

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNCIL

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT**

TO:

Great Heck Green Energy Ltd
c/o Robert Doughty Consultancy Ltd
32 High Street
Helpringham
Sleaford
NG34 0RA

Mr Lewis Smith
32 High Street
Helpringham
Sleaford
NG34 0RA

The above-named Council being the Planning Authority for the purposes of your application dated 5 July 2023 in respect of proposed development for the purposes of Proposed Anaerobic Digestion Plant, Associated Infrastructure, Lagoons and Feedstock Clamps with Landscaping works at Heck Hall Farm, Great Heck, Goole, DN14 0BB have considered your said application and have granted permission for the proposed development subject to the following conditions:-

(please see attached sheets for conditions)

Date: 9 February 2024

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Trevor Watson - Assistant Director, Planning

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

Dated: 9 February 2024

RIGHTS OF APPEAL

- (1) 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.

If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

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.

- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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Continuation of Decision No. ZG2023/0748/CPO

Dated: 9 February 2024

Conditions:

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application details dated 3 July 2023 and the following approved documents and drawings:

| Ref. | Date | Title |
|--|-------------------|---|
| 1550 1 DAS LMS | June 2023 | Planning, Design and Access Statement |
| Land south of Heck and Pollington Lane, Great Heck – Version 1 (Final) | 10 March 2023 | Preliminary Ecological Appraisal |
| 1550 1 LVS GP | June 2023 | Landscape and Visual Statement |
| 93746.566880 – Issue 1 | 23 June 2023 | Qualitative Odour Risk Assessment |
| MSSE1584 | 19 June 2023 | Geophysical Survey Report |
| R15502 | 23 June 2023 | Archaeological Desk-based Assessment |
| C23003 – Revision A | 13 June 2023 | Transport Statement |
| Land south of Heck and Pollington Lane, Great Heck - Version 1 (Final) | 19 September 2023 | Biodiversity Assessment |
| R-FRA-27330-01-0 Revision 0 | 22 November 2023 | Flood Risk Assessment and Drainage Strategy |
| SA 4304 Revision 2 | 17 November 2023 | Speeds Reduction Scheme Stage 1 Road Safety Audit |
| C23005 – Revision A | 25 January 2024 | Speed Reduction Scheme: Stage 1 Road Safety Audit Response Report |
| 1550-1_PL_LP01 Rev. D | 12 June 2023 | Location Plan |
| 1550-1_PL_SP01 Rev. D | 12 June 2023 | Existing Site Plan |
| 1550-1_PL_SP02 Rev. E | 15 June 2023 | Proposed Site Plan |
| 1550-1_PL_GA01 Rev. A | 12 June 2023 | Clamp |
| 1550-01_PL_GA02 Rev. A | 12 June 2023 | Digestor |
| 1550-01_PL_GA03 | 12 June 2023 | Feedstock Bunkers |
| 1550-01_PL_GA04 | 12 June 2023 | Straw System (twin) |
| 1550-01_PL_GA05 | 12 June 2023 | Digestate Separation Bunker |
| 1550-01_PL_GA06 Rev. A | 12 June 2023 | Combined Heat and Power Unit (CHP) |
| 1550-01_PL_GA07 Rev. A | 12 June 2023 | Gas Upgrade Plant |
| 1550-01_PL_GA08 Rev. A | 12 June 2023 | CO2 Capture Plant |
| 1550-01_PL_GA09 | 12 June 2023 | Process Building |
| 1550-01_PL_GA10 Rev. A | 12 June 2023 | Flare |
| 1550-01_PL_GA11 | 12 June 2023 | Compressor |
| 1550-01_PL_GA12 | 12 June 2023 | Gas Entry Unit (GEU) |

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|-----------------------|-------------------|----------------------------------|
| 1550-01_PL_GA13 | 12 June 2023 | Pressure Reduction System |
| 1550-1_PL_PP01 Rev. D | 24 August 2023 | Proposed Soft Landscaping Scheme |
| 1550-1_PL_SE01 | 12 June 2023 | Lagoon Sections |
| DR006 | 28 September 2023 | Speed Reduction Scheme Option 1 |

Reason: To ensure that the development is carried out in accordance with the application details.

