

Mr Neil Baker  
Baker Barnett Ltd  
Unit 10 Markham Vale Environmental Centre  
Markham Lane  
Chesterfield  
S44 5HY



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Mr Neil Baker  
Baker Barnett Ltd  
Unit 10 Markham Vale Environmental Centre  
Markham Lane  
Chesterfield  
S44 5HY

Mr G White  
Mercia Power Response Ltd  
Strelley Hall  
Main Street  
Nottingham  
NG8 6PE

Application no: HPK/2017/0424

Determined on: 18<sup>th</sup> December 2017

**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:**

Land Off Graphite Way, Hadfield, Glossop, Derbyshire

**Description of Development:**

Proposed back up power generation facilities including generator containers, blockwork switch rooms, sub-stations, fencing, gates & ancillary equipment

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:

16-2620-201 Rev C Location Plan

16-2620-202 Rev D Existing Site Plan

16-2620-203 Rev I Proposed Site Plan





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## 16-2620-204 Proposed Elevations

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

3. No development shall commence until full details of the landscaping works have been submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall include details of any new trees and hedgerows, including species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies S1 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, 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, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies S1 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

5. The approved Construction Environmental Management Plan (CEMP: Biodiversity) (project ref. BakBa19.1 dated 22/11/2017), 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. The habitat creation and enhancement measures set out in the CEMP: Biodiversity shall be provided prior to facility permitted being brought into use and shall be maintained as such thereafter

Reason - To safeguard and enhance the ecology of the area in accordance with Policy EQ5 of the High Peak Local Plan.



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6. Unless otherwise agreed in writing by the Local Planning Authority 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 22:00 on any day; and
- b. Between the hours 22:00 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 that a loss of power to customers has occurred or would occur if the generators hereby approved were not brought on line.

Reason - In order to protect the amenities of neighboring occupiers in accordance with Policy EQ6 of the High Peak Local Plan.

7. The level of noise emitted from the site shall not exceed:

- (a) 70dB LAeq as measured or predicted on the public highway, not less than 10m from the compound boundary
  - i) predictions shall be made assuming free field conditions
  - ii) the compound boundary as defined in Dwg No16-2620-203 Rev I Proposed Site Plan
- (b) A rating level of 39dB when measured or predicted 3.5m from the façade of any existing residential premises.

All measurements and determinations shall be made in accordance with BS4142: 2014 and any noise reduction measures incorporated into the installation shall be 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.

8. Within 6 months of the development hereby approved being brought into use an acoustic remediation validation/compliance report shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that external noise levels do not exceed

- a) Noise limits imposed in condition 7 (a) or
- b) Levels as measured at existing receptor points as predicted in the submitted acoustic report (Arcadis ref: 001- UA008888-UE31-07-C, dated 11th July 2017) and any subsequently submitted approved revisions or addendum.



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Reason - In order to protect neighbouring occupiers from noise intrusion in accordance with Policy EQ6 of the High Peak Local Plan.

9. No development shall commence until a lighting strategy detailing all external lighting equipment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, location, size, design of luminaries and fittings, type/output of light sources with lux levels, together with isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting beyond the site boundaries, location and design of associated equipment and for the avoidance of doubt shall include any existing lighting. The scheme shall ensure that lightspill to the nearby River Etherow is avoided.

The approved external lighting plan shall be implemented in accordance with the approved details and thereafter retained. No other external lighting equipment may then be used within the development other than as subsequently approved in writing by the Local Planning Authority.

Reason:- In the interests of biodiversity, the amenities of the area and to minimise unnecessary light spillage above and outside the development site, in accordance with Policies EQ5 and EQ6 of the High Peak Local Plan.

10. Before the development hereby permitted commences either:

a) The site shall be investigated for landfill gas, to ascertain whether gas protection measures are required and a report including the conclusions of the investigation and details of any necessary protection measures has been submitted to, and approved in writing by the Local Planning Authority.

**Or;**

b) Gas protection measures have been installed as a precautionary without first investigating the site. The details of these measures shall be submitted to, and approved in writing by the Local Planning Authority.

c) For a. and b. all required measures shall be installed before the development is first brought into use.

d) Following installation, monitoring and a subsequent risk assessment shall be carried out at the site for the presence of ground/landfill gas in accordance with a scheme to be agreed in writing with the Local Planning Authority. The results of the monitoring shall be submitted to and approved in writing by the Local Planning Authority.

e) If the presence of ground/landfill gas is confirmed, or there is evidence that migration of ground/landfill gas is likely to occur, details of remedial measures to control and manage the gas and to monitor the effectiveness of these measures shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

11. If, during development, contamination not previously identified is found to be present



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at the site then no further development (unless otherwise agreed in writing with The Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason - National Planning Policy Framework 109 states that the planning system should contribute and enhance the natural and local environment by preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

12. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. The development shall not be first brought into use until such facilities have been constructed and completed in strict accordance with plans approved in writing by the Local Planning Authority.

Reason:- To ensure that the development can be carried out safely without unacceptable risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

### **Summary of reasons for granting planning permission**

This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

### **Informatives**

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: 2014 Sound insulation and noise reduction for buildings (Guidance Document), BS4142 Methods for rating and assessing industrial and commercial sound and the Building Regulations 2010 Document E or other appropriate guidance.
- Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (DEFRA 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>





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- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
- During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
- The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
- If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.
- Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
- The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes.
- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or



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permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

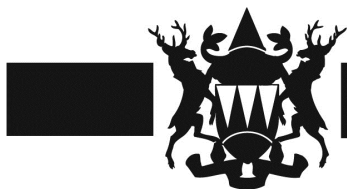
- High Peak Borough Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

X *B.J. Haywood*

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Signed by: Ben Haywood

**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.