



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 21/00480/FUL

Name and address of applicant

Lion Rouge Limited
262 Manchester Road
Warrington
WA1 3RB

Name and address of agent

Insynch Energy Services Limited
Aizlewood Mill
Nursery Street
Sheffield
S3 8GG

Date of Receipt: 4 June 2021

Date Valid: 20 August 2021

Address/Location Of Development:

Former Syntor Fine Chemicals Site
Acornfield Road
Knowsley Industrial Park
Kirkby
Knowsley
L33 7UG

Description of Development:

**ERECTION OF 6 NO. CONTAINERISED GAS POWERED GENERATORS
TOGETHER WITH THE ERECTION OF A SINGLE STOREY PREFABRICATED
SECURITY CABIN, UPGRADES TO EXISTING BOUNDARY TREATMENTS
INCLUDING THE INSTALLATION OF 2.4M HIGH PALISADE FENCING AND
ACCESS GATES, VEHICLE PARKING AND OTHER ASSOCIATED WORKS**

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.

4. No development shall take place until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include (were relevant):

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and
- service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments.

B. Submission of Remediation Scheme

Where land affected by contamination is found which poses unacceptable

risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be implemented, and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

E. Materials Management Plan

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, signed off by a Qualified Person, shall be submitted to and agreed in writing with the local planning authority. The MMP shall demonstrate that any reuse of contaminated materials does not result in increased risk to the environment or human health.

F. Importation of Soil/Material

No topsoil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: To avoid contamination harming human health.

5. Development shall not commence until a scheme has been submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. The scheme shall be based on the results of a noise assessment which suitably characterises the noise climate at nearby residential dwellings both prior to and following the operation of the development permitted.

The following noise levels shall be met after implementation of the scheme:

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.

For other operations on site the rating level of noise shall not exceed the existing background level at the positions described above. Measurement and assessment shall be made according to British Standard BS 4142:2014.

A new or revised noise assessment is submitted to the Local Authority if there are any future changes in the number or type of generators operational on site or the predicted usage increases so that a new "worst case scenario" is identified and the correct mitigation measures proposed.

All works which form part of the scheme shall be implemented in full in accordance with the scheme as agreed. Documentary evidence of the works shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development.

Reason: In order to prevent excessive noise levels at the site.

6. Prior to commencement of construction, a scheme for the control of noise and dust from site operations and to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be implemented while construction works are ongoing.

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.

7. Prior to occupation of the proposal, a scheme for a tree planting plan shall have been submitted to and approved in writing by the Local Planning Authority. 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.

8. In order to be consistent with the assumptions in made in the Air Quality Assessment (Air Quality Assessment by Stopford Energy and Environment (dated: May 2021; ref: R6623-IE-0002)):

- a. The plant shall not be operated more than 17% of the year (1,500 hrs per engine per year).
- b. The number of generators shall not exceed 6.
- c. Any individual generator shall not exceed 2.0Mwe electrical power output.
- d. The fuel type used shall be natural gas only.

Reason: In order to avoid harmful impacts on air quality.

9. No construction work shall take place outside the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.

Reason: In order to avoid harm to amenity.

10. The development shall not be brought into use until the areas indicated on Site Plan Drawing 1185- 21-XX-00-DR-A-0004 Revision D (Received 18th January 2022) be set aside for parking, servicing, vehicular manoeuvring has been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policy CS7 of the Core Strategy, adopted January 2016

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
18/11/2021	R6623-IE-0001	-	FLOOD RISK ASSESSMENT
27/05/2022	WELFARE CABIN INS 114	-	WELFARE CABIN
27/05/2022	1185-21-XX-00-DR-A-0004	B	PROPOSED SITE LAYOUT
27/05/2022	GAS ENCLOSURE	REV 0	GAS ENCLOSURE
27/05/2022	PROPOSED CANOPY LAYOUT	REV B	PROPOSED CANOPY LAYOUT
27/05/2022	TRANSFORMER DETAILS	0	TRANSFORMER DETAILS
15/12/2021	-	-	PLANNING STATEMENT
01/12/2021	EXISTING AND PROPOSED SITE SECTIONS	B	EXISTING AND PROPOSED SITE SECTIONS
20/10/2021	PROPOSED VEHICLE TRACKING	A	PROPOSED VEHICLE TRACKING
20/08/2021	7177	-	CONTAMINATED LAND DESK

			STUDY
04/06/2021	AIR QUALITY ASSESSMENT 6623	-	AIR QUALITY ASSESSMENT
04/06/2021	ARR/PPN/C/267 9.03	-	NOISE IMPACT ASSESSMENT
04/06/2021	-	REV A	LOCATION PLAN
01/09/2021	FENCE AND GATE LAYOUT	-	PROPOSED FENCE AND GATE LAYOUT AND DETAILS
01/09/2021	SECURITY CABIN	REV A	PROPOSED SECURITY CABIN PLANS AND ELEVATIONS
01/09/2021	GAS ENGINE	REV A	GAS ENGINECONTAINER PLANS AND ELEVATIONS

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
The Joint Merseyside and Halton Waste Local Plan 2013
WM9 - Sustainable Waste Management Design and Layout of New Development

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 Environment Agency.

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.