Adur District Council

Planning, Regeneration and Wellbeing

Ms Nichola Traverse-Healy
Barton Willmore
Elizabeth House
1 High Street Chesterton
Cambridge
Cambridgeshire
CB4 1WB

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

APPLICATION NUMBER: AWDM/0868/12

Details of Development
DEVELOPMENT OF A 32MW RENEWABLE POWER GENERATING FACILITY WITH ASSOCIATED RECEPTION AND ADMINISTRATION BLOCK, SIX FUEL TANKS, BLACK START BOILER, SUBSTATION AND TRANSFORMERS, ACCESS AND CAR PARKING

Location of Development
LAND EAST OF SHOREHAM POWER STATION BASIN ROAD SOUTH SOUTHWICK WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 13th July 2012.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

James Appleton
Executive Head of Planning, Regeneration and Wellbeing
28/02/2014

ADUR DISTRICT COUNCIL
Adur District Council, Planning Services, Portland House,
Richmond Road, Worthing, West Sussex, BN11 1LF
Tel: (01903) 221065 Fax: (01903) 221072
Minicom: (01903) 204500 DX: 142965 Worthing 10
web: www.adur.gov.uk

SCHEDULE

Reasons for Granting Permission

01. In considering this development due regard has been given to letters of representation and petitions submitted in connection with the application as well as consultation responses and policies of the Development Plan, emerging planning policies in the draft Adur Local Plan and Interim Planning Guidance for Shoreham Harbour and the National Planning Policy Framework (NPPF) It is not considered that there are any objections, in principle, to the provision of a renewable energy generating station on the site. The Local Authority is satisfied that sufficient safequards can be imposed to ensure that the development does not have an adverse environmental impact on the local area. In terms of the impact on air quality the Environement Agency (EA) has confirmed that the acceptability of any maximum impacts from the generating station would be determined in consultation with both Brighton and Adur Councils under the Environmental Permit process. In this respect discussions with the EA have determined that any maximum impacts may be lower than those set out by the applicant depending on the mitigation or Best Available Techniques (BAT) that might be imposed by the Permit process. At the Permit stage the EA would be consulting with both Councils to ensure local concerns about potential impact on air quality are addressed. The supporting statements on air quality have provided sufficient information to the Council that the development would not have an adverse impact on air quality and the applicant has agreed to make a financial contribution, secured by way of a planning obligation towards an off site air quality monitoring station.

The proposal is supported by the Port Authority and it is not considered that there is any conflict with Local Plan policies in that the development would not prejudice the commercial operations of the Port. Indeed the proposal would comply with the long term aspirations of the Port as a location for renewable energy generation and also support the Port's regeneration objectives through creating new employment opportunities in the area. Whilst, the proposed building and a 65 metre high stack would be prominent structures, in the context of surrounding buildings, its design and separation from residential properties it is not considered that the development would detract from the visual amenities of the locality. The sustainability of the fuel source has been challenged by many interest groups and individuals. However, a condition is to be imposed to ensure that only oils that meet the sustainability criteria set out in the Renewable Energy Directive can be used and an annual report is to be submitted to the Council as recommended by the Secretary of State in connection with an appeal at Avonmouth. A Planning Obligation has been signed with the applicant to require further restrictions on the type of fuel sources used and to seek to maximise the sustainability credentials of the development and secure local economic benefits. In accordance with current Government Policy the renewable energy generating facility would contribute to meeting renewable and climate change targets. As such, with the conditions set out below and the accomponying Planning Obligation the proposal is acceptable and compliant with saved Local Plan policies AE 7, AE 8, AE 9, AT 3 and the National Planning Policy Framework (DCLG 2012) and allied national planning guidance.

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Conditions

01. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

02. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.

Reason: *In the interests of visual amenity.*

03. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statement and shall be adhered to throughout the construction period. The Statement shall provide for:-
(i) the parking of vehicles of site operatives and visitors;
(ii) loading and unloading of plant and materials;
(iii) storage of plant and materials used in constructing the development;
(iv) the erection and maintenance of security hoarding;
(v) wheel-washing facilities;
(vi) measures to control the emission of dust and dirt during construction;
(vii) a scheme for recycling/disposing of waste resulting from demolition and construction works: and
(viii) details of constructions access routes albeit that the designated port access route should be utilised (via Church Road/Trafalgar Road, Hangleton link and the A27).

Reason: *In the interests of highway safety and amenity.*

04. Prior to the commencement of development both the existing and proposed power stations should be modelled together in order to determine cumulative impacts for permitted Part A combustion (>50 MW thermal) and the results of the modelling shall be submitted to the Local Planning Authority.

