

Mr Wilkins
The Brickworks
Brick Kiln Lane
Stoke on Trent
Staffordshire
ST4 7BS

Mr Oliver Paish
Derwent Hydro
117 Hazelwood Road
Duffield
Derbyshire
DE56 4AA

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The Brickworks Brick Kiln Lane
Stoke on Trent
Staffordshire
ST4 7BS

Application no: SMD/2015/0437

Determined on: 08/02/2016

**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.

Location of Development:

The Mill, Consall Forge, Consall, Wetley Rocks, Staffordshire. ST9 0AJ

Description of Development:

Installation of a new buried pipeline and construction of a turbine shed for a new hydro-electric turbine, thereby replacing the existing hydropower system on the site

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District 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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2.The development hereby approved shall be carried out in accordance with the following submitted plans and subject to the following conditions and/or modifications:-

Consall Hydro Scheme - Layout v1.3 Rev A (Dated 31-3-15);
Consall Hydro - Turbine Shed v 2.3 Rev A (Dated 29-6-15);
Consall Hydro - Intake v 2.7Rev C (Dated 20-11-15)
Consall Hydro - Scheme Layout Plan and Elevation v2.4 Rev A (Dated 29-6-15)

Consall Hydro Location Plan (1:2500);
Consall Hydro - Block Plan (1:500);
Consall Hydro - Turbine Shed Building Elevations v. 2.8 (Dated 8-2-16)

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. Prior to the commencement of development on the site, design details of the railings including materials and finish (including colour) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, be retained for the lifetime of the development and completed before first use of the development hereby permitted.

Reason:-

In the interests of visual amenity.

4. Prior to the commencement of development details/samples of all brick, tile and surfacing around the sluice and turbine shed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved details, be retained for the lifetime of the development and completed before first use of the development hereby permitted.

Reason:-

In the interests of visual amenity and securing good design.

5. Prior to the commencement of development, details of the outlet of the fish bywash shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved details prior to first use of the development hereby permitted and retained for the lifetime of the development.

Reason:-

In the interests of visual amenity.

6. Prior to the commencement of development on site a scheme shall be submitted in writing to the Local Planning Authority to confirm the conservation of significant artefacts removed from the sluice.

Reason:-

In the interests of historical recording.

7. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s) and stairs, have been submitted and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.

Reason:-

In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

8. Prior to the commencement of the development hereby permitted a written scheme of archaeological investigation (the scheme) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication and interpretation. The scheme shall thereafter be implemented in full, in accordance with the approved details.

Reason:-

In the interests of maintaining accurate archaeological records.

9. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason:

To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

10. The turbine and associated equipment shall be installed in a manner to ensure that, throughout the life of the development, any operating noise is inaudible in any residential property including their gardens. If at any time this threshold is exceeded, use of the turbine shall cease until acoustic treatments to address the noise of the turbine are installed within the turbine shed so that the threshold is not exceeded.

Reason:-

To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

11. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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 to workers, neighbours and other offsite receptors

12. During construction works any trenches left open overnight or during the daytime should be covered or left with a ramp/sloping end to allow any mammals that may fall in a chance to escape.

Reason:-

In the interests of protecting mammals.

13. Any pipes over 200mm in diameter shall be capped off to prevent animals from becoming stuck. These details (locations of pipes, capping methods) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. The development shall then be carried out strictly in accordance with the approved details prior to first use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

In the interests of animal protection.

14. Prior to the commencement of development an Ecological Construction Method Statement (ECMA) shall be submitted to and approved in writing by the Local Planning Authority supported by further appropriate survey as necessary in order to plan the work appropriately so as mitigate against harm to reptiles and amphibians during the course of the development. The development shall then be carried out in accordance with the ECMA as approved.

Reason:-

In the interests of biodiversity and protected species.

Important Informatives

1. Please note that any works in, over, under or within 8m from the top of the bank of the River Churnet will require Flood Defence Consent. Further information can be found on <https://www.gov.uk/flood-defence-consent-england-wales>

2. The applicant/developer should refer to the 'Groundwater Protection: Principles and Practice' document available from the Environment Agency website www.gov.uk/environment-agency which sets out the position of a wide range of activities and developments including;

- Storage of pollutants and hazardous substances;
- Solid waste management;
- Discharge of liquid effluents into the ground (including site drainage);
- Management of groundwater resources;
- Land contamination;
- Ground source heat pumps.

3.Himalayan Balsam and soil that could potentially harbour Himalayan Balsam seeds should not be spread within the site during works. Any soil that is required to be disposed of should be dealt with by a licensed waste carrier.

4.Current pollution prevention guidelines should be followed for all work, in order to prevent pollution of either the canal or the river.

5.Dredging of the pond is not recommended as part of the works.

6.All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. Site clearance and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February to mid August. As this development involves vegetation clearance and/or demolition and/or other activities which would be damaging to any nesting birds present the work should avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird nesting habits should first be engaged to advise on and ensure that the intended work can legally take place.

7.Workers should remain vigilant for the presence of reptiles and must contact an ecologist immediately in the unlikely event that a reptile is found.

8.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: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.

- During any demolition and construction activities (including landscaping) the contractor should take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

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

- Staffordshire Moorlands District 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.

Signed on behalf of Staffordshire Moorlands District 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 Staffordshire 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.staffsmoorlands.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 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 www.planningportal.gov.uk/pcs. 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.