

Agenda Item No. 4.3

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

8 October 2018

Report of the Strategic Director – Economy, Transport and Environment

- 3 APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO DEVELOP LAND AT OAK APPLE FARM, HIGHFIELD LANE, MUGGINTON, ASHBOURNE WITHOUT COMPLIANCE WITH CONDITION 4 (DURATION) AND PART OF CONDITION 6 (TRAFFIC MANAGEMENT) SUBJECT TO WHICH PLANNING PERMISSION CW6/0716/35 WAS GRANTED**
APPLICANT: MR A LUMBARD
CODE NO: CW6/0118/79

6.1060.9

Introductory Summary This application relates to a previously granted planning permission (code no. CW6/0716/35) for the importation and deposit of approximately 35,000 tonnes of locally derived inert waste materials, comprising of construction and demolition wastes, soils and soil-forming materials, to raise and to remodel the levels of the application site in order to eliminate the ponding, improve land drainage and create overall a more gentle sloping site. Oak Apple Farm is a farmstead farmed by the applicant. The principal farming activity is a 12,000 (free-range) hen laying unit, where the hens, during the day, have full access to the application site and the remainder of the farmland.

The applicant has made a Section 73 application seeking permission to carry out the development without compliance with the requirements of Condition 4 of the planning permission CW6/0716/35 (to end the development on 14 May 2019) and Condition 6 (to secure a traffic management plan and sets out the anticipated number of deliveries to the site per day).

There are concerns about the impact of the development on the Highway and on local amenity. However, I am of the view that it is beneficial for the development to be completed so that the site can be brought back into use. Subject to the recommended conditions, I do not find the proposal to be unacceptable. I am satisfied that the proposal would accord with development plan policies and Government guidance.

- (1) Purpose of Report** To enable the Committee to determine the application.

(2) Information and Analysis

The Site and Surroundings

The application site is situated in a rural elevated location to the north-east of Mugginton Village; north of Bullhurst Hill, with Mugginton Lane End directly to the west. To the south, the site is bounded by a modern farmhouse, to the east is open agricultural land and at a lower level is Leasow Farm, a working dairy farm, with an enclave of buildings which contribute to the farmstead. To the west is Highfield Lane, the main access road to the site.

The site comprises a large enclosed sloping field which extends to approximately 2 hectares (ha), and slopes in general from west to east (cross fall in level of about 10 metres (m)), the main feature within the site is a large depression in the land which is waterlogged for most of year. The nearest residential property to the north, within a few metres, is Oak Apple Farm (the applicant's home), which overlooks the site. Close to the southern boundary (50m), is Leasow Farm and 500m to the south-west is the Cock Inn, a Public House and Restaurant. There are no Conservation Areas or listed buildings close to the site and, although no Public Rights of Way (PRoW) cross the land, there is a PRoW adjacent to the access road.

Site and Planning History

Oak Apple Farm is a relatively new farmstead and comprises approximately 10ha of land owned and farmed by the applicant. The principal farming activity is a 12,000 (free-range) hen laying unit where the hens, during the day, have full access to the application site and the remainder of the farmland.

The land which adjoins the application site and the western part of the application site has some planning history in that it was a former sand and gravel quarry during the 1950s. On completion of mineral extraction, the void areas of the quarry site became a tip for reject and broken concrete beams arising from the (then) nearby Richard Lees Concrete Works (now FP McCann). In 1986, planning permission was granted by the County Council for the recycling of the tipped concrete followed by infilling and restoration of the land to agriculture. These works were completed during the 1990s, however, the applicant contends that the approved restoration works were not carried out to a high standard leaving areas of the land, including a large portion of the application site, unrestored.

In 2017, planning permission CW6/0716/35 was granted for the importation and deposit of approximately 35,000 tonnes of locally derived inert waste materials, comprising of construction and demolition wastes, soils and soil-forming materials, to raise and to remodel the levels of the application site in order to eliminate ponding, improve land drainage and create overall a more gentle sloping site. The works include phased soil stripping, the phased

importation and deposition of waste materials and, upon completion of the infilling, the site would be graded, soiled and grass seeded.

