

Cornwall Council

Correspondence Address: Cornwall Council Planning, PO Box 676, Threemilestone, Truro, TR1 9EQ

Email: planning@cornwall.gov.uk

Tel: 0300 1234151

Web: www.cornwall.gov.uk



Application number: PA20/09599

Agent:

Terry Grove White
Atlantic Arc Planning
C/O Arcadis
Rydon House
Pynes Hill
Exeter
EX25AZ

Applicant:

Mr Phillip Mason
Cornwall Council
New County Hall
Treyew road
Truro
TR1 3AY

**Town And Country Planning Act 1990 (As Amended)
Town And Country Planning (Development Management Procedure) (England)
Order 2015**

Grant of Conditional Planning Permission

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY GRANTS CONDITIONAL PERMISSION**, subject to the conditions set out on the attached schedule, for the development proposed in the following application received on 4 November 2020 and accompanying plan(s):

Description of Development: Construction of an energy centre, incorporating electricity substation and battery storage ,ancillary groundwork, Landscaping with a new vehicular access from the Langarth park and ride site. Proposals include new pedestrian route from the park and ride incorporating a viewing area of the energy centre including a Environmental Statement.

Location of Development: Land SE Of Park And Ride Threemilestone Cornwall TR4 9AL

Parish: Kenwyn

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 21 January 2021

Hayley Jewels - Head of Development
Management

CONDITIONS:

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

Reason: In accordance with the requirements of Section 91 of the 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 plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Contaminated Land - Risk Assessment

No groundworks relating to the development hereby permitted shall commence until an assessment of the risks posed by any contamination shall have 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 British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) the potential risks to:
 - o human health;
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - o adjoining land;
 - o ground waters and surface waters;
 - o ecological systems; and
 - o archaeological sites and ancient monuments.

Reason: To ensure that the health 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 in accordance with the aims and intentions of the National Planning Policy Framework 2019 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016. A precommencement condition is required in this case because it is essential to establish, before any works takes

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place, the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

4 Contaminated Land - Remediation Scheme

No groundworks relating to the development hereby permitted shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall 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. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: To ensure that the health 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 in accordance with the aims and intentions of the National Planning Policy Framework 2019 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016. A precommencement condition is required in this case because it is essential to establish, before any works takes place, the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development .

5 Contaminated Land - Verification Report following Remediation Scheme

The approved remediation scheme referred to in condition No. 4 shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

Reason: To ensure that the health 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 in accordance with the aims and intentions of the National Planning Policy Framework 2019 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

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6 Contaminated Land - Reporting of Unexpected Contamination

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended 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 approved schemes shall be carried out before the development is resumed or continued.

Reason: To ensure that the health 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 in accordance with the aims and intentions of the National Planning Policy Framework 2019 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

7 Prior to any groundworks relating to the development hereby permitted a Construction Environmental Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- A. Risk assessment of potentially damaging construction activities.
- B. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- C. Air quality management, including an anti-idling policy and construction traffic management
- D. Dust Management Plan
- E. The location and timing of sensitive works to avoid harm to biodiversity features.
- G. Responsible persons and lines of communication.
- H Use of protective fences, exclusion barriers and warning signs.

The development shall be carried out strictly in accordance with the approved Construction Environmental Management Plan.

Reason: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon the residential amenities currently enjoyed by existing and future residents and businesses and features of biodiversity value in accordance with the aims of Policies E4 and E5 of the Truro

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SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA20/09599

and Kenwyn Neighbourhood Plan 2015-2030, Policies 13 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 155, 163, 165, 170, 180 and 181 of the National Planning Policy Framework 2019.

- 8 The development hereby permitted shall be undertaken in accordance with the ecological mitigation and enhancement measures detailed at Sections 2.7.2 and 2.7.3 within the report titled 'Langarth Energy Centre: Supporting Statements' dated October 2020 by Arcadis. With regards to the Ecological Enhancement Opportunities detailed at Section 2.7.3 details regarding the timing of the delivery of the contained within such section shall be submitted to and approved in writing by the Local Planning Authority prior to the development here by permitted being operational. The development shall be completed in accordance with the details hereby approved.

