



**NOTICE OF GRANT OF PLANNING PERMISSION**  
**Town and Country Planning Act 1990**  
**Town and Country Planning (Development Management Procedure)**  
**(England) Order 2015**

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**Contact Name and Address:**

RES Ltd.  
FAO Mr Chris Banks  
Beaufort Court  
Egg Farm Lane  
Kings Langley  
Hertfordshire  
WD4 8LR

**Application No:** ST/0867/16/FUL

**Date of Issue:** 21/10/2016

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In pursuance of their powers under the above mentioned Acts, South Tyneside Council as Local Planning Authority hereby **GRANT** planning permission for the following:

**PROPOSAL:** Development of an electricity storage facility and associated ancillary infrastructure at land at the Port of Tyne.

**LOCATION:** Port of Tyne, Tyne Dock, South Shields

In accordance with your application dated 22 August 2016

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**SUBJECT TO THE FOLLOWING CONDITION(S) AND REASON(S):**

1 Time limit

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 Approved plans

The development shall be carried out in accordance with the approved plans as detailed below

03629D1002-02 received 23/08/2016

03160D3410-01 received 23/08/2016

03160D3412-01 received 23/08/2016

03160D3408-02 received 23/08/2016

03160D3205-01 received 23/08/2016

03160D3406-02 received 23/08/2016

03160D3405-02 received 23/08/2016

03160D3404-02 received 23/08/2016

03160D3414-01 received 23/08/2016

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

### 3 Land Contamination - investigation and risk assessment

Before commencement of the development hereby permitted (and further to the Phase 1 Geotechnical & Geo-environmental Desk Study Report by AECOM Limited received 23/08/2016), an investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include (i) a survey of the extent, scale and nature of contamination (including groundwater); (ii) an assessment of the potential risks to human health, property (existing or proposed) and (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 and it shall also take into account the submitted UXO Desk Study & Risk Assessment (by Zetica Limited, received 14/10/2016).

To ensure that risks from land contamination to the future users of the development site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

Informative: Depending of the findings of the material submitted to the Local Planning Authority to discharge this condition, the Local Planning Authority will confirm the need, or lack thereof, for any further submission required under conditions 4 & 5 when it issues its formal determination of this condition.

### 4 Land Contamination - remediation strategy

A Detailed Remediation Strategy for the proposed remedial works shall be submitted to, and approved in writing by the Local Planning Authority prior to commencing remedial works. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

To ensure that risks from land contamination to the future users of the development site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

## 5 Land Contamination - verification

Following completion of measures identified in the approved remediation strategy, 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 prior to the development hereby permitted first becoming operational.

To ensure that risks from land contamination to the future users of the development site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

## 6 Land Contamination - unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.

To ensure that risks from land contamination to the future users of the development site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

## 7 Colour finishes

The energy storage containers shall be finished in RAL 7004 and details of the colour finish of the following shall be submitted to and approved in writing by the Local Planning Authority:

- o Power conversion system
- o Transformer
- o Substation
- o Auxiliary Transformer
- o Harmonic Filter

Development shall be carried out in accordance with the approved details, unless alternatives have been previously submitted to and agreed in writing by the Local Planning Authority pursuant to this condition and development is then carried out accordance with them.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside Local Development Framework Development Management Policy DM1.

## 8 Flood risk mitigation measures

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [by Mc Cloy Consulting Limited, received 23/08/2016] and the following mitigation measures detailed within the FRA:

- o Finished floor levels are set no lower than 4.75 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

To reduce the risk of flooding to the proposed development in accordance with the National Planning Policy Framework and Policies ST2 and DM1 of the South Tyneside Local Development Framework.

## 9 Ecological mitigation measures

The development hereby permitted shall be carried out in accordance with the mitigation measures set out at section 7 in the submitted preliminary ecological appraisal (by Elliot Environmental Surveyors Limited, received 23/08/2016) and as listed below:

- o Any planned landscaping should promote the use of native species wherever possible.

- o Vegetation removal should be carried out outside of the nesting season (March to August) unless an ecologist confirms nesting birds to be absent through a nesting bird check. Where nests are confirmed, no works to be carried out within an agreed buffer until young have fledged.