Reason: *In the interests of protecting residential amenity.*

05. The development hereby permitted shall not be commenced until details of the proposed drainage and means of disposal (foul and surface water) have been submitted to and approved by the Local Planning Authority and the building shall not be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. There shall be no discharge of contaminated drainage into either ground water or any surface waters whether direct or via soakaways.

Reason: *To ensure adequate drainage facilities are provided for the development.*

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06. The development hereby permitted shall not be occupied unless and until a Sustainability and Energy Statement has been submitted to and approved in writing by the LPA demonstrating how the development has sought to reduce the buildings carbon footprint.

Reason: *To ensure sustainable development in accordance with the objectives of the National Planning Policy Framework.*

07. Noise levels from the development assessed at receptor sites R1 and R2 measurement positions shall be 5dB(A) below the measured background levels with no tonal element.

Reason: *In the interests of protecting residential amenity.*

08. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority (LPA)), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:
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 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 express written consent of the LPA. The scheme shall be implemented as approved.

Reason: *To ensure that any contamination on the site is identified and if necessary remediate to protect groundwater and avoid pollution of adjoining land.*

09. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: *To ensure that any contamination on the site is identified and if necessary remediate to protect groundwater and avoid pollution of adjoining land.*

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10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: *To ensure that any contamination on the site is identified and if necessary remediate to protect groundwater and avoid pollution of adjoining land.*

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

Reason: *To ensure that any contamination on the site is identified and if necessary remediate to protect groundwater and avoid pollution of adjoining land.*

12. No infiltration of surface water drainage into the ground from the site is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: *To protect groundwater from any risk of pollution.*

13. Throughout the operational life of the Development, there shall be submitted to the Council annual reports on the sustainability of all bioliquids used as fuel in the electricity generating engines of the Development which provide the same information and levels of assurance and verification which the operator of the Development is required (or would be required, if claiming financial assistance in respect of the electricity generated from such bioliquids) to provide in respect of the sustainability of bioliquids under any national legislation that implements the Directive.

Reason: *To ensure that the fuel source is sustainable in accordance with the objectives of National Planning Policy Framework.*

14. In addition to the requirements set out in Condition No 14 the development should not use as fuel any vegetable oils which are deemed to be suitable for human consumption (fuels to be independently audited against the sustainability criteria within the Renewable Obligation published by OFGEM and under the terms of the Environment Agency Permit). The power generating facility shall only use the following bio-liquids:

- glycerine and used cooking oil sourced and processed off site to a specification suitable for power generation
- category one animal tallow, a product deemed suitable only for energy generation and road transport fuel use

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- an oil derived from tall oil pitch which is a by-product of wood pulp manufacture
- crude and refined vegetable oils which as a result of insurance salvage are deemed unfit for human consumption.

Reason: *To ensure that the fuel source is sustainable in accordance with the objectives of National Planning Policy Framework.*

15. Prior to the occupation of the development a statement shall be submitted and approved by the LPA to demonstrate that the proposed engines and mounting equipment have been designed and installed to prevent vibration nuisance to nearby properties and businesses.

Reason: *In the interests of residential amenity.*

16. The building hereby permitted shall not be occupied until provision for access and parking of vehicles and cycles has been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall thereafter be used only for access and parking of vehicles and cycles incidental to the use of the proposed development.

Reason: *In the interests of highway safety and to comply with saved policy AT10 of the Adur Local Plan 1996 and the National Planning Policy Framework.*

17. No external lighting or floodlighting shall be installed except in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of residential amenity.*

18. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. On all other days such work shall only be undertaken between the hours of 8am and 6pm.

Reason: *To safeguard the amenities of the occupiers of neighbouring properties.*

19. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include matters such as:-
i)Proposed finished levels and contours;
ii) Means of enclosure, including full details of the proposed boundary walls, railings and gates to be erected;
iii) Car parking layouts;
iv) Other vehicle and pedestrian access and circulation areas;
v) Hard surfacing materials;
vi) Minor artefacts and structures (street furniture, play equipment, refuse and other storage units, lighting);

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vii) Proposed and existing functional services above and below ground such as drainage, power; communications cables, pipelines etc (indicating lines, manholes, supports);

Soft landscape works shall include planting plans; written specifications; schedules of plants stating species, sizes and numbers/densities; and the implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be completed before any part of the development is occupied or in accordance with the implementation programme approved in writing by the Local Planning Authority.

Reason: *In the interests of visual amenity and the environment and to comply with Saved Local Plan policy AB27.*