

Notice of Planning Permission

Mr Trevor Croft
c/o Mr Lee Searles
Enzygo Ltd
The Byre
Woodend Lane
Wotton-under-Edge
GL12 8AA

Application Number:
18/04671/WAS

16 March 2022

Town and Country Planning Act 1990

Proposal: Development of a Bio-Substitute Natural Gas Renewable Fuels Facility

Location: Protos, Grinsome Road, Ellesmere Port, CH2 4RB



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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan dwg no. CRM.0112.001.PL.D.001
Red Line Boundary dwg no. CRM.0112.001.PL.D.002
Site Layout dwg no. CRM.0112.001.PL.D.003 Rev B
P175 – Protos Plot 4 (Proposed Elevations) dwg no. P175-SR-18101200 Iss D

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

3. No development, hereby approved, shall commence until a scheme (including a timescale for implementation) detailing the potential for proposed linkages at the boundary of the Site (as shown on plan reference CRM.0112.001.PL.D.003 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.



Reason: To ensure the development is carried out in a comprehensive and co-ordinated manner.

4. Prior to the first use of the facility, hereby approved, a scheme for installation of gas export infrastructure to connect the site to the gas 'Local Transmission System' shall be submitted to and approved in writing by the Local Planning Authority. The approved gas export infrastructure shall then be carried out in accordance with the approved scheme and made available for use prior to the first use of the facility, hereby approved.

Reason: To ensure provision of suitable gas infrastructure to allow the operation of the site.

Highways Access

5. No development, hereby approved, shall commence until details of the access road from Grinsome Road to Plot 4 including details of any proposed footpaths and cycleways has been 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.

6. No development, hereby approved, shall commence until details of parking for cars (31 spaces including disabled parking and parking allocated for car-sharers), and spaces for powered two-wheelers has 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.

Reason: In the interests of highway safety and convenience and to encourage the use of sustainable modes of transport.

7. Notwithstanding the details shown on the approved plans, car parking provision shall be limited to the Maximum parking provision of 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.

8. Prior to first use of the facility, 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.

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.

9. HGV movements to and from the development hereby approved when measured by the automatic traffic counters installed pursuant to Condition 8 shall not exceed 84 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.

10. 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.

11. 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 (Site Plan dwg no CRM.0112.001.PL.D.003 Rev B).

Reason: In the interests of highway safety and convenience and in the interests of amenity.

12. Prior to the first use of the facility, hereby approved, 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.

Reason: To promote sustainable modes of transport and to promote access to the site by a range of modes of transport.

13. Prior to the first use of the facility hereby approved, electric car charging infrastructure comprising at least one electric car charging point for every 30 car parking spaces hereby approved shall be provided. As a minimum, each charging point shall comprise dedicated 32 amp radial circuit which is directly wired to an appropriate RCD at the consumer unit and terminates at a BS EN 62196 Type 2 electric vehicle charging point located where it is accessible from a dedicated off-street car parking bay, unless a suitable alternative is submitted to and agreed in writing with the Local Planning Authority.

Reason: To promote the use of sustainable transport and to protect air quality.

14. Prior to the first use of the facility, hereby approved, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including the provision for the appointment of a Travel Plan Co-ordinator, targets, a timetable and enforcement mechanism) and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall demonstrate how it complies with requirements of the Ince Resource Recovery Park Preliminary Employee Travel and Freight Management Plan (July 2008 Rev 7). The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

Reason: To encourage the use of alternative forms of transport to the site and in accordance with the Resource Recovery Park / Protos obligations as the Plot falls within the Protos permission (14/02277/S73).

Landscape Visual

15. Prior to commencement of construction of external finishes to any individual buildings/storage structures or installation of external plant 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 and external plant shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity.

16. No development, hereby approved, shall commence until a scheme (including a timescale for implementation) for soft landscape works has been 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.

Reason: In the interests of visual amenity and to promote biodiversity.

17. If within a period of five years from the date of the planting of any tree (pursuant to condition 16) 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.

Reason: In the interests of visual amenity and to promote biodiversity.

18. No development, hereby approved, shall commence until 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.

Ecology

19. No development, hereby approved, shall commence until, 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.

20. No development, hereby approved, shall commence until an Ecological Mitigation scheme to protect water voles and badgers from the impacts of the development during construction has been 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.

21. 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.

22. Prior to the first use of the facility, hereby approved, 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.

Amenity

23. No development, hereby approved, shall commence until a construction method statement shall be submitted to and approved in writing by the local planning authority, which outlines the method of construction, details of deliveries to the site during construction, how and where materials will be unloaded and details of where contractor's vehicles will park. The development shall then be constructed in complete accordance with the method statement.