Reason: To ensure that satisfactory mitigation is provided for species protected by law and ecological enhancement is delivered in accordance with Policies E1 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1 and 25 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 170 and 175 of the National Planning Policy Framework 2019.

- 9 Prior to the commencement of any works associated with the development hereby permitted tree protection fencing shall be erected in accordance with Figure 2 Revision P01 within the report titled 'Langarth Energy Centre: BS 5837: 2012 Arboricultural Survey and Arboricultural Impact Assessment (AIA)' dated October 2020 by Arcadis. The tree protection fencing will be erected in accordance with BS 5837: 2012 and prior to commencement of any works associated with the development and be retained and maintained until the completion of the development. At no time shall any works in connection with the development, including storage, access, cement mixing, bonfires, excavations or other level changes occur within the protected area.

Reason: In the interests of visual amenity and in accordance with the aims and intentions of Policies E1, E4, E5 and C3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 12, 23 and 25 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 127 and 172 of the National Planning Policy Framework 2019.

- 10 Prior to the development hereby permitted being brought into operation a scheme of landscaping shall have been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall provide planting plans with written specifications including:

- Full schedule of plants
- Details of the mix, size, distribution and density of all trees/shrubs/hedges

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- Cultivation proposals for the maintenance and management of the soft landscaping

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the development being brought into operation or the completion of the development, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.

Reason: In the interests of visual and residential amenity and in accordance with the aims and intentions of Policies E1, E4 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 127 and 170 and 175 of the National Planning Policy Framework 2019.

- 11 The development hereby permitted shall not be brought into use until the system for the disposal of surface water has been completed in accordance with the details, strategy and plans within the document titled 'Langarth Energy Centre: Flood Risk Assessment and Surface Water Drainage Strategy' dated October 2020 by Arcadis. The system shall be retained and maintained thereafter in accordance with the approved plans.

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with the aims of Policy E2 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 13 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 155, 163 and 165 of the National Planning Policy Framework 2019.

- 12 The development hereby permitted shall be completed and operated in accordance with the mitigation measures detailed at Section 4.1 within the report titled 'Langarth Energy Centre: Noise Impact Assessment of Substation and Battery Storage Units, Langarth, Cornwall' dated October 2020 by Arcadis.

Reason: To ensure that satisfactory mitigation is provided with respect to noise impacts in accordance with Policies E1 and E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 12, 13 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 127, 170 and 180 of the National Planning Policy Framework 2019.

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- 13 The development works hereby permitted shall only take place between the following hours:

Monday to Friday 08:00 to 18:00

Saturdays 08:00 to 13:00

No working on Sundays or Public/Bank Holidays.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with the aims of Policies 13 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 170 and 180 of the National Planning Policy Framework 2019.

- 14 Prior to the development hereby permitted being brought into operation, details of a boundary enclosure to prevent unrestricted access to the viewing platform as shown on approved plan LAN_04-AHR-EC-ZZ-DR-A-20-001 REV P10 together with an access management strategy detailing how access to the viewing platform will be managed on an appointment only basis shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the details hereby approved prior to the development being brought into operation and maintained as such thereafter.

Reason: In the interests of providing a secure development in accordance with the aims of Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 91 and 127 of the National Planning Policy Framework 2019.

