

2nd September 2019

Mr J Macholc
Head of Planning
Ribble Valley Borough Council
Council Offices
Clitheroe BB7 2RA

Our ref: JOHN100

By email only

Dear John,

SECTION 73 TOWN AND COUNTRY PLANNING ACT 1990

**VARIATION OF CONDITION NO. 2 OF PLANNING PERMISSION 3/2018/1065
JOHNSON MATTHEY PIMLICO INDUSTRIAL AREA WEST BRADFORD ROAD CLITHEROE**

I am pleased to enclose an application made under Section 73 of the Act for the variation of Condition No. 2 (schedule of approved plans) of planning permission 3/2018/1065 which was approved on 8th February 2019 for the following ground works and installation of foundations at the Johnson Matthey site in association with the proposed eLNO battery materials demonstration plant which will be the subject of a separate application to be submitted later this month;

- *Advance infrastructure and enabling works to facilitate future industrial development comprising site clearance and preparation works, ground investigation and remediation/removal of any contaminated material, import of new materials, bulk earthworks and soil stabilisation, installation, diversion and/or disconnection of below-ground infrastructure including drainage and statutory utilities, installation of building foundations, piles and retaining walls, and temporary works including provision of a contractor's compound, security fencing and hoarding, material set-down area, access road, car parking and other structures and works incidental to the construction phase of development.*

Background

The proposed demonstration plant has recently completed a technical design review process that has resulted in its scale and output capacity being reduced by approximately 50% from the scheme submitted in the pre-application enquiry (ref. RV/2018/ENQ/00056) in July 2018. The consequence is that the site area is reduced from 1.67 hectares to 0.98 hectares and the footprint and dimensions of the demonstration plant building are reduced. The current planning permission for the enabling works is therefore 'over-sized' in terms of the excavation area and the approved extent of foundations / ground beam substructure. It would be uneconomical and unnecessary to construct an over-sized foundation pad for the proposed Demonstration Plant building and related above ground works, and so this application is proposed to substitute the approved site excavation and foundation drawings for the reduced ones that are now proposed.

The approved and proposed replacement drawings for substitution in Condition 2 are listed in the table below;

Drawing / Document Title	Approved Version	Proposed Version
Site location plan	16086-60-K44-7001 Rev 0B	Unchanged
Foundation layout plan	16086-60-K61-7002 Rev 0	60-SG75-00-AR-A240-7017
Earthworks site plan	16086-60-K61-7502 Rev 0	60-SG75-00/C.C220/0010
		60-SG75-00/C.C220/0013
Earthworks cross sections	16086-60-K61-7503 Rev 0	60-SG75-00/C.C220/0011
		60-SG75-00/C.C220/0012
Construction establishment plan	16086-60-L32-7000 Rev 0	Unchanged
Piling method statement	16086-60-L31-7000	60-SG75-00/CM.Z320-0003
Excavation method statement	16086-60-L31-7001	60-SG75-00/CM.Z320-0004
Construction management plan	16086-60-L31-7002	60-SG75-00/CM.Z320-0001

Three of the approved drawings are proposed to be replaced with five new, amended drawings, and all three of the approved method statements have been updated accordingly. Copies of the new drawings and updated method statements are enclosed with the application. All other approved drawings remain unchanged from the current planning permission.

Please also note that the proposed Construction Management Plan is the same updated version that has been submitted with our application to discharge Condition 3 of the current planning permission so that construction work can begin on site as soon as possible and ahead of the approval of this Section 73 application. The amended Construction Management Plan can be approved as part of the new planning permission that will result from this application so that no pre-commencement conditions will need to be imposed - which Johnson Matthey kindly requests.

Assessment

The Planning Practice Guidance (ID 17a-001-20140306) 'Flexible Options for Planning Permissions' explains that where new issues arise after planning permission has been granted which require modification of the approved proposals, revisions that are not fundamental or substantial can be approved via one of two available procedures. The first option is to seek a 'non-material amendment' under Section 96A of the Act. The proposed changes in this case are material and as such, a non-material amendment is not considered appropriate. The second option is to amend the conditions attached to a permission to make minor material amendments by grant of an alternative planning permission under Section 73.

A Section 73 application is considered appropriate in this case as the proposed amendments to the enabling works scheme do not change the description of development and do not require the principle of development to be revisited. Nor do they propose changes that justify or require reconsideration of material planning considerations that have already been assessed and found acceptable.

The proposed changes set out in this application are all reductions to the approved enabling works development that result in a smaller scheme and reduced site area and scope of work, and will not have a materially harmful effect on any neighbouring property or cause any other substantive new or additional planning harm.

It is considered appropriate therefore to approve the proposed alterations under this Section 73 application.

I trust that the above information and associated plans are sufficient to vary Condition No.2 as requested, but if you require further information please do not hesitate to contact me

Yours sincerely

Graham Love MRTPI

graham@smithlove.co.uk

Encs.