended) and Article 7(1) of the Town and country Planning General Development Order 1988, where outline planning permission is granted on or after the 1st April 1969 of this section it shall be granted subject to the condition that in the case of any reserved matter, application for the approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission and that the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of three years from the date of the grant of outline planning permission;
 - Or
 - (ii) the expiration of two years from the final approval of the reserved matters or in case of approval on different dates, the final approval of the last such matter to be approved.
 The attention of developers is drawn to the fact that any failure to adhere to the details of approved plans or to comply with conditions attached to the consent constitutes a contravention of the provisions of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.