Pre-Commencement

Highways

3. Prior to the commencement of the development a detailed scheme of speed reduction measures shall be submitted to the Local Planning Authority for approval in writing.

Reason: This is a pre-commencement condition and required given the particular circumstance and imposed to ensure that the design is appropriate in the interests of the safety and convenience of highway users.

4. Prior to the commencement of any development (including demolition, ground works, vegetation clearance) a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangement for the following in respect of each phase of the works:
1. details of any temporary construction access to the site including measures for removal following completion of construction works;
 2. restriction on the use of accesses for construction purposes;
 3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 4. the parking of contractors' site operatives and visitor's vehicles;
 5. areas for storage of plant and materials used in constructing the development clear of the highway;
 6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
 7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
 8. protection of carriageway and footway users at all times during demolition and construction;
 9. protection of contractors working adjacent to the highway;
 10. details of site working hours;
 11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
 12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
 13. measures to control and monitor construction noise;
 14. an undertaking that there must be no burning of materials on site at any time during construction;

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15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. details of ditches to be piped during the construction phases;
19. a detailed method statement and programme for the building works; and
20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to in the interest of public safety and amenity.

5. Prior to the commencement of development mitigation measures must be completed as indicated below:

The installation of 2 sets of speed cushions and associated signing and lining in compliance with the Traffic Signs Regulations and General Directions at Heck and Pollington Lane

For the scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

The off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: This is a pre-commencement condition and required given the particular circumstance and imposed to ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Archaeology

6. No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions and :
 1. The programme and methodology of site investigation and recording
 2. Community involvement and/or outreach proposals
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording

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5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: This is a pre-commencement condition and required given the particular circumstance and imposed to safeguard the interests of archaeology and value of heritage assets and to ensure that archaeological remains are preserved by record.

7. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 6.

Reason: This is a pre-commencement condition and required given the particular circumstance and imposed to ensure that archaeological remains are preserved by record.

8. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This is a pre-commencement condition and required given the particular circumstance and imposed to ensure that archaeological remains are preserved by record.

Water

9. Prior to commencement no construction works in the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in accordance with the details that have been submitted and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times:
 1. The proposed building and tree planting stand-off from public sewer centre-line will be 6 metres.
 2. The HGV swept path crosses the on-site water main, so:
 - a) The main should be adequately protected from loading, damage and vibration from heavy goods vehicles crossing the site.
 - b) The developer should provide the site surveyed depth of the main at this point in order that the level of protection can be ascertained.
 3. There should be no permanent or semi-permanent structures built on or within 12 metres (6 metres either side) of the 24" cast iron clean water trunk main.

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Reason: This is a pre-commencement condition and required given the particular circumstance and imposed in the interest of public health and maintaining the public water supply.

10. Prior to the commencement of development details of planting on the boundary of the canal and a management and maintenance scheme shall be submitted to the Local Planning Authority for approval in writing. The details shall include:
- Planting which would complement species in the local area
 - Appropriate screening for the canal
 - Tree Planting and landscaping which would minimise root impact on the canal embankment.

Reason: This is a pre-commencement condition and required given the particular circumstance and imposed the safety, operational needs and integrity of the canal.

Railway

11. Prior to commencement a construction methodology shall be submitted and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing with the Local Planning Authority.

Reason; This is a pre-commencement condition and required given the particular circumstance and imposed the safety, operational needs and integrity of the railway.

