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High Peak Borough Council

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TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

FULL PLANNING APPLICATION

PERMISSION

Applicant Mr Simon Buxton
Buxton Power Ltd
5 Nursery Road
Edgbaston
B15 3JX

Agent Steve Hill Planning Associates
208 Prestbury Road
Macclesfield
SK10 3HL

Application no. HPK/2013/0627

Registered on 19/12/2013

Determined on 13/02/2014

High Peak Borough Council hereby **PERMIT** this application for **FULL PLANNING PERMISSION** for

Proposed 16mw Flexible Electricity Generation Unit for Short Term Operational Reserve Capacity (STOR) at Waterswallows Lane Green Fairfield Buxton

in accordance with the submitted application, details and accompanying plans listed below subject to the following conditions and reasons:-

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.

2. Notwithstanding any information shown on the approved plans no development shall commence until samples of the materials to be used in the construction of the external surfaces of the substation building hereby permitted have been submitted to and approved in

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writing by the local planning authority. The development shall be carried out in accordance with the approved details.

3. All external fencing and gates shall be painted / finished in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be maintained thereafter.

4. No development shall take place until details of the colour for the external finish of the container units and fuel tanks have been submitted to and approved in writing by the Local Planning Authority. The units and tanks shall be installed in accordance with these approved details.

5. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.

6. The site, the subject of the application, shall not be taken into use until space has been provided within the site curtilage for staff and customer parking, picking up and setting down of passengers and manoeuvring of all vehicles, to ensure vehicles shall enter and leave the highway in a forward gear, laid out and constructed in a material clearly marked out and maintained in permanent marking materials as agreed in writing with the Local Planning Authority and maintained thereafter free from any impediment to its designated use.

7. The access shall not be gated within 5m of the highway limits and where fitted, shall open into the site only.

8. The development shall be carried out in accordance with the submitted document ref M2680-v3 "Assessment of noise" which accompanied the application. The development should ensure that the a noise rating level not exceeding 38dBA is achieved at the facade of noise sensitive properties. All measurements and determinations shall be made in accordance with BS4142:1997 and the noise reduction measures shall be maintained for the life of the development.

9. No development shall commence until a detailed scheme showing the provisions on site to contain any fuel tank spillages, details of spill kits and locations, and how the tanks will be used, bunded and protected.

10. The tanks shall be located within a bunded area that is impervious to spillages. Each bunded area shall be of a volume equal to at least 110% of the contents of the largest tank.

11. Any drain point to a bunded area shall be fitted with a locked cap, to prevent accidental escape of tank contents.

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12. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:

a) Implementation, supervision and monitoring of the approved Tree Protection Scheme.

b) Implementation, supervision and monitoring of the approved Tree Work Specification.

c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme

d) Timing and phasing of Arboricultural works in relation to the approved development.

13. (a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of any Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall commence on site in connection with the development hereby approved (including demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

14. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority within the site edge red and the adjoining blue area as identified on drawing no. MMGENR8/BPL/LAY1 BP2 Issue 03. These details shall include the number, sizes and species of the proposed planting and will need to reflect the landscape character of the area incorporating a number of native species. The landscaping works shall be carried out as approved.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the

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High Peak Borough Council, Development Services, Municipal Buildings, Glossop, Derbyshire SK13 8AF
Tel 0845 129 7777 or 01298 28400 Fax 01457 860290 Minicom 0845 129 48 76
E-mail planning@highpeak.gov.uk Website www.highpeak.gov.uk

buildings and no later than 12 months of that occupation or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the approved scheme die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

16. No development or other works including site clearance, shall take place until a detailed Great Crested Newt Method Statement is submitted to and approved in writing by the Local Planning Authority. The method statement shall provide details of the methods of working, the timing and protocol if great crested newt is recorded on site.

17. Once the use of the site for the purposes of an Electricity Generation Unit (STOR) ceases the substation, containers, equipment and tanks hereby permitted shall be removed in their entirety and the land restored to its former condition.

Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and Compulsory Purchase Act 2004.

2. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.

3. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.

4. In the interests of visual amenity, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.

5. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

6. To maintain adequate on-site parking provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

7. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

8. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

9. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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10. To prevent pollution of the water environment, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

11. To prevent pollution of the water environment, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

12. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.

13. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.

14. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

15. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

16. To safeguard wildlife in the interests of nature conservation.

17.In the interests of visual amenity, and to protect the amenities of the area in accordance with Policy GD4 and GD5 of the High Peak Saved Local Plan Policies 2008.

Summary of reasons for granting permission

The Council has negotiated a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

BC1 - External Materials
EMP 5 - Open storage and processing
EMP 7 - Industry and business in the countryside
GD4 - Character Form and Design
GD5 - Amenity
GD6 - Landscaping

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OC1 - Countryside Development
OC4 - Landscape Character and Design
OC8 - Sites of Importance for Nature Conservation
OC10 - Trees and Woodlands

National Planning Policy Framework
Paragraph 14, 17
Section 1, 3, 4, 7, 11

Notes to Applicant
(1) Under Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, meausres shall be taken to ensure that surface water run-off from within the site is not permitted to discharage across the public highway. This usually takes the form of a dish channel or gulley laid across the access behind the back edge of the highway, discharging to a drain or soakaway within the site.

(2) Under Section 151, Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicants responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satsifactory level of cleanliness.

(3) Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel no. 01629 538986).

(4) Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management 01629 538686.
Under the Traffic Management Act 2004, as amended April 2008, the applicant or any other organisation/third party etc. working within the highway on their behalf will be subject to the requirements and provisions of that Act including the necessary Highway Notices. The applicant should contact Elaine Cooper, NRSWA on 01629 538516 with regard to advance liaison, notification and co-ordination required.

(5) Breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended), as are all bat species. It is an offence to disturb, injure or kill these species. If bats are found during the course of the development, works must stop immediately and a local representative of Natural England should be contacted.

(6) The applicant is advised that, in carrying out the work, he should complywith the advice contained in the survey by name of consultant, and that details of methods of working etc. are adhered to.

(7) The granting of planning permission does not absolve the applicant from complying with the relevant law on protected species, including obtaining and complying with the terms of any licence that may be required as described in Part IV (B) of Ministerial Circular 06/2005.

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(8) When working in the vicinity of ANY National Grid pipelines, the standards set out in the the National Grid specification SSW22 must be strictly adhered to.

(9) Should you/the applicant require the pipeline locating 'on Site', or wish to discuss technical information regarding National Grid apparatus at this location, please telephone me on 07815 955404, and arrangements will be made for a National Grid representative to attend site.
For ALL other works/enquiries it is essential that you contact our Plant Protection Team on 0800 688 588 at the earliest available opportunity prior to ANY work commencing on site. This will ensure that the Operations Engineer responsible for this area is informed of your potential works and is able to make the necessary arrangements to provide appropriate supervision.

Plans
The plans to which this Notice refers are listed below:

G00013-00008-A(P) BP1
MMGENR8/BPL/LAY1 BP2 Issue 03
MMGENR8/BPL/LAY2 BP3
MMGENR8/BPL/SEC A-A BP4 Issue 02
MMGENR8/BPL/AR A BP5
MMGENR8/BPL/AR B BP6
40-SGC-001 BP7
X2500-65-100 BP8 REVA
G000013-00013-A(P) BP9
MMGENR8/BPL/MS1 BP10
GOOOO13-00014-A (P) BP11
G000013-00010-A (P) BP13
AC-FP-0001 BP12 REV A

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section on 0845 129 7777.

Any other statutory consent necessary must be obtained from the appropriate authority.

Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority, Derbyshire, County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition.**

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Please refer to our web site : www.highpeak.gov.uk for details. If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
(b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

The permission is granted in strict accordance with the approved plans. It should be noted however that:
(a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
(b) Variation to the approved plans will require the submission of a new planning application.

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