Reason: In the interests of highway safety, to minimise disruption to vehicular traffic/pedestrian routes and to protect the residential amenity of local residents

24. No development, hereby approved, shall commence until an Environmental Construction Management Plan, which shall include detail of site drainage mitigation as directed by the approved Stage 1 HRA & Stage 2 AA, a framework of control of noise, dust, waste as well as any piling or subsurface vibration ground improvement techniques during the construction phase, has been submitted to and approved in writing by the Local Planning Authority. The Environmental Construction Management Plan shall be operated for the duration of construction operations.

Reason: In the interests of protecting local amenity and the internationally designated Mersey Estuary.

25. No deliveries shall be taken at or dispatched from the site during the demolition and construction phases except between the hours of 08:00 - 18:00 Monday to Fridays, 08:00 - 13:00 on Saturdays and no deliveries Sundays or Bank Holidays.

Reason: In the interests of protecting local amenity and to protect neighbouring residents from noise nuisance.

26. No operations associated with the demolition and construction phases shall be carried out on the site except between the hours of 08:00 - 18:00 Monday to Friday and between the hours of 08:00 - 13:00 on Saturday. No activities shall take place on the premises on Sundays and Bank Holidays.

Reason: In the interests of protecting local amenity and to protect neighbouring residents from noise nuisance.

27. 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:

65 dB LAeq,1hr for up to 24 weeks per calendar year
60 dB LAeq,1hr for general activity at all other times

Reason: In the interests of protecting local amenity and to protect neighbouring residents from noise nuisance.

28. Operational noise emissions from the facility, hereby approved, shall comply with the following noise control objectives:

Noise sensitive receptor	Daytime noise levels L _{aeq} (5mins)	Night time noise Levels L _{aeq} (1hr)
	(0700-2300)	(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

Note. Levels refer to free field L_{aeq} ref 20uPa over one hour operational period during the day, or 5 minutes at night, to apply to whichever combination of development is operational at the time, as approved by this permission and approved under permission DBERR re: 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.

29. No external lighting (including security lighting) shall be installed except in accordance with details which have been 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.

30. The facility / site, hereby approved, shall not import, accept or utilise any feedstock waste materials except pre-processed and sorted 'grade b or c' wood waste or municipal solid wastes in the form of refuse derived fuel. For the avoidance of doubt no waste processing or sorting, other than the drying and thermal treatments, hereby approved, shall be undertaken within the facility.

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

31. Prior to the first use of the facility, hereby approved, a Waste Management Plan relating to the operation of the facility shall be submitted to and approved in writing by the Local Planning Authority. Any submitted Management plan shall include details of the storage and transport of all waste created on site as well as imported feedstocks. 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.

32. The odour mitigation measures as outlined within the submitted Odour assessment shall be implemented in full during the operation of the facility hereby permitted.

Reason: In the interest of local amenity.

33. 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 CRM.0112.001.PL.D.003 Rev B without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

34. 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.

35. 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.

Flood Drainage

36. No development, hereby approved, shall commence until full details of existing levels and proposed finished floor levels (slab) and site levels of the Site has been 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.

37. 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.

38. 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.

39. 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.

40. No development, hereby approved, shall commence until an Operational Surface Water Management Plan, including a programme for maintaining and monitoring watercourses and surface water regulation and which includes provision for "Outline Drainage Mitigation Measures" within the approved Stage 1 HRA & Stage 2 AA, has been 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.

41. No development, hereby approved, shall commence until 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.

42. No development, hereby approved, shall commence until a scheme for the disposal of foul water 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 protect the water environment and prevent flooding and pollution.

43. 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).

44. Prior to the commencement of above ground development in relation to the any of the buildings hereby approved, a BREEAM assessment for that building shall be submitted to and agreed by the Local Planning Authority. The assessment shall be completed by a licensed and fully contracted BREEAM/HQM assessor. The assessment shall include evidence of the building's potential to achieve the agreed target rating of "Very Good" and the Interim Stage certificate, as well as evidence that the development is registered with the certification body. The development shall be carried out in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maximise opportunities to incorporate sustainable design features within the development.

45. Within twelve months of completion of the development, the final BREEAM Certificate certifying that the buildings hereby approved and listed below have achieved (as a minimum) the rating attained at the interim BREEAM certificate stage shall be submitted to the Local Planning Authority.

Reason: To maximise opportunities to incorporate sustainable design features within the development.

Notes

1. The local planning authority has sought to work with the applicant in a positive and proactive way to secure a development that will improve the economic, social and environmental conditions of the area, in line with the NPPF.
2. It is an offence to intentionally injure or kill wild birds. It is also an offence to intentionally take, damage or destroy a wild bird's egg, or it's nest while it's being used or built. ***Ground clearance and vegetation removal/demolition*** should therefore take place outside the bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed for nesting birds by a qualified ecologist immediately beforehand. Further information about protection of wild birds can be found here: <https://www.gov.uk/guidance/wild-birds-protection-surveys-and-licences> .