- o A mammal checking survey for badger setts and otter holts should be undertaken by a suitably qualified ecologist prior to construction starting on site to ensure that no badgers or otters are harmed or disturbed during construction. If a badger sett or otter holt is recorded, further mitigation or a licence from Natural England may be required before works can commence.

- o No continuous lighting between dusk and dawn during construction to minimise disturbance to nocturnal species which may be utilising the site or the areas around it, except to resolve an emergency situation where there is the potential for harm to humans, the environment or property.

- o Site design should ensure that no external lighting is directed to offsite features such as the scrub and ditch habitats adjacent to the site

- o The use of closed panel fencing should be avoided during construction where possible to allow the movement of species such as hedgehog and badger across the site.

- o Trenches and excavations should be covered overnight. Where this is not possible, the trenches or excavations should contain a means of escape for mammals such as hedgehog and badger. This should be provided by a ramp angled at no greater than 45 degrees and 300mm in width.

To ensure that the ecology mitigation measures are carried out in accordance with Policies EA3 and DM7 of the South Tyneside Local Development Framework.

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**NOTES TO APPLICANT:**

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible.

2 ALL DEVELOPMENTS WITHIN COALFIELD STANDING ADVICE AREAS

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

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George Mansbridge  
Head of Development Services

**Your attention is drawn to the attached schedule of notes which form part of this notice**

## NOTES

- 1 This certificate is issued under the Town and Country Planning Acts, Regulations and Orders and does not constitute a permission, approval or consent by South Tyneside Council for any other purpose whatsoever. Applications must therefore be made to the appropriate Departments of the Council for any other permission, approval or consent (including Building Regulations approval or approval of South Tyneside Council as ground landlord where appropriate) which may be necessary in connection with the proposed development or anything incidental thereto, or the use to be made of the premises which form the subject of such development.
- 2 You may also require permissions, approvals or consents under other legislation, or from bodies other than South Tyneside Council. This could include works affecting a public sewer, gas main, or electricity line, works within the adopted highway, works affecting a public right of way, property covenants, legislation relating to disabled persons, land drainage consent, waste management consent, scheduled monument consent or works affecting protected habitats or species.
3. Any non-material change to the approved plan(s) that form part of this permission would require the submission of an application for a non-material change under section 96A of the Town and Country Planning Act 1990. Whether changes to a proposed development are considered non-material is a matter for Planning Authority discretion.
- 4 The approved development should be implemented in strict compliance with all of the planning conditions, and in particular any which require details to be approved prior to the commencement of the development. Failure to do so may result in any commencement of development being unauthorised, which could be liable to enforcement action.
- 5 If you wish to change, or not comply with, any of the planning conditions attached to the permission, then you will need to submit a new application for planning permission under section 73 of the Town and Country Planning Act 1990. This does not affect your statutory rights of appeal against any of the planning conditions. This includes if you wish to not comply with a condition attached to a permission which details the approved plan(s), so as to make a minor material change to the approved plan(s). A minor material change is defined as one whose scale and nature results in a development that is not substantially different from that which has been approved.
- 6 Your attention is drawn to your responsibilities under the Chronically Sick and Disabled Persons Act 1970 and the Disability Discrimination Act 1995 relating to disabled persons, to ensure that adequate attention has been paid to their needs. If the proposed development involves new or existing buildings to which the public are to be admitted, or offices, shops, railway premises, factories or educational buildings, provision should be made for the means of access, parking and sanitary conveniences to meet the needs of disabled people. In addition, appropriate signposting of the facilities should be provided. In carrying out these statutory obligations your attention is drawn to the "Code of Practice for Access for the Disabled to Buildings" (BS5810:1979). You are advised to seek professional advice to ensure that you meet your legal obligations under the Disability Discrimination Act 1995, especially with regard to Part III thereof.

## **APPEALS TO THE SECRETARY OF STATE**

## 7 **Only the applicant possesses the right of appeal**

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 unless:

- 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 [reference no. if applicable], 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; or
- 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, or within 6 months of the date of this notice, whichever period expires earlier.

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.

## **PURCHASE NOTICES**

- 8 If permission to develop land is granted subject to conditions, whether by South Tyneside Council as local planning authority or by the Secretary of State for Communities and Local Government, 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 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, requiring 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.