

FLINTSHIRE COUNTY COUNCIL

Planning, Environment & Economy
County Hall, Mold
Flintshire. CH7 6NF

CYNGOR SIR Y FFLINT

Cynllunio, Amgylchedd ac Economi
Neuadd y Sir, Yr Wyddgrug
Sir y Fflint. CH7 6NF



CERTIFICATE OF DECISION

Application Ref: 059143

TOWN AND COUNTRY PLANNING ACT, 1990 (as amended)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER, 2012

AGENT

Lichfields
Ship Canal House
98 King Street
Manchester
M2 4WU

APPLICANT

Mr J Ayres
C/O Agent

In pursuance of their powers under the above Acts and Order the County Council as Local Planning Authority **PERMITS**

PROPOSAL: The erection of a 7.5MW gas fired power station and associated infrastructure.

LOCATION: Land and Buildings Unit 27 Aber Park, Aber Road, Flint, Flintshire

In accordance with the particulars and plans comprising your application received complete on 19/10/2018, 06/11/2018, 18/12/2018, 21/12/2018, 16/01/2019 and 23/04/2019 and subject to the attached conditions.

Commencement

1. The development to which this permission relates shall be begun not later than the expiration of 5 years beginning with the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority a minimum of 14 days prior to commencement.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

List of relevant documents and plans

2. Except as otherwise required by conditions attached to this planning permission, the development hereby permitted shall be carried out in accordance with the following approved documents and plans received complete by the Local Planning Authority on 19/10/2018 (unless otherwise stated):
 - Application form dated 19/10/2018
 - Covering letter
 - Gas Kiosk, drawing ref GEN-SP-01
 - DNO Building Specification, drawing ref GEN-SP-02
 - Oil Tank Specification drawing ref GEN-SP-03
 - Radiator Specification drawing ref GEN-SP-04

- HV Client Specification drawing ref GEN-SP-05
- Typical Fence/Gate Detail drawing ref GEN-SP-06
- Typical Canopy Detail drawing ref GEN-SP-07
- Typical Transformer drawing ref GEN-SP-08
- Amenity Cabin drawing ref GEN-SP-09
- CCTV drawing ref GEN-SP-10
- Dispersion Modelling Assessment, (prepared by REC) report reference AQ104454R5 dated October 2018.
- Noise Impact Assessment, (prepared by REC) report reference AC104437-1R3 dated 19 October 2018.
- Planning and Design Statement (prepared by Litchfields) dated October 2018
- Preliminary Ecological Appraisal, (prepared by REC) document reference 104448EC1R1 dated October 2017.

Received by the Local Planning Authority on 06/11/2018

- Flint Block Location Plan dated 6/11/2018
- Site Layout and Elevations, drawing number P2109 (02)-28-02 Revision E.

Received by the Local Planning Authority on 18/12/2018

- Site Layout and Elevations, drawing number P2109 (02)-28-03 Revision A.

Received by the Local Planning Authority on 21/12/2018

- Construction Traffic Management Plan dated December 2018 prepared by Prime Transport Consulting.
- Access Visibility Splay Drawing number P18109-001A Rev A
- Parking Arrangement Swept Path Analysis Drawing number P18109-002
- Articulated Vehicle Swept Path Analysis Drawing number P18109-003 A Rev A
- Articulated Vehicle Swept Path Analysis Drawing number P18109-004 A Rev A

Received by the Local Planning Authority on 16/01/2019

- Site Boundary Plan dated 6 December 2017

Received by the Local Planning Authority on 23/04/2019

- Drainage Strategy dated April 2019 prepared by Water Co.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the policies of the approved Flintshire Unitary Development Plan.

Use of the site

3. The site, including land outside the application site but within the Applicant's control, as identified on the approved Site Boundary Plan dated 6 December 2017 by the red line and blue line boundaries, shall only be used for the operation of a 7.5MW flexible gas fired power plant, as detailed within the application documents approved and detailed within condition 2 of this permission, and for no other purpose.

Reason: Parking provision within the land within the blue line boundary is not sufficient to meet the needs of a B1, B2 or B8 use, in accordance with the Council's approved Parking Standards. In order to avoid the need for vehicles to park on the highway, thereby impeding the free flow of traffic, it is considered necessary to restrict the activities which can be carried out within the site, in accordance with policy GEN 1 and AC13 of the adopted Flintshire Unitary Development Plan.

