



**Knowsley Council**

**REGENERATION AND ECONOMIC DEVELOPMENT  
DEPARTMENT**

**TOWN AND COUNTRY PLANNING ACT 1990**

## **PLANNING PERMISSION**

**Application No: 21/00718/FUL**

**Name and address of applicant**

Forsa Energy Gas Holdings Ltd  
Riverside Business Park  
Greenock  
PA15 2UZ

**Name and address of agent**

Clive Fagg Planning  
9 Dairy Lane  
Hose  
LE14 4JW  
United Kingdom

**Date of Receipt:** 7 September 2021

**Date Valid:** 9 September 2021

**Address/Location Of Development:**

**Land To The East Of Marl Road, Knowsley, Kirkby, L33 7UH**

**Description of Development:**

**THE CONSTRUCTION AND OPERATION OF AN ELECTRICITY GENERATION PLANT COMPRISING OF A MAXIMUM OF 10NO GAS GENERATORS SITED WITHIN INDIVIDUAL SOUND PROOF CONTAINERS TOGETHER WITH ASSOCIATED DEVELOPMENT.**

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following condition(s):

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

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

3. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in

respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the underlying principal aquifer.

4. Prior to commencement of development, a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction effects. This shall include but not be limited to the following:

- a. Layout of the site compound including identification of areas for the storage of plant and materials, loading/unloading and turning areas for delivery vehicles [for each phase as necessary].
- b. Management of deliveries including prevention of waiting/layover of construction

related traffic on the highway, measures for the control of traffic to and from the site

and consideration of any temporary traffic management arrangements which may be

necessary during periods of construction. Note reversing on the highway is not permitted without a Banksman.

- c. Construction staff parking arrangements
- d. Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
- e. Methods for dust control and suppression.
- f. A programme of works including phasing, if applicable.
- g. Adequate provision for addressing any abnormal wear and tear to the highway, if applicable.

All site works shall then be carried out in accordance with the approved Plan.

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with saved Policies H5, and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and Policy CS2 of the Core Strategy, adopted January 2016.

5. Prior to the implementation of any landscaping or the removal of trees from the site, a scheme for replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include tree replacement for individual and groups of trees at either 2:1 at 12cm girth or 1:1 at 20-24cm Girth. The scheme should include the location, size and species of the replacement trees.

The tree planting shall be wholly implemented in its finally approved form in accordance with the approved scheme within the first available planting season following the substantial completion of development. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage.

Reason: In the interests of visual amenity and to ensure the development complies with Saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

6. Five working days written notice shall be given to the Arboricultural Officer before commencement of the works hereby granted.

Reason: For the avoidance of doubt and to comply with the application.

7. Fixed plant and equipment associated with the development shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time-period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for Rating and Assessing Industrial and Commercial Sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property.

Reason: In order to protect the amenity of neighbouring businesses.

8. The proposal shall not be in operation for more than 2500 hours per year.

Reason: To ensure that any increase in hours is subject to appropriate assessment and mitigation measures.

9. The development shall consist of a maximum of 10 No. 2.0 Mwe Cummins C2000 N5CD (HSK78G) spark ignition engines which shall be removed from the site along with other ancillary equipment should they be decommissioned or redundant.

Reason: To ensure that any increase or change in generators is subject to appropriate assessment and mitigation measures and ensure that the future use of the employment land for employment purposes is not prejudiced.

10. The largest vehicles permitted to serve the development site will be no larger than that highlighted on Drawing no, 21276-SK-03 (26/11/2021). This plan highlights a

vehicle of 15.2m length and 2.5m width, with this being the maximum permitted vehicle size.

Reason: To prevent excessively large vehicle entering and existing the site.

