

Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 22/01360/FUL

Name and address for correspondence:	Applicant name:
Mr Robert Gandy enzygo Samuel Fox House 5 Fox Valley Way Sheffield S36 2AA	Mr Robert Coetzee Rochdale Power Ltd

Part I - Particulars of Application

Date of Application: 17 November 2022

Proposal:	Construction of a gas powered reserve energy plant (4.4MW) with associated infrastructure, access, landscaping and perimeter fencing, following excavation of land
Location:	Land At Dig Gate Lane, Milnrow, Rochdale, OL16 4NR

Part II - Particulars of decision

The Rochdale Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **GRANTED SUBJECT TO CONDITIONS** for the carrying out of the development referred to in Part I above.

The Council hereby permits the above development in accordance with the details given on the application form and subject to the following condition(s):

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 This permission relates to the following plans:-

Location Plan. Drawing no: SHF.3050.001.PL.D.001
Existing Site Plan. Drawing no: SHF.3050.001.PL.D.002
General arrangement of J624 engine and equipment - Proposed site plan. Drawing no: C5059-GA-007. Received by email on 16/05/2023

General arrangement of J624 engine and equipment - Elevations/sections. Drawing no: C5059-GA-501. Received by email on 06/04/2023
General arrangement of J624 engine and equipment - View looking west. Drawing no: C5059-GA-005. Received by email on 06/04/2023
General arrangement of J624 engine and equipment - View looking south. Drawing no: C5059-GA-004. Received by email on 06/04/2023
General arrangement of J624 engine and equipment - View looking east. Drawing no: C5059-GA-003. Received by email on 06/04/2023
General arrangement of J624 engine and equipment - View looking north. Drawing no: C5059-GA-002. Received by email on 06/04/2023
624 Engine Container. Drawing no: C5059-GA-009. Received by email on 06/04/2023

DNO building. Drawing no: C5059-GA-010. Received by email on 18/05/2023
500kVA transformer. Drawing no: C5059-GA-011. Received by email on 18/05/2023

GAS kiosk. Drawing no: C5059-GA-012. Received by email on 18/05/2023
Welfare container. Drawing no: C5059-GA-013. Received by email on 18/05/2023

5000L waste oil tank & clean oil tank. Drawing no: C5059-GA-014. Received by email on 15/05/2023
Containerised switchgear room. Drawing no: C5059-GA-015. Received by email on 18/05/2023

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) and structures have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and preserving the historic significance of the building in accordance with Policies DM1, P2 and P3 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 4 No development shall take place until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The drainage schemes shall include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365.
- (ii) Foul and surface water shall drain on separate systems.
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels.
- (iv) Mitigation measures to manage the risk of sewer surcharge where applicable,
- (v) hard-standing areas of the access road.
- (vi) Construction details for permeable paving including sub-base details

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the

drainage schemes shall be completed in accordance with the approved details and retained thereafter.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

- 5 The development hereby approved shall not be carried out otherwise than in strict accordance with the Arboricultural Method Statement (AMS) in the 'BS 5837:2012 Arboricultural Survey, Impact Assessment and Method Statement', ref no: 3050-001-ENZ-XX-00-RP-AR-45-101, dated August 2022, and by Enzygo Environmental Consultants. The fencing shall be retained throughout the period of construction.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 6 The development hereby approved shall not be carried out otherwise than in strict accordance with the Construction Traffic Management Plan, ref no: 'P1962_20220802_Dig Gate Lane, Rochdale - CTMP', dated 'October 2022' and by TPS Transport Consultants Ltd.

Reason: To minimise detrimental effects to the amenities of surrounding occupiers and the area in general and detriment to the natural environment through the risks of pollution and dangers to highway safety during the construction phase in accordance with Policies DM1, T2, G7 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 7 No development (including any site clearance or preparation works) shall take place until such time as a detailed Construction Management Plan (CMP), which shall include the following:
- a) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - b) measures for the protection of the natural environment from accidental spillages, dust and debris;
 - c) any external lighting of the site.
 - d) measures for the protection of existing Rights of Way and highway in the vicinity of the site (including a photographic survey of the condition of the Rights of Way and highway prior to commencement of development) and;
 - e) Measures for the implementation of a buffer zone to the adjacent pond during construction and operational works.

has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CMP without the prior written permission of the Local Planning Authority.

