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208 Prestbury Road  
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**High Peak Borough Council**

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Steve Hill Planning Associates Ltd  
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Glyn Jones  
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Birmingham  
B15 3JX

Application no: HPK/2016/0511

Determined on: 03/11/2016

**Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) (England) Order 2015**

**FULL PERMISSION FOR DEVELOPMENT**

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990 (as amended).

**Location of Development:**

Waterswallows Lane Green Fairfield Buxton Derbyshire SK17 7JD

**Description of Development:**

Proposed 20 megawatt dual Short Term Operating Reserve electricity generation installation on land forming part of former Waterswallows Quarry. 11x2mw gas generators with associated transformers, switchgear and substation, with cable connection to mains electricity infrastructure

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

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:

G000097-1002-D-NG1  
G000097-1002-C-NG2  
G000097-1015-A-NG3  
G000097-1007-A-NG4  
G000097-1008-A-NG6





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G000097-1011-A-NG8  
G000097-1012-A-NG9  
G000097-1013-A-NG10

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. Unless otherwise approved in writing by the Local Planning Authority, the materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified in the application and the fencing, switchgear container and gas cabinet shall be painted Jotun:Moss Green RAL 0065.

Reason:- To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

4. Noise arising from the development shall not exceed 40dB(A) at the façade of any noise sensitive property, at any time. All measurements and determinations shall be made in accordance with BS4142: 2014+.

Reason:- To protect the amenities of the occupants of neighbouring properties and to comply with policy EQ6 of the Local Plan and the NPPF.

5. Prior to the development hereby approved being brought into use, an acoustic validation/compliance report shall be submitted to and approved in writing by the LPA. The report shall demonstrate that the rated noise levels attributable to the development, as measured in accordance with BS4142: 2014 at any noise sensitive façade, do not exceed 40dB(A). If the approved report demonstrates noise level in excess of 40dB(A) a scheme of acoustic measures shall be submitted to and approved in writing by the LPA to reduce the noise to the above level and shall be fully implemented prior to power generation taking place and thereafter maintained for the life of the development.

Reason: - To protect the amenities of the occupants of neighbouring properties and to comply with policy EQ6 of the Local Plan and the NPPF.

6. Unless otherwise agreed in writing by the LPA the following time limits shall apply to the operation of the generators on the site (not including operation for essential machinery maintenance):-

a. Between the hours 07:00 to 23:00 on any day; and

b. Between the hours 23:00 to 07:00 on any day the generators shall only be utilised for emergency use, and shall not be brought into operation in excess of 14 individual days in any calendar year.

For the purposes of this condition, emergency shall be defined as where the site operator is able to provide written confirmation from National Grid or Weston Power Distribution





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that a loss of power to customers has occurred or would occur if the generators hereby approved were not brought on line.

Reason: - To protect the amenities of the occupants of neighbouring properties and to comply with policy EQ6 of the Local Plan and the NPPF.

7. 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 vehicles together with the loading / unloading and manoeuvring of goods vehicles in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The space so provided shall be available for use throughout the period of development.

Reason: - To protect highway safety and to comply with policy CF6 of the Local Plan and the NPPF.

8. Before any operations are commenced (excluding those outlined in condition 7), the existing access shall be improved, to provide 2.4m parallel visibility sightlines across the frontage fronting Waterswallows Road for at least 50m in each direction, the area in advance of the sightlines being kept clear, in perpetuity, of any obstructions in excess of 1m, measured above the adjacent carriageway channel.

Reason: - To protect highway safety and to comply with policy CF6 of the Local Plan and the NPPF.

9. The access shall not be gated within 10m of the highway limits and, where fitted, shall open into the site only, unless otherwise agreed with the Local Planning Authority.

Reason: - To protect highway safety and to comply with policy CF6 of the Local Plan and the NPPF.

10. Throughout the period of development up to the point at which the internal track roads, parking areas and other hard standing areas become available for use (in accordance with details approved under condition 11), vehicle wheel cleaning facilities shall be provided within the site. During this period all construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason: - To protect highway safety and to comply with policy CF6 of the Local Plan and the NPPF.

11. Prior to commencement of development details of the access track and parking areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.

Reason: - To protect highway safety and to comply with policy CF6 of the Local Plan and the NPPF





12. Prior to commencement of development a Great Crested Newt Method Statement, which provides details of the proposed site clearance and how any risk to Great Crested Newts will be managed, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: - In the interest of biodiversity, to ensure that, if Great Crested Newts are found these can be protected accordingly and to comply with Local Plan policy EQ5 and the NPPF.

13. No site clearance work / construction shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: - In the interest of biodiversity and to accord with Local Plan policy EQ5 and the NPPF.

14. Prior to commencement of development (including demolition, ground works, or vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, this shall cover:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection/buffer zones" to include ponds, hedgerows, woodland, trees other habitat as required.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on habitats and species during construction
- d) The location and timing of sensitive works to avoid harm to habitats and species.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person (as required).
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.



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Reason: - In the interest of biodiversity and to accord with Local Plan policy EQ5 and the NPPF.

### **Informatives**

1. The LPA has worked with the application to secure a sustainable form of development. Paras 186 & 187 of the NPPF have been adhered to.
2. If traffic management is required for the duration of the construction works the applicant should contact David Nicholson in Derbyshire County Council's Traffic Management team on 01629 538685 for advice.
3. The applicant is advised that a search undertaken on the National Grid website, via the self-search facility 'Linesearch beforeudig", shows that some of their members have assets within the vicinity of the site. It is recommended that the applicant shall undertake the necessary searches advised by National Grid and adhere to any requirements which may be necessary to protect appropriate assets.

### **Policies**

#### **High Peak Local Plan 2016**

S1 - Sustainable development principles  
S1a - Presumption in favour of sustainable development  
S4 – Maintaining and enhancing an economic base  
S7 – Buxton sub area strategy  
EQ1 – Climate change  
EQ2 – Landscape character  
EQ3 – Rural development  
EQ5 - Biodiversity  
EQ6 - Design and Place Making  
EQ7 – Built and historic environment  
EQ9 – Trees, woodland and hedgerows  
EQ10 – Pollution control and unstable land  
E1 - New employment development  
E4 – Change of use of existing business land and premises  
CF6 Accessibility and Transport

#### **National Planning Policy Framework**

- Ministerial foreword
- Introduction (Inc. Achieving sustainable development, presumption in favour of sustainable development, core planning principles, delivering sustainable development)
- 1 Building a strong, competitive economy
- 4 Promoting sustainable transport

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E-mail [customer-services@highpeak.gov.uk](mailto:customer-services@highpeak.gov.uk) Website [www.highpeak.gov.uk](http://www.highpeak.gov.uk)  
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- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment

## National Planning Practice Guidance

X *J Colley*

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Signed by: Jane Colley

**On behalf of High Peak Borough Council**





## NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section.
2. 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 at Derbyshire County Council.
3. 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. Please refer to our web site : [www.highpeak.gov.uk](http://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.
4. 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.
5. 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.
6. 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.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must



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do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate#other-ways-to-apply>. 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 they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

8. If either the local planning authority or the Secretary of State 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 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 Council (District Council, London Borough Council or Common Council of the City of London) 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.