Noise

4. No construction work shall be undertaken between the hours of 1900 and 0800.

Reason: In the interests of residential amenity, in accordance with policies GEN 1 and EWP 13 of the adopted Flintshire Unitary Development Plan.

5. No site maintenance works shall be carried out between the hours of 1900 and 0700, except in an emergency.

Reason: In the interests of residential amenity, in accordance with policies GEN 1 and EWP 13 of the adopted Flintshire Unitary Development Plan

Highways

6. The proposed visibility sightline of 2.4m x 30m at the proposed point of access shall be provided, in perpetuity, prior to the commencement of any site works.

Reason: To ensure that adequate visibility is provided in perpetuity at the proposed point of access onto the highway in the interests of maintaining highway safety, in accordance with policy AC13 of the adopted Flintshire Unitary Development Plan.

7. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles. Such facilities being completed prior to the proposed development being brought into use. (See Advisory Note 9).

Reason: To ensure that adequate parking and manoeuvring space is made for servicing the site and to avoid the necessity for reversing movements from the highway in the interests of highway safety and maintaining the free flow of traffic on the adjoining highway, in accordance with policy AC13 of the Flintshire Unitary Development Plan.

8. Apart from during the construction period, there shall be no vehicle movements and maneuvering and parking/loading/unloading outside of the blue line ownership boundary as shown on approved Site Boundary Plan dated 6 December 2017.

Reason: For the avoidance of doubt, to ensure the formation of a safe and satisfactory means of access to the site in the interests of maintaining highway safety and the free and safe movement of pedestrians and traffic on the adjoining highway, in accordance with policy AC13 of the adopted Flintshire Unitary Development Plan.

9. The approved Construction Traffic Management Plan shall be implemented in full for the duration of construction period of the approved development.

Reason: For the avoidance of doubt, to ensure the formation of a safe and satisfactory means of access to the site in the interests of maintaining highway safety and the free and safe movement of pedestrians and traffic on the adjoining highway, in accordance with policy AC13 of the adopted Flintshire Unitary Development Plan.

Lighting

10. Details of any external lighting shall be submitted to and approved in writing prior to its installation and use on site. The lighting shall be implemented as approved.

Reason: In the interests of residential amenity and protected species, in accordance with policies GEN 1, WB1 and EWP 13 of the adopted Flintshire Unitary Development Plan.

Contaminated Land

11. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a strategy detailing how this unsuspected contamination shall be dealt with has been agreed in writing by the Local Planning Authority. The strategy shall include provision for validation and monitoring and shall be implemented as approved.

Reason: To ensure that the development does not have an unacceptable impact on controlled waters, in accordance with policy GEN 1 (i) and EWP 14 of the adopted Flintshire Unitary Development Plan.

Drainage

12. Drainage from the site shall be carried out in accordance with the approved Drainage Strategy dated April 2016 prepared by Water Co. The recommendations set out within the approved Drainage Strategy shall be implemented in full prior to the commencement of operations on site, and maintained for the life of the development.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to accord with the provisions of Policy EWP 16 of the adopted Flintshire Unitary Development Plan.

Ecology

13. The recommendations set out in Chapter 4 of the approved Ecological Constraints Appraisal, (prepared by REC) document reference 104448EC1R1 dated October 2017 shall be implemented prior to the commission of the approved 7.5MW flexible gas fired power plant.

Reason: In the interests of maintaining and enhancing the ecological interest of the area and to ensure that the proposal would not have an adverse impact on protected species, in accordance with policies GEN1, WB1, WB2, WB3 and WB6.

Dated: 01/05/2019



Signed:

Chief Officer (Planning, Environment & Economy)

NOTES TO APPLICANT

1. You are reminded that this permission must be carried out strictly in accordance with the above specified plans and the conditions referred to upon this certificate of decision. If any amendments are proposed, you should NOT proceed without first obtaining the written approval of the Local Planning Authority. The development hereby approved has been considered on the basis that the net rated thermal input is 22.5MWth required to generate 7.5MW energy and permission is therefore granted on this basis.
2. Any development carried out without compliance with the plans and particulars approved and the conditions of this permission, may be liable to enforcement action. You are also advised that separate approval under the Building Regulations and/or a licence under the Environmental Health Regulations may be required. Further advice on this may be obtained from the relevant department of the County Council.
3. In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions (above), there is no planning reason why planning permission should be refused.
4. This application has been determined in accordance with The Town and Country Planning Acts and in the context of the Government's current planning policy guidance and the relevant circulars, together with the relevant Development Plan policies, including those referred to under specific conditions above. The proposed development gives rise to no material harm, is in accordance with the development plan and there are no material considerations that indicate that the decision should have been made otherwise.