Reason: To minimise detrimental effects to neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Policies DM1, P3, T2, G8 and G9 of the emerging Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement: As the proposals require ground works and engineering works an understanding will therefore be necessary of what measures will be put in place prior to commencement of any building or engineering works on site.

- 8 No development shall take place (including any site clearance or preparation works) until a Construction Environmental Management Plan (CEMP) has been submitted to,

and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- 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.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CEMP during the construction period.

Reason: To minimise the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with Policies DM1, G7 and G9 of the Core Strategy and the National Planning Policy Framework.

Reason for Pre-Commencement: Site clearance poses a threat to the surrounding natural environment and a scheme therefore needs to be agreed in advance of any works taking place.

- 9 The hereby approved development shall not come in to use until a scheme for the resurfacing and/or repair to the road surface and public right of way which have deteriorated in the intervening period (between pre and post development), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to first use of the development hereby approved.

Reason: Construction associated with the development has the potential to cause deterioration of the road and public right of way. The developer is required to undertake works of repair to the surface where deterioration arises as a result of the construction work undertaken in order to facilitate safe and convenient use of the public right of way by members of the public, and use of the highway by vehicle traffic and in accordance with the requirements of Policy T2 of the adopted Core Strategy.

- 10 No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 11 Notwithstanding the details shown on the approved plans and the requirements of condition 2 of this permission, no above ground construction works shall take place until samples and / or full specification of materials to be used for the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall also include details of gates to be utilised. Such details shall include the type, colour and texture of the materials.

Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 12 (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not come in to use until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and preserving the historic significance of the building in accordance with Policies DM1, P2 and P3 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

- 13 Notwithstanding the details shown on the approved plans, the development hereby permitted, no above ground works shall take place until details of the type, siting, design and materials to be used in the construction of any retaining structures have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the duly approved details and retained as such thereafter.

Reason: In the interests of amenity and in compliance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 14 No external lighting shall be installed on the buildings or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. The approved lighting details shall thereafter be fully implemented in accordance with the approved detail and retained as such thereafter.

Reason: In the interests of the conservation of protected species and protecting amenity in accordance with Policies G7, DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 15 The generating engines hereby approved shall be fuelled by natural gas, and no other fuels.

Reason: The permission is granted on the basis of detailed technical reports - any change in fuel could alter the developments impacts in relation to air quality and amenity.

Procedure Statement:

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Date Decision Issued 19 May 2023

Daniela Ripa
Interim Head of Planning Services

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £34.00 for householder applications and £116.00 in all other cases.

INFORMATIVE:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

INFORMATIVE:

The Environment Agency have advised that the proposed plant will require a Medium Combustion Plant Directive permit to operate once the development has been constructed.

The applicants are reminded that all nesting birds their eggs and young are legally protected under the Wildlife and Countryside Act 1981.

All bats and their roosts are protected under the Wildlife and Countryside Act 1981; the Countryside and Rights of Way Act 2000; the Natural Environment and Rural Communities Act 2006; and by the Conservation of Habitats and Species Regulations (2010).

The applicants are advised that they will have to ensure that the legitimate use of the public rights of way network in the area are available to the general public at all times and there are

no risks whilst exercising this right. The public rights of way should not be disturbed, diverted or excavated prior, during and following completion of the proposed works. It should be noted that it is an offence to obstruct a public right of way. The applicant is advised to contact the Council's public rights of way officer for further guidance.

If the applicants needs to temporarily close any part of the adopted highway or public right of way network during the construction period these closures must be in place prior to the commencement of the required works. Additionally, if temporary traffic/pedestrian management arrangements are required, please liaise with the Council's Highway Department before undertaking such work.