## **SCHEDULE 1**

| <b>Date Received</b> | <b>Ref. No</b>                                 | <b>Version</b> | <b>Drawing/Document Title</b>                   |
|----------------------|------------------------------------------------|----------------|-------------------------------------------------|
|                      |                                                |                |                                                 |
| <b>02/12/2021</b>    | <b>21276-SK-02</b>                             | <b>-</b>       | <b>SITE ACCESS &amp; VISIBILITY ASSESSMENT</b>  |
| <b>01/12/2021</b>    | <b>FE/017/389</b>                              | <b>-</b>       | <b>PROPOSED SITE LAYOUT</b>                     |
| <b>01/12/2021</b>    | <b>21276 -SK-03</b>                            | <b>-</b>       | <b>DEVELOPMENT SITE – SWEPT PATH ASSESSMENT</b> |
| <b>12/10/2021</b>    | <b>0621-PLA-003-KNOWSLEY</b>                   | <b>REV 1</b>   |                                                 |
| <b>12/10/2021</b>    | <b>FE/017/390</b>                              | <b>-</b>       | <b>SITE LOCATION</b>                            |
| <b>17/01/2022</b>    | <b>J003246-5117-ECE-02</b>                     | <b>02</b>      | <b>NOISE IMPACT ASSESSMENT</b>                  |
| <b>15/09/2021</b>    | <b>AIR QUALITY ASSESSMENT</b>                  | <b>V2</b>      | <b>AIR QUALITY ASSESSMENT</b>                   |
| <b>15/09/2021</b>    | <b>AIR QUALITY LOCATIONS</b>                   | <b>-</b>       | <b>AIR QUALITY LOCATIONS</b>                    |
| <b>15/09/2021</b>    | <b>PRELIMINARY ECOLOGICAL</b>                  | <b>B</b>       | <b>PRELIMINARY ECOLOGICAL</b>                   |
| <b>15/09/2021</b>    | <b>ARBORICULTURAL IMPACT ASSESSMENT</b>        | <b>A</b>       | <b>ARBORICULTURAL IMPACT ASSESSMENT</b>         |
| <b>15/09/2021</b>    | <b>DRAINAGE ASSESSMENT</b>                     | <b>-</b>       | <b>DRAINAGE ASSESSMENT</b>                      |
| <b>15/09/2021</b>    | <b>COAL MINING REPORT</b>                      | <b>-</b>       | <b>COAL MINING REPORT</b>                       |
| <b>15/09/2021</b>    | <b>69364757_1<br/>752076904#1495<br/>67964</b> | <b>-</b>       | <b>GROUND INVESTIGATION REPORT</b>              |
| <b>15/09/2021</b>    | <b>MAPS</b>                                    | <b>-</b>       | <b>GROUND INVESTIGATION MAPS</b>                |

|            |   |   |                    |
|------------|---|---|--------------------|
| 15/09/2021 | - | - | PLANNING STATEMENT |
|------------|---|---|--------------------|

## **REASON(S) FOR THE GRANTING OF PLANNING PERMISSION**

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance: -

### **KNOWSLEY LOCAL PLAN: CORE STRATEGY**

CS2 - Development Principles  
 CS4 - Economy and Employment  
 CS7 - Transport Networks  
 CS8 - Green Infrastructure  
 CS11 - Principal Regeneration Area - Knowsley Industrial and Business Parks  
 CS19 - Design Quality and Accessibility in New Development  
 CS21 - Greenspaces and Trees  
 CS22 - Sustainable and Low Carbon Development  
 CS23 - Renewable and Low Carbon Infrastructure  
 CS24 - Managing Flood Risk

### **SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)**

EC3 - Primarily Industrial Areas  
 ENV2 - Noise and Vibration  
 ENV5 - Contaminated Land

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Andrew Hunt on 0151 443 2204)

## **ARTICLE 35 STATEMENT**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **NOTE FOR APPLICANT:**

IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

- 1) This planning 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) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

- 2) This permission is granted subject to conditions and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) 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 prior to the start of development, the whole of the development will be unauthorised and you may be liable to enforcement action.
  - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached then you will be liable to a breach of condition notice.

- 2 The application identifies a facility comprising 10 No. 2.0 MWe spark ignition gas engines with individual 8.0m stacks. A permit will be required from the Environment Agency to operate the plant. The application does not include details of the thermal input of the proposed units and therefore we are unable to confirm whether the permit will be required under Medium Combustion Plant Regulations (1MWth - 50MWth) or as a Large Combustion Plant (>50MWth).
- 3 Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:
  1. Connection to the public sewer
  2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
  3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit. Further advice is available at:

<https://www.gov.uk/government/publications/sewage-treatment-and-disposal-where-there-is-no-foul-sewer-ppg4>  
<https://www.gov.uk/permits-you-need-for-septic-tanks>

- 4 It is an offence to carry out any works within the public highway without the permission of the Highway Authority. The grant of planning permission will require the developer to enter into an agreement under s278 of the Highways Act 1980 with the Council. The applicant is advised to contact SiteDevelopment@knowsley.gov.uk to discuss the matter further
- 5 Merseyside Fire Authority

**Executive Director - Regeneration and Economic Development**

**Date: 15 June 2022**

### **IMPORTANT NOTES FOR YOUR ATTENTION:**

- 1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.**
- 2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.**
- 3. You should ensure that you understand the requirements of all planning conditions and that you fully comply with their requirements. If you are in any doubt about what a condition requires of you, please ask us for assistance. Planning conditions may require you to submit further information to us and await our approval before you can start your development. A failure to do so could result in your development being unlawful and necessitate the submission of a further planning application. A failure to comply with the conditions of the permission/consent may result in the taking of enforcement and potentially legal action, against you to remedy the breach of planning control.**
- 4. A fee is normally payable to discharge planning conditions in accordance with government regulations.**
- 5. This permission does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by you, including on party boundaries. You should satisfy yourself that the agreement of any adjoining landowners has been given prior to commencing any building works.**
- 6. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works. Knowsley Council's Building Control team are contactable on (0151)-443 2342 and they would be pleased to assist you.**

### **Appeals to the Secretary of State**

- 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.
- As this is a decision for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State 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.