It was then estimated that the associated works would be carried out over a maximum period of six months, with heavy goods vehicles (HGVs) accessing the site via the existing farm access off Highfield Lane. It was anticipated that approximately 1,700 deliveries would be required to complete the development and based on 20 tonne 8-wheel tipper lorries, this would equate to an average of 9.5 movements into the site per day and 9.5 movements out, or just over one delivery per hour. The approved hours of operation were between 0800 hours and 1700 hours Mondays to Fridays with no working at weekends.

The Proposals

The application which this report relates to seeks to amend the requirement of Condition 4 of planning permission CW6/0716/35 to extend the deadline for the completion of the development until 14 May 2019. Condition 4 required the completion of the development by no later than six months from the date of commencement of the development (i.e. by 14 January 2018). The applicant states that it has not been possible to complete the works and restore the site during the six months allowed by planning permission CW6/0716/35, and that an extension of the time of 16 months, from 14 January 2018 would be more than sufficient to complete infilling and restoration.

Condition 6 of the permission required the submission of a scheme of traffic management measures. A scheme pursuant to this condition was submitted to and approved by this Authority on 20 July 2017. The scheme states that deliveries associated with the development would, on average, amount to 9 per day.

When this Section 73 application was submitted, the applicant proposed to increase the number of deliveries to an upper limit of 40 per day with an average of 15 per day, as the applicant had found that some deliveries were being made using 'small vehicles' and that this has led to a greater number of deliveries than anticipated in the original application. It had also found that there were periods of 'relatively intense activity' interspersed with quieter periods.

However, since the submission of the application, and the receipt of comments from consultees and in representations, the applicant has reconsidered the number of deliveries that would be required to complete the development. The applicant is now seeking a maximum of 15 deliveries per day.

Consultations

Local Member

Councillor D Taylor has been notified of the application.

Amber Valley Borough Council

The Borough Council states that no complaints have been received by the Environmental Health Unit and that there are no objections in relation to the extension of time for completion of the development to 14 May 2019.

The Borough Council considers the proposed increase in vehicle numbers in this location would be excessive and cannot be supported without further consideration being given to the likely impact of HGV movements on residential amenity along the access route.

Weston Underwood Parish Council

The Parish Council has grave concerns regarding the increased number of vehicles proposed in the application.

Environment Agency

The Environment Agency has no objections.

It also states that the activity is not covered by the existing waste permit exemption for the site.

The Highway Authority

The Council, as Highway Authority, in its first response to the consultation, did not support the proposed increase in deliveries to the site to 40 per day. Its comments provided in relation to the previous application CM6/0716/35 were based on the application setting out that HGV movements would be approximately 9.5 per day or just over one delivery per hour.

It noted that the access to the site via a single track road has minimal opportunities for passing and that from recent inspection, the hedgerows/ verges are grown such that there are no margins for use by either vehicles or pedestrians/cycles/horses, and that the temporary signage erected as part of the original application is obscured by vegetation.

It was aware that the operation of the site had led to some complaints and there has been damage to the highway and mud deposited on the surrounding roads. It considered that the proposed increase in vehicle numbers would increase potential conflict with both vulnerable road users, farm vehicles and other vehicles associated with the application proposals. With no land alongside Highfield Lane shown as being within the control of the applicant, it is unlikely that the applicant is in a position to demonstrate any mitigation

measures that may address the above concerns and accordingly, it recommended that the permitted level of vehicular traffic was not increased.

Following the reduction in proposed maximum deliveries to the site to 15 a day, the Council, as Highway Authority, has made the following additional comments:

It still considers a maximum of 15 deliveries a day to be excessive considering the nature of the road, however, in the view of the fact that the previous consent included no maximum figures, with just an average 9 per day quoted, and that the activities on site are almost complete, it considers it would be difficult to sustain an objection.

It suggests that similar conditions to previous are included to safeguard users of the PRoW, and the surrounding highway network, including one requiring the applicant to undertake a joint pre-commencement inspection of Highfield Lane.

Publicity

The application has been advertised in the Derbyshire Times and by site notices. Three representations have been received supporting the proposals and one objection has been received.

The supporting representations state that the impacts of lorries on the local road network do not raise concerns as it is a 'one off' project, that the lane has been cleaned and maintained and is in a better condition than before the development began. It is also stated that the development will reclaim poor quality land to agricultural use.

The objection states that the roads used for access to the site are not suitable for lorries, that the road is too narrow and not suitable for passing lorries from both directions, that lorries from the site have damaged the road and verges, a local bus stop pull in, drains and man hole covers and that mud is carried onto the road as a consequence. It also states that the use of a road sweeper is a rare occurrence, that the road is not built for 40 tonne lorries, and that it will need rebuilding if the development continues as proposed.

