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Development Management
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Municipal Buildings
Earle Street
Crewe
CW1 9HP

email: planning@cheshireeast.gov.uk

DECISION NOTICE

Application No: **14/3001M**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

Realignment/Replacement of oil pipeline

Location

LAND NORTH EAST OF, 86, WOODFORD ROAD, POYNTON

for Oil & Pipeline Agency

In pursuance of its powers under the above Act, the Council hereby GRANTS planning permission for the above development in accordance with the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:

General

1. The development hereby approved shall commence within three years of the date of this permission. Written notification of the date of commencement of development shall be sent to the Waste Planning Authority a minimum of 7 days prior to commencement.

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

2. The development hereby approved shall be carried out in strict accordance with the following documents, except where these may be modified in the conditions below:
- a) Planning application forms dated 18.06.2014
 - b) Ecological Assessment ref: CSa/2211/01 dated March 2014
 - c) Archaeological Appraisal ref: CSa/2211/03 dated March 2014
 - d) Flood Risk Assessment Ref: A6MARR-2-W-05-001-RE-001 dated May 2014
 - e) Design and Access Statement dated June 2014
 - f) Location Plan dated 10/06/2014
 - g) Oil Pipeline Diversion Plan ref: RCS06250PA001
 - h) GPSS Location Plan Extract of Pipeline dated 10/06/2014
 - i) Oil Pipeline Diversions Long Sections Ref: RCS06250PA002
 - j) Confidential Annex – Badgers dated March 2014

Reason: For the avoidance of doubt to specify the plans to which the permission relates.

3. Within 3 months of completion of the pipe laying, all plant and machinery shall be removed from the site and all land disturbed by the development shall be restored in accordance with approved plan ref: RCS06250PA002.

Reason: To protect residential amenity and in the interests of nature conservation in accordance with policy NE11 and DC3 of Macclesfield Borough Local Plan.

Soil handling

4. All topsoils and subsoils disturbed by the development shall be stored in separate mounds which shall:
- (a) Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoil;
 - (b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
 - (c) Not be subsequently moved or added to until required for land reinstatement; and
 - (d) Have a minimum 3.0 metre stand off, undisturbed around each storage mound and be located a minimum distance of 3m away from any existing hedge line and outside the outermost spread of the crown of any adjoining trees to be retained.

Reason: To prevent the loss of soil and minimise damage to soil structure during storage, to protect trees and hedgerows and in the interests of residential amenity, and to comply with policies DC3 and DC9 of Macclesfield Borough Local Plan.

5. All topsoils and subsoils shall only be stripped when they are in a dry and friable condition, and no movement of soils shall occur:
- (a) During the months of October to April (inclusive), unless otherwise agreed in writing with the Local Planning Authority; or
 - (b) When the upper (*insert depth*) mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1975 – 'British Standard Methods Test for Soils for Civil Engineering Purposes'; or
 - (c) There are pools of water on the soil surface.

Reason: To prevent damage to soils.

6. All topsoil and subsoil shall be permanently retained on site and used to restore the land on completion of the pipeline laying. No other material required in connection with this development shall be imported onto the site.

Reason: To prevent loss of soil and control the scale of the development.

Pollution control and amenity

7. All unloading, handling and storage of construction materials shall only be undertaken within the confines of the working area as identified on approved plan ref: RCS06250PA001.

Reason: To control pollution and in the interests of residential amenity; and to comply with policies DC3, 13, 19 and 20 of Macclesfield Borough Local Plan.

8. Best practicable means shall be taken at all times to ensure that all HGVs leaving the working area defined on plan ref: RCS06250PA001 are in a condition such as not to emit dust or deposit mud or other debris on the highway. Any deposits of dust, mud or other debris deposited or carried onto the public highway as a result of the development shall be removed as soon as practicable.

Reason: in the interests of highway safety, to avoid the deposit of mud on the highway and to comply with policy DC3 of Macclesfield Borough Local Plan

9. All noise generative* demolition / construction works (and associated deliveries to the site) authorised by this permission shall be restricted to the following time periods:

Monday – Friday

08:00 to 18:00 hrs

Saturday

09:00 to 14:00 hrs

There shall be no noise generative* demolition/construction works on Sundays and Public/Bank Holidays without the prior written approval of the Local Planning Authority.