3. Flood Risk

The site is within an area where the Environment Agency is able to issue warnings of flooding. For more information about this service please see; <https://www.gov.uk/sign-up-for-flood-warnings>

4. Environmental Permit Requirement

This development involves the gasification of waste material and includes proposals for a non-mains drainage system. Consequently, this development will likely require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies.

The applicant should contact the Environment Agency as early as possible to discuss permitting requirements via 03708 506 506 to gain further advice and to discuss the issues likely to be raised. Please note that there is no guarantee that a permit will be granted.

Additional 'Environmental Permitting Guidance' can also be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one> .

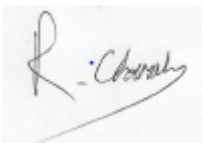
We would also like to refer the applicant to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including the discharge of liquid effluents and drainage. In particular the applicant should refer to position statements G11 and G13.

5. Drainage Note: The following should be provided as part of the drainage submission to discharge the condition:
 - a) Information about the lifetime of the development and design of the sustainable drainage system design, including storm periods and intensity (1 in 30 & 1 in 100 year +40% allowance for climate change), discharge rates and volumes (both pre and post development), methods employed to delay and control surface water discharged from the site, and appropriate measures taken to prevent flooding and pollution of the

- receiving watercourse. Hydraulic calculations should be provided for the entire drainage network;
- b) Details of how any flood water, including depths, will be safely managed in exceedance routes;
 - c) A check on the surcharged outfall into the receiving watercourse or waterbody in order to ensure that there will be no flood risk either on or off the site.
 - d) Detailed maintenance arrangement for the watercourse or water-body including measures to ensure that no obstructions including buildings, structures, trees or shrubs are erected or planted within 8 meters of the edge of a watercourse or water-body, unless it can be demonstrated that such measures are inappropriate;
 - e) Secure arrangements, through an appropriate legal agreement for funding on-going maintenance of all elements of the sustainable drainage system including:
 - i. mechanical components;
 - ii. on-going inspections relating to performance and asset condition assessments and;
 - iii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime
 - f) Confirm owner and maintainer of assets.
 - g) Provide O&M manual for SUDS following best practice guidance.

Signed:

Date: 16 March 2022



Rob Charnley

Head of Planning

Cheshire West and Chester Borough Council 4 Civic Way Ellesmere Port CH65 0BE

Please read the notes on the following page, they will explain your rights and other important matters about this decision.



NOTICE TO APPLICANT WHERE PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice. However, if this application relates to a Householder development and you want to appeal, then you must do so within 12 weeks of the date of this notice

Forms can be obtained from:

The Planning Inspectorate, 3/13 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN - (Tel: 0303 444 5000)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

OTHER IMPORTANT POINTS TO NOTE.

Under the provisions of Circular 04/2008 entitled Planning-Related Fees standard national fees of £34 for householder developments and £116 for all other development will be charged for requests for the discharge of planning conditions.

Your attention is drawn to the relevant provisions of the Chronically Sick and Disabled Persons Act, 1970 and the Code of Practice for Access for the Disabled to Buildings. These provisions apply to (a) buildings or premises to which the public are admitted, whether on payment or otherwise or (b) premises in which persons are employed to work. Similar provisions also apply for the benefit of disabled in educational buildings.

Development for which listed building consent and/or permission is granted is subject to compliance with the general statutory provisions in force in the District, except as may be modified in this permission and the Building Regulations. Your attention is drawn to Section 50 of the Cheshire County Council Act, 1980 which provides that where plans are deposited under the Building Regulations for the erection/extension of a building with the district council, then that council will reject the plans unless, after consultation with the Fire Authority, they are satisfied that the plans show there is an adequate means of access for the Fire Brigade to the building or extension and that the building or extension will not render inadequate any existing means of access, for the Fire Brigade, to the neighbouring buildings. This note is included to give effect to Section 50 of the 1980 Act by virtue of sub-section (2) of the said Section.

Developers should check with all statutory undertakers at an early stage to ensure where their equipment (pipes, cables, poles etc) is located in relation to the development site and agree measures to ensure that no damage is caused to that equipment during construction, or negotiate the repositioning of some or all of the equipment.

Any Environmental Statement submitted with the application, together with any related information, has been taken into account by the Council in arriving at this decision.

Street Naming and Numbering – It is a legal function of the Council to allocate property numbers and street names to new developments and conversions. This service is chargeable, please visit the Street Naming and Numbering page on our website and use the online form to submit an application. The charging scheme, guidance and contact details are also available on our Street Naming and Numbering web page.