12. Prior to commencement a Surface Water Drainage Strategy shall be submitted and approved in writing by the Local Planning Authority which:
1. Ensures water flows away from the railway.
 2. Ensures there is no ponding of water adjacent to the boundary with the railway.
 3. Any attenuation scheme within 30 metres of the railway boundary must be approved by network Rail in advance.
 4. Ensures there must be no connection to existing railway drainage assets without prior agreement with Network Rail.

Reason; This is a pre-commencement condition and required given the particular circumstance and imposed the safety, operational needs and integrity of the railway.

Construction Phase

13. No development or construction works shall take place except between the following times:
8:00 to 18:00 hours Mondays to Fridays
8:00 to 13:00 hours on Saturdays; and
At no time on Sunday or Bank or National Holidays.

Reason; To reserve the rights of control by the local Planning Authority and in the interests of amenity of the area.

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Landscape

14. The landscaping scheme should be implemented and maintained as set out on the submitted plan "Proposed Soft Landscaping Plan – Dwg.1550-1_PL_PP01 Rev A". All planting to be undertaken in the first available planting season, together with 5 year defects replacement period.

Reason: To protect the amenity of the area and to ensure the provision and establishment of acceptable landscaping.

15. All existing boundary trees and hedgerows, including at the site entrance, should be protected, including barrier fencing outside the root protection areas of existing trees, and retained unless specifically shown to be removed on the approved plans, or specifically agreed by the local planning authority.

Reason: To ensure protection of hedgerow and woodland habitat and visibility splay.

16. The external finishes of all buildings and AD related equipment will be the colour Juniper Green (RAL 160 20 10). This applies to all erected buildings, the AD gas holder and membranes, cladding and containerised equipment. The 2 metre high weldmesh boundary security fence should be colour RAL 6005,

Reason: To reduce overall visibility of equipment, buildings and fencing.

17. Within 3 months of the date of the decision a scheme and programme for the external lighting of the site shall be submitted to the Local Planning Authority for approval in writing. The Scheme and Programme shall include:
- a) The type and intensity of lights.
 - b) Type, height, location and colour of lighting columns.
 - c) Light spread diagrams showing lux levels around site.

Reason: To control the impact of light and light pollution generated by the development in the interests of local amenity and safeguarding bat corridors.

Ecology

18. The development hereby permitted, shall, at all times, be undertaken in accordance with the ecological mitigation measures stated within the Preliminary Ecological Appraisal (Land south of Heck and Pollington Lane, Great Heck – Version 1 (Final) 10 March 2023) which are:
- Safeguarding hedgerows and trees.
 - Safeguarding reptiles.
 - Safeguarding breeding birds.
 - Safeguarding bats.
 - Safeguarding badgers.

Reason: In the interests of protecting biodiversity and ecological sensitive areas.

19. Within three months of the date of the decision a programme to demonstrate how the 10% net gains for biodiversity shall be delivered shall be submitted to the Local Planning

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Authority for approval in writing, and thereafter undertaken in strict accordance with the approved programme.

Reason: In the interests of ensuring biodiversity net gain is achieved.

Amenity

20. All plant, Machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment and include either non-audible, ambient-related or low-tone reverse warning alarm systems which shall be regularly maintained and employed at all times during operational hours.

Reason: To ensure that noise impacts associated with the plant, machinery and vehicles at the site would be minimised in the interests of local amenity.

Highways

21. There must be no access or egress by any vehicles between the highway and the application site at Land at Heck Hall Farm, Great Heck, Goole, DN14 0BB until splays are provided giving clear visibility of 63 metres along the eastern channel line and 135 metres along the western channel line of the major road from a point measured 4.5 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety

22. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Land at Heck Hall Farm, Great Heck, Goole, DN14 0BB until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
- vehicular and cycle parking;
 - vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
 - loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Land at Heck Hall Farm, Great Heck, Goole, DN14 0BB have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Informative

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of

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the Highways Act 1980 has been entered into between the Developer and North Yorkshire Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this planning application, the Planning Authority has worked with the applicant adopting a positive and proactive manner. The Planning Authority Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.