**For information 'Noise Generative' is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.*

Reason: In the interests of residential amenity

10. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall address the environmental impact in respect of dust, vibration and noise on existing residents during the demolition and construction phase. In particular the plan shall detail mitigation measures in respect of;

- Noise and disturbance during the construction phase including earthworks, drilling and piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- Dust generation caused by construction activities and proposed mitigation methodology.

The measures in the Environmental Management Plan shall be implemented in full for the duration of the development.

Reason: To reduce pollution impacts from the construction activities on the local environment, having regard to policy DC3 of Macclesfield Borough Local Plan.

Drainage

11. No development hereby approved shall commence until a scheme detailing temporary drainage arrangements to be installed on site for the duration of the construction works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to construction works commencing and retained thereafter until all engineering works have been completed.

Reason: To ensure a satisfactory means of drainage and to comply with policy DC17 of Macclesfield Borough Local Plan.

Nature Conservation

12. Prior to undertaking any works which may cause disturbance to any trees or vegetation between 1st March and 31st August in any year, a detailed survey shall be submitted to check for nesting birds. A report of the survey and any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing; and shall be implemented for the full duration of the construction works.

Reason: To have regard for the Wildlife and Countryside Act 1981 (as amended) and in the interests of nature conservation

13. The development shall be implemented in accordance with the mitigation measures set out in the Ecological Assessment ref: CSa/2211/01.

Reason: to safeguard wildlife in the interests of nature conservation in accordance with the NPPF and policy NE11 of Macclesfield Borough Local Plan.

14. The full specification for all replacement hedgerow and grassland planting shall be submitted to and approved in writing by the Local Planning Authority within one month of development commencing on site. The approved planting shall then be implemented in the next available planting season following completion of the development. Any hedgerow planted in accordance with this condition which is removed, dies, becomes severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by hedgerow of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site and in the interests of nature conservation, having regard to Section 197 of the Town and Country Planning Act 1990 and to comply with Policies NE11 of Macclesfield Borough Local Plan.

Retained Trees

15. (a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 :2012 Trees in Relation to Design, Demolition and Construction (Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality and in accordance with policy DC9 of the Macclesfield Borough Local Plan 2004.

Highways

16. Prior to the commencement of development a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. The construction works shall be implemented in accordance with the management plan for the duration of the development.

Reason: In the interests of highway safety to minimise disruption to vehicular traffic/pedestrian routes and to protect the residential amenity of local residents and to comply with policies DC3 and DC6 of the Macclesfield Borough Local Plan 2004.

17. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.

Reason: To minimise the adverse impact of noise generated by the operations on the local community, having regard to policies DC3 and DC13 of Macclesfield Borough Local Plan.

INFORMATIVE

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:

- a) Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions.

Informatives

Any facilities for the storage of oils or fuels shall be provided with secondary containment that is impermeable to both the oils or fuels and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks.

All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

The Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. They should be aware that the permit may not be granted.

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

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 conditions. Please see our Website 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.

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.

This 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.

Dated: 03-Sep-2014

Signed



Authorised Officer for
Cheshire East Borough Council

We enclose our decision notice in respect of the application you recently submitted to us.

You should read the notice carefully. It is your responsibility to ensure that you comply with the terms of any conditions which are attached to it. Where conditions require you to submit further information to us, a fee is likely to be payable. The notice doesn't convey or grant consent for anything other than the application you made under the terms of the Town and Country Planning Act 1990.

If you are aggrieved by our decision to refuse planning 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. You must submit your appeal within;

- 12 weeks of the date of this notice. (in the case of Householder applications made after 6 April 2009), or
- 6 months of the date of this notice (in all other cases).

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 we could not have granted planning permission for the proposed development or could not have granted it without the conditions we 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 we based our decision on a direction given by him.

Purchase Notices

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 County Planning Act 1990.