Where relevant, these issues are discussed in the 'Planning Considerations' Section below.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the

saved policies of the Derby and Derbyshire Waste Local Plan (DDWLP) and the Amber Valley Borough Local Plan (AVBLP). The National Planning Policy Framework (NPPF) (July 2018), the national Planning Practice Guidance (PPG) (March 2014) and National Planning Policy for Waste (NPPW) are also material considerations. The DDWLP predates the NPPF and, therefore, the weight attributed to the relevant saved policies may need to be moderated, in line with their degree of consistency with the NPPF. The main policies to consider regarding this proposal are:

Derby and Derbyshire Waste Local Plan

The DDWLP was adopted in 2005 and sets out the planning policies that will apply to proposals for waste development. It was prepared in line with the now superseded National Waste Strategy, "Waste Strategy 2000" (May 2000) and PPG Note 10 "Planning and Waste Management" (September 1999), so does not, therefore, take account of the more recent expressions of national policy, such as the NPPW, NPPF and the Waste Management Plan for England.

The main policies of the DDWLP are:

W1b: Need for the Development.
W4: Precautionary Principle.
W6: Pollution and Related Nuisances.
W7: Landscape and Other Visual Impacts.
W8: Impact of the Transport of Waste.
W9: Protection of Other Interests.
W11: Need for Landfill.

Amber Valley Borough Local Plan

The following saved policies are of direct relevance to the proposal:

EN1: Development in the Countryside.
EN7: Landscape Character.
EN: Agricultural Development.
EN13: Biodiversity.
TP1: Impact on Transport.

Submission draft Amber Valley Local Plan

Amber Valley Borough Council submitted a new Amber Valley Local Plan for consideration by the Secretary of State in March 2018. Following a recent suspension by the Inspector of the Examination in Public until April 2019 pending a green belt review to inform housing land supply in the Borough, it is not anticipated that the emerging plan will be adopted before early 2020. Whilst the policies included in the submitted plan are therefore a material consideration in the determination of this application, they are only of limited weight.

National Planning Policy for Waste (October 2014)

The NPPW sets out objectives for sustainable waste management. The NPPW links itself to the Waste Management Plan for England, emphasising the pivotal role planning can play in providing a more sustainable and efficient approach to resource use and management. The key points relating to the proposed development are helping secure the disposal of waste without endangering human health and without harming the environment. The NPPW also sets out further issues to be considered in determining planning applications for waste management facilities. It states that the waste planning authority should ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

The National Planning Policy Framework

A revised NPPF was published in July 2018. The NPPF includes guidance on material considerations in the context of determining planning applications. It states that the purpose of the planning system is to help deliver sustainable development and adds that there should be a presumption in favour of sustainable development. The term sustainable development is not defined as such, but is said to have interrelated economic, social and environmental aspects. The economic aspect is to provide sufficient land for the right type of development, in the right place at the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment.

Key Considerations

This application relates to a previously granted planning permission for the importation and deposit of inert waste materials to raise and to remodel the levels of the site. The principle of the development was assessed against the provisions of the development plan and NPPF in force at the time when the proposal was considered in 2017. The proposal was considered to be justified to enable the applicant to utilise the land more fully as part of the applicant's poultry business and in accordance with development plan policies.

There have been some revisions to the NPPF since the determination of the application 2017, the revised NPPF came into force in July 2018.

The potential environmental and amenity impacts of this development were assessed during the consideration of the previous application. However, in the context of the current development plan and national guidance, I have given consideration as to whether the development, as changed, would be likely to give rise to any significantly different or additional impacts to what were previously considered.

The key considerations for this the proposal are:

- The need to extend the duration of the development.
- The impact on the development on the Highway network.

Duration

The application is seeking to extend the end date of the permission until 14 May 2019, by which date the applicant anticipates that the importation operations and the restoration of the site would be complete. The importation and infilling operations, at the time of writing the report, are substantially complete and the applicant is currently undertaking re-profiling works. The site has recently been inspected by DCC Monitoring officers and there are concerns that the site may have more material on site than is required to achieve the approved landform. In response to these concerns, the applicant has agreed to survey the site and provide the Authority with a topographical survey.

