

Application No: DC/21/2303/FUL

AGENT

Mr Steve Ellis
23 Kingfield Road
Sheffield
S11 9AS

APPLICANT

Mr Martin Saunders
Yara UK Ltd
Yara UK Ltd
Bury Road
Chedburgh
Bury St Edmunds
IP29 4UQ

Date Registered: 23 November 2021

Date of Decision: 5 June 2023

Town And Country Planning Act 1990 (as Amended)

**Town & Country Planning (Development Management Procedure)
(England) Order 2015**

**Proposal: Planning application - replacement storage and plant building
(class B8 - storage or distribution) with hardstanding and
storage tanks**

Location: Yara, Bury Road, Chedburgh, Suffolk, IP29 4UQ

Permission is hereby **GRANTED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development in complete accordance with the approved plans, specifications and information contained in the application, and subject to compliance with the following condition(s):

- 1 The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

Reason: To define the scope and extent of this permission.

Reference number	Plan type	Date received
45255/011 REV A	Existing elevations	23 November 2021
45255/010 REV A	Existing site plan	23 November 2021
45255/014 REV A	Site location plan	23 November 2021
4255/019 REV A	Roof plans	23 November 2021
45255/018 REV A	Proposed elevations	23 November 2021
45255/017 REV A	Proposed elevations	23 November 2021
45255/016 REV A	Proposed ground floor plan	23 November 2021
45255/015 REV D	Layout	23 December 2021
45255/020 REV A	Proposed elevations	23 December 2021
45255/050 REV A	Demolition plan	23 December 2023
James Blake Assoc.	Biodiversity report	22 February 2022
45255/021 REV A	Drainage plans	26 February 2022
Letter-SRE/006/45255	Drainage strategy	31 March 2022
Ammonia Mitigation Plan	Construction Details	31 March 2022
(-)	Bat report	24 June 2022
(-)	Land contamination assessment	9 December 2022
EIA Statement	Report	11 January 2023
EIA Screening Report	Report	16 May 2023
AGENT RESPONSE TO EA, ET AND LLFA	Report	26 February 2023
(-)	Energy efficiency statement	23 November 2021

- 3 The strategy for the disposal of surface water shall be implemented in accordance with the details shown on plan 45255/021 Rev A and Letter dated 28 March 2022, reference SRE/006/45255, as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. The strategy shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

- 4 Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the

approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.

- 5 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
- i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.

- 6 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 Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and has obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184 and relevant Environment Agency Groundwater Protection Position Statements.

- 7 All works shall be carried out in accordance with the submitted Ammonia Mitigation plan (Eastwood & Partners, reference SRE/005/45255, dated 31 March 2022). The plan shall be implemented as approved.

Reason: To protect human health from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy.

- 8 The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 9 Prior to commencement of development, including any works of demolition, a Dust Management Statement shall be submitted to, an approved in writing by, the Local Planning Authority

Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

- 10 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and the Ecological Enhancement Strategy, (both by James Blake Associates Ltd, February 2022) and Bat Emergence Survey (James Blake Associates, June 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 11 Prior to the commencement of development, a bats, reptiles, nesting birds, Great Crested Newts, Water Voles, Otters Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to protected species during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 12 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021

- 13 Prior to installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance

with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

The Following policies are considered relevant to the current decision:

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
Core Strategy Policy CS2 - Sustainable Development
Core Strategy Policy CS3 - Design and Local Distinctiveness
Core Strategy Policy CS4 - Settlement Hierarchy and Identity
Core Strategy Policy CS9 - Employment and the Local Economy
Core Strategy Policy CS13 - Rural Areas
Development Management Policy DM1 Presumption in Favour of Sustainable Development
Development Management Policy DM2 Creating Places Development Principles and Local Distinctiveness
Development Management Policy DM6 Flooding and Sustainable Drainage
Development Management Policy DM7 Sustainable Design and Construction
Development Management Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
Development Management Policy DM11 Protected Species
Development Management Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
Development Management Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
Development Management Policy DM15 Listed Buildings
Vision Policy RV4 - Rural Employment Areas

Informatives:

- 1 Any failure to adhere to approved plans or to comply with any conditions or limitation attached to this permission/consent may lead to enforcement action being taken. This permission may be invalidated if conditions requiring compliance before commencement are not complied with.
- 2 The project may be subject to the requirements of the Building regulations 2010. Advice and assistance can be obtained from our Building Control Team on 01284 757387 or building.control@westsuffolk.gov.uk. They will work with you offering competitive fee quotations and pre-application advice upon request.
- 3 This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or registration other than the Town and Country Planning Act 1990 or under any covenant.
- 4 The development hereby approved should be built in accordance with the

approved plans as a further planning permission will be required where material alterations or revisions are proposed to an approved scheme. An application for non-material changes to the planning permission can be submitted in writing to the Local Planning Authority under Section 96A(4) of the Town and Country Planning Act 1990. A specific form will be required for that purpose and these are available via the Planning Portal or they can be downloaded from the council's website at www.westsuffolk.gov.uk. A fee of £34 for a householder application or £234 for all other applications will be required in order to register the application.

- 5 Any works to a watercourse (i.e. main river, ordinary watercourse, ditches, dykes, cuts) require separate permits or consents from the local drainage authority before construction takes place. Please contact the following drainage authority if works affect:-
 - Main river – may require environmental permit from the Environment Agency
 - Non-main river – may require land drainage consent under section 23 of the Land Drainage Act 1991 either from the Lead Local Flood Authority or IDB.
- 6 EA Informative: There are currently no Environmental Permitting Regulations (EPR) Installation permits for this site. The activity of blending chemical fertilisers fall into Part A(1) of schedule 4 of the EPR regulations IF, any chemical reactions occur during blending OR the chemicals are converted to granules. In which case, an installations permit will be required. The applicant/ site operator is encouraged to seek further advice. It would be best practice to apply the principles of CIRIA 736 'Containment systems for prevention of pollution' during the Construction of any liquid / chemical tanks and storage areas.
- 7 LLFA Informative: Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991, Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution. Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act, Any works to a main river may require an environmental permit.
- 8 HSE- If a new facility will contain hazardous substances on the site above certain controlled quantities the site operator is required to apply for hazardous substance consent to the relevant hazardous substances authority (usually the local planning authority). HSE is a statutory consultee in the consent process. The identities and controlled quantities of hazardous

substances which would require a consent are listed in Schedule 1 of the Planning (Hazardous Substances) Regulations 2015 [in England]
<https://www.legislation.gov.uk/ukxi/2015/627/schedule/1/made/> .

- 9 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the application could be approved without negotiation or amendment so there was no need to work with the applicant.

Rachel Almond

Rachel Almond
Service Manager (Planning - Development)

Date: 5 June 2023

West Suffolk Council

NOTES

- 1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78
Town and Country Planning Act 1990

Listed Building Applications: Section 20
Planning (Listed Buildings and
Conservation Areas) Act 1990

Advertisement Applications: Section 78
Town and Country Planning Act
1990 Regulation 15
Town and Country Planning
(Control of Advertisements)
Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. 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, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made online at: <https://www.gov.uk/appeal-planning-decision>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to

entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practise refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.
3. 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.](#)

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.