Relevant Policies

Flintshire Unitary Development Plan Policies:

STR1: New Development

STR3: Employment

STR7: Natural Environment

STR8: Built Environment

GEN 1: General requirements for development

GEN 2: Development inside settlement boundaries

D1: Design, quality, location and layout

D3: Landscaping

D4: Outdoor lighting

TWH2: Protection of hedgerows

WB1: Species Protection

WB2: Sites of International Importance

WB3: Statutory Sites of National Importance

AC13: Access and traffic impact

EM1: General employment land allocations

EM3: Development Zones and Principle Employment Area

EWP1: Sustainable Energy Generation

EWP 5: Other Forms of Renewable Energy Generation

EWP12: Pollution

EWP13: Nuisance

EWP14: Derelict and Contaminated Land

EWP16: Water Resources

National Planning Policy and Guidance

Planning Policy Wales Edition 10 (2018)

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 8: Planning for Renewable Energy

Technical Advice Note 11: Noise

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

Technical Advice Note 23: Economic Development

National Energy Policy

Overarching National Policy Statement for Energy EN-1 (2011)

The Energy Act 2013

UK Low Carbon Transition Plan (2009)

Climate Change Act (2008)

Energy Wales: A Low Carbon Transition (2012)

Dwr Cymru – Drainage

5. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Natural Resources Wales

6. Industry Regulations:

The operator needs to satisfy (based on aggregated net rated thermal input) the requirements of The Environmental Permitting (England and Wales) Regulations 2016, as amended including SI 2018 No. 110. The Environmental Permitting (England and Wales) (Amendment) Regulations 2018 on implementing the requirements of the Medium Combustion Plant Directive and new controls on Specified Generators to come into effect from 20th December 2018.

7. Pollution Prevention & Environmental Management:

For pollution prevention of watercourses and environmental management all works on site must be carried out in accordance with:

- PPG5: 'Works in, near or over watercourses' and
- PPG6: 'Working at construction and demolition sites'

These guidance notes are available at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Coal Mining Standard informative

8. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific information on past, current and future coal mining activity can be obtained from: www.groundstability.com

Highways

9. The approved Construction Traffic Management Plan makes reference to an area outside the application site edged red/blue being used to store materials and provide a manoeuvring area during the construction phase. This arrangement is only acceptable if:-
- a) The land owner has been consulted and is in agreement.
 - b) There is no detrimental impact on the existing parking/manoeuvring facilities used in connection with the adjoining units.
 - c) The overspill area is to be used on temporary basis for the 6 months construction phase only.

Manweb SP Energy Network

10. Please find enclosed plan showing the Manweb equipment in proximity to the application area along with a Manweb's electrical safety awareness and contact documents.

STATUTORY PROVISIONS & NOTES

APPEALS TO THE WELSH GOVERNMENT

11. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission of approval for the proposed development, or to grant permission or approval subject to conditions, he may by notice served within six months of receipt of this notice, appeal to the Welsh Government in accordance with Section 78 of the Town and Country Planning Act, 1990. The Welsh Government has power to allow a longer period for the giving of notice of appeal, but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Welsh Government is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been granted otherwise than subject to conditions imposed by them having regard to the statutory requirements of Section 79(6) of the Town and Country Planning Act, 1990, namely Sections 70(1), (2) and (3), and 72(1) of the Act, and to the provisions of the development order, and to any directions given under the order.

12. Notice of Appeal should be given on the prescribed form, obtainable from the Welsh Government, Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff. CF10 3NQ (Tel: 02920 825670 - Fax: 02920 825150).

13. Should the appellant wish the Welsh Government to appoint a Welsh speaking Inspector to hear any appeal against the Local Planning Authority's decision, such a request should be made to the Welsh Government when Notice of Appeal is forwarded to that office at the address given above.

Purchase Notices

14. If permission to develop land is refused or granted subject to conditions whether by the Local Planning Authority or by the Welsh Government, and the new owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act, 1990.

Compensation

15. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Welsh Government on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 115 of the Town and Country Planning Act, 1990.

General

16. The enclosed decision relates to planning control only and does not cover any other statutory provisions for which consent may be required from the appropriate authority.