Notwithstanding this, should the survey, once received, demonstrate that there is sufficient infilling material on site, there are still other works, such as re-grading, drainage and soil placement, which will be required to be undertaken and will require further time to complete once the re-profiling works have been completed.

I am also mindful that it may not be possible to complete some of the remaining works during the winter months due to weather and ground conditions.

I am therefore satisfied that the extension of time is justified to ensure the satisfactory completion of the site, so it can be brought in to beneficial use. However, I would recommend that a condition is imposed restricting any further imports of waste material until such time that the topographical survey has been submitted and any necessary further imports of material to achieve the final landform have been quantified.

Highway Impacts

Concerns have been raised by consultees and in a letter of representation about the impact of HGV deliveries to the site and, in particular, the impact that the originally proposed increase in deliveries to a maximum of 40 vehicles a day might have on the highway network and on local amenity.

AVBLP saved Policy TP1 requires that all development proposals should be able to obtain satisfactory access to the transport network. Proposals that would generate significant demand for additional journeys by car will need to be accompanied by a transport assessment and, where appropriate, a travel plan. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable

impact on highway safety or the residual cumulative impacts on the road network would be severe.

The applicant has reviewed the need for the proposed 40 deliveries a day in response to the concerns that have been raised and is satisfied that this level of deliveries is no longer required to be able to complete the works at the site. The applicant indicates that a limit of a maximum of 15 deliveries a day should be sufficient to complete the works in the event that further infill material be required to complete the landform.

The previous permission did not impose a restriction on the number of deliveries to the site by way of a planning condition, however, the supporting information that accompanied the application indicated that 1, 700 deliveries would be required to complete the development and that this would equate to 9.5 movements into the site per day and 9.5 movements out, or just over one delivery per hour. The scheme submitted pursuant of Condition 6 indicated an average of 9 deliveries per day.

Whilst a maximum of 15 deliveries a day may potentially result in a greater number of deliveries in a single day than what may have been experienced under the current permitted average of 9 deliveries, this is an average figure and this currently would allow for a greater number of deliveries on a single day. In view of this and considering that the development is now substantially complete, and that it is preferable for this development to be completed so the land can be brought into beneficial use, I do not find the proposed maximum limit of 15 deliveries to be unacceptable. I would recommend a condition is imposed to secure this limit, and to secure an inspection of the highway prior to further impacts to the site as recommended by the Highways Officer.

I am satisfied that the development, subject to the conditions recommended below, would not be detrimental to highway safety and would accord with saved Policy TN1 of the AVBLP and the NPPF.

Conclusion

In conclusion, I find the proposed amendments to extend the maximum duration of the authorised development and to amend the number of deliveries of waste to the site to be acceptable. There are concerns about the impact of the development on the highway and local amenity, however, subject to the recommended conditions, I do not consider that the proposal would give rise to unacceptable environmental or amenity impacts. The NPPF has been revised since the determination of the original application, however, I am satisfied that the proposal would accord with the NPPF 2018. I am satisfied that it would accord with development plan policies and Government Guidance and the application is therefore recommended for approval.

(3) **Financial Considerations** The correct application fee of £195 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990 which falls to this Authority to determine as the Waste Planning Authority.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the delegated decision.

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File 6.1060.9
Application documents dated 29 January 2018. Letters/emails from the County Landscape Officer dated 15 March 2018, Weston Underwood Parish Council dated 18 March 2018, Amber Valley Borough Council dated 20 March 2018, the Environment Agency dated 21 March 2018, the Highways Authority dated 28 June and 21 September 2018, letters of representation dated March/April 2018, and planning permissions code Nos: BER/554/26, BER/858/8, AVA/585/531 and CW6/0716/35.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to the following conditions:

Form of Development

1) The development shall only be undertaken in accordance with the following documents and plans submitted with the application for planning permission from Resource UK dated 7 July 2006, as amended by the application documents received from Resource UK dated 29 January 2018 including:

- 1App form and certificates dated 7 July 2016.
- Location Plan.
- Drawing no 2995C entitled 'Topographical survey'.
- Drawing no LD68-OAF-001 entitled 'Landscape Assessment'.
- Drawing No LD68-OAF-002 entitled 'Visual Assessment'.
- Design and Access Statement dated 6 July 2016.