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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Proposed LAN_04-AHR-EC-ZZ-DR-A-20-010 REV P04
Proposed LAN_04-AHR-EC-ZZ-DR-A-20-006 REV P06
Site/location Plan LAN_04-AHR-EC-ZZ-DR-A-20-005 REV P07
Proposed LAN_04-AHR-EC-ZZ-DR-A-20-006 REV P06
Block Plan LAN_04-AHR-EC-ZZ-DR-A-20-001 REV P10
Proposed LAN_04-AHR-EC-ZZ-DR-A-20-000 REV P07
Proposed LAN_04-AHR-EC-ZZ-DR-A-20-016 REV P04
Submitted Plan LAN_04-AHR-EC-ZZ-DR-A-20-015 REV P04
Proposed LAN_04-AHR-EC-ZZ-DR-A-20-014 REV P03
Proposed LAN_04-AHR-EC-ZZ-DR-A-20-013 REV P04
Proposed LAN_04-AHR-EC-ZZ-DR-A-20-011 REV P04
Submitted Plan LAN_04-AHR-EC-ZZ-DR-A-20-009 REV P04
Proposed LAN_04-AHR-EC-ZZ-DR-A-20-004 REV P05
Submitted Plan LAN_04-ARC-XX-XX-DR-Z-0303 REV P01
Submitted Plan LAN_04-ARC-XX-XX-DR-Z-0302 REV P01

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ANY ADDITIONAL INFORMATION:

- Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is development of building(s) into which people do not normally go or only go intermittently for the purpose of maintaining or inspecting machinery.
- The developer(s) is encouraged to use sustainable building methods for the development hereby permitted so that it is as energy-efficient as possible, in light of the Council's plan to tackle the climate emergency and help Cornwall cut its carbon footprint.
- There may be circumstances where a European protected species is discovered on a development site after planning permission has already been granted. In such cases you are advised to contact the Secretary of State (Defra) who will determine applications for derogations in the form of a licence under regulation 44 of the 1994 Regulations. In determining such applications, the Secretary of State (Defra) will seek advice from the Local Planning Authority and Natural England on whether the Directives tests are met.

This may occur if the species moves onto a site in the interim between grant of planning permission and start of works, or if the presence of the species was simply not known at the time of planning permission application. This may cause difficulties and delays for developers, and stresses the need for sound ecological survey information on which to base decisions where it is suspected that European protected species may be present.

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NOTES

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <http://www.planningportal.co.uk> . A copy of the completed appeal form must also be submitted to the Council.

Please Note:-If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are on [GOV.UK](http://www.gov.uk).

(<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

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.

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 Cornwall Council. 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.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.

If this approval is for the erection of new buildings please refer to the note below.

Registering addresses for new properties prior to commencement

You must apply officially to register the name of any new street or the address of any new property through Cornwall Council's Street Naming and Numbering process. You are required to submit an application form, plan and appropriate fee all details of which can be found on our website at <http://www.cornwall.gov.uk/streetnaming>. Developers are advised to contact Street Naming and Numbering at the earliest opportunity for street naming as the process involves consultation with the local Parish, Town or City Council and can take several months to complete. For any further assistance please contact addressmanagement@cornwall.gov.uk or telephone 0300 1234 100.

Terry Grove White
Atlantic Arc Planning
C/O Arcadis
Rydon House
Pynes Hill
Exeter
EX25AZ

Your ref: Construct an Energy Centre,
i...
My ref: PA20/09599
Date: 18 January 2021

Dear Sir/Madam

**Construction of an energy centre, incorporating electricity substation and battery storage, ancillary groundwork, Landscaping with a new vehicular access from the Langarth park and ride site. Proposals include new pedestrian route from the park and ride incorporating a viewing area of the energy centre including a Environmental Statement.
Land SE Of Park And Ride Threemilestone Cornwall TR4 9AL**

With reference to this planning application, I enclose the Decision Notice granting permission.

If conditions have been included that must be complied with before the commencement of the development, e.g. "No development shall commence before ...", and this is not done, the development cannot be validly commenced even if it is within the time limit set by Condition.

If details are required I look forward to receiving them. Application forms can be found on <http://planningportal.co.uk/> . Your attention is drawn to the fees to discharge planning conditions under The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012:

£116 (per request) for applications not falling within fee categories 6 or 7 (non-householder applications)

£34 (per request) where the request relates to an application for works to an existing dwelling, or within the curtilage of such, falling within fee categories 6 or 7 (householder applications only)

You may wish to take the opportunity to submit details to discharge more than one condition per request.

Yours faithfully

Matthew Doble

**Principal Development Officer
Planning and Sustainable Development Service
Tel: 01209 616975**