- Landscape and Visual Appraisal dated June 2016.
- Ecological Survey Ref RSE-603-01-V1 dated June 2016.
- Supporting statement dated 11 December 2017.
- 1App form and certificates dated 29 January 2018.

Reason: To ensure conformity with the details of the application as approved and to clarify its scope.

Availability of Plans

- 2) For the duration of the development, a copy of this permission, including all documents referred to in them, and any further submissions to, and approvals by the Waste Planning Authority under these conditions, shall be available for inspection during working hours, and the terms and conditions of the permission shall be made known to any person(s) given responsibility for the management and control of operations.

Reason: To ensure that the site operators are fully aware of the requirements of these conditions throughout the period of the development.

Notifications

- 3) The following dates shall be notified to the Waste Planning Authority no later than seven working days before each date:
 - i) Completion of importation of inert waste.
 - ii) Commencement of the restoration works.
 - iii) Completion of the final restoration (excluding aftercare).

Reason: To enable the Waste Planning Authority to properly monitor the progress and timing of the key stages of the approved operations.

Duration of Works

- 4) The development hereby permitted shall cease no later than 14 May 2019. On or before that date all materials, buildings, structures, plant, vehicles and equipment associated with the development shall have been removed from site and the site restored in accordance with the requirements of Condition 24 below. This permission shall thereafter cease.

Reason: To limit the impact of the site on local amenity and to ensure restoration of the site within a reasonable timescale.

Importation of Wastes

- 5) There shall be no further importation of infilling materials or soil making materials to the site until such time as:

- a) A detailed topographical survey has been submitted to the Waste Planning Authority for its consideration. The survey shall provide information about the existing levels in the infilling area, as well as a quantification of the shortfall, if any, of infill materials and soils required to create the approved landform and undertaken final restoration or excess of materials at the site. Such quantification shall be based on the proposed levels set out on drawing no 2995C entitled 'Topographical survey'.
- b) A joint inspection with the Highway Authority of Highfield Lane has been undertaken, to establish the condition of the highway prior to further HGV movements, associated with the waste operations, entering and exiting the site.

If the Waste Planning Authority considers that there is a shortfall of infill materials, importation shall only recommence upon written confirmation from the Waste Planning Authority.

In the event that there is no shortfall, then importation of infill materials shall be permanently ceased at the site and the land restored in accordance with the levels set out at Condition 42 below.

Reason: To ensure that the development is being undertaken in accordance with the approved documents, to ensure satisfactory restoration of the site and to enable the Waste Planning Authority to monitor the development.

Hours of Operation

- 6) No operations shall be carried out outside the following hours:

0800 hours to 1700 hours Mondays to Fridays.

No working shall take place at any time on Saturdays, Sundays, Bank Holidays or other Public Holidays.

Reason: In the interests of the protection of local amenity.

Transport and Highway Safety

- 7) At all times, the traffic management associated with the development shall be undertaken in accordance with the details set out on pages 2 (subsections Hours of Operation except in respect of numbers of vehicles; Signage & Health and safety; Construction Traffic Routes; and Construction Traffic Flows) and 3, and within Appendix 3 of the Method and Transport Management Plan dated 3 January 2017, as approved by the Waste Planning Authority on 20 July 2017, under Submission No. SW2976.

In respect of the daily number of any vehicles delivering any materials in connection with this development, the maximum number of vehicle deliveries shall not exceed 15 on any day.

Reason: In the interests of highway safety.

- 8) At all times, the access onto Highfield Lane shall be maintained in accordance with the details set out on page 3 (Access Improvement Details) of the Method and Transport Management Plan dated 3 January 2017, as approved by the Waste Planning Authority on 13 July 2017, under Submission No. SW2978.

Reason: In the interests of highway safety.

- 9) No mud, debris or other dirt shall be carried from the site on to the public highway.

Reason: In the interests of highway safety.

- 10) Access into the site by heavy goods vehicles (HGVs) and any other vehicles associated within the development hereby permitted shall only be taken via the existing access off Highfield Lane.

Reason: To control access into the site in the interests of local amenity, highway safety and the environment.

- 11) The surfaced section of any internal access road shall be hard surfaced, drained and kept clear of dirt and debris for the duration of the development.

Reason: In the interests of highway safety.

- 12) Provision shall be made at the approved site access points for the safe entering and exiting of all HGVs and other vehicles, including internal space provided for the safe turning, parking and manoeuvring of all vehicles and maintained thereafter free from any impediment for the duration of this permission.

Reason: In the interests of highway safety.

- 13) There shall be no discharge of surface water from the site onto the public highway.

Reason: In the interests of highway safety.

Emergency Contact Details

- 14) A sign providing emergency contact details shall be maintained at the site for the duration of the development. The sign shall be based on the details set out at Appendix 4 of the Method and Transport Management Plan dated 3 January 2017, as approved by the Waste Planning Authority on 13 July 2017, under Submission No. SW2983.

Reason: In the interests of highway safety and of the protection of local amenity.

Noise

- 15) Efficient silencers shall be fitted to, used, and maintained in accordance with the manufacturers' instructions on all vehicles, plant and machinery used on the site. Save for the purpose of maintenance, none of the above shall be operated with covers open or removed.

Reason: In the interests of the protection of local amenity.

- 16) The use of powered tools, including pneumatic hammers to break up or reduce the size of any material, is prohibited.

Reason: In the interests of the protection of local amenity.

- 17) At all times, all vehicles, plant and machinery employed on the site shall operate only during the permitted hours.

Reason: In the interests of the protection of local amenity.

- 18) Reversing alarms used on plant and vehicles on the site shall either be non-audible, ambient related or low tone devices.

Reason: In the interests of the protection of local amenity.

Dust

- 19) At all times, dust management at the site shall be undertaken in accordance with the details set out on page 3 (Dirt and Dust management) of the Method and Transport Management Plan dated 3 January 2017, as approved by the Waste Planning Authority on 3 May 2017, under Submission No SW2977.

Reason: In the interests of the protection of local amenity.

- 20) There shall be no crushing and/or screening of stone, concrete, brick-rubble or hardcore on the site.

Reason: In the interests of the protection of local amenity.

- 21) Any wind-blown wastes or litter arising from the operations on the site shall be collected immediately and removed from the site.

Reason: In the interests of the protection of local amenity.

- 22) During dry and/or windy weather, dust suppression methods, such as water bowsers and hosepipes, shall be used to prevent dust being blown off the site. At such times as the prevention of dust nuisance by the above conditions is not possible, the movement of any dusty materials shall temporarily cease until such times that the weather conditions improve.

Reason: In the interests of the protection of local amenity.

- 23) At all times, all operations hereby approved at this site shall be carried out in a manner to minimise the generation of dust. At such times as any operation gives rise to unacceptable levels of dust leaving the site, that operation shall be temporarily suspended until weather and site conditions improve and the operations can be resumed without causing nuisance.

Reason: In the interests of the protection of local amenity.

- 24) Areas on the application site where vehicular activity takes place must be hard-surfaced and well-maintained, and appropriate dust suppression methods, such as the use of water bowsers and/or hosepipes, applied.

Reason: In the interests of the protection of local amenity.

Environmental Protection

- 25) There shall be no open fires or burning of wood or other materials on the site.

Reason: In the interests of the protection of local amenity.

Waste Stockpiles

- 26) All stockpiles of imported waste material shall not be constructed to a height greater than 2m when measured from ground levels at the side of each stockpile.

Reason: In the interests of the protection of visual amenity.

Lighting

- 27) No external lighting shall be installed unless precise details have been submitted to and received the prior written approval of the Waste

Planning Authority. The lighting scheme shall then be implemented as approved for the duration of the development.

Reason: In the interests of the protection of local amenity.

Soil Stripping/Storage

- 28) At all times, topsoils and subsoils at the site shall be stored in accordance with the details set in appendices 2 and 3 of the Method and Transport Management Plan dated 3 January 2017, as approved by the Waste Planning Authority on 8 June 2017, under Submission No. SW2982.

Reason: To preserve the integrity of the soil.

- 29) All topsoils and subsoils shall be retained on site for use in the restoration of the site.

Reason: To avoid sterilisation of soils on the site.

- 30) No topsoil, subsoil or soil making material shall be stripped or handled unless it is in a dry and friable condition.

Reason: To minimise the structural damage of the soils.

- 31) Except as provided by other conditions of this permission, no part of the site shall be excavated or traversed or used for a roadway, storage of topsoil, subsoil or overburden or water, until all available topsoil or subsoil has been stripped from that part, with the exception that topsoils may be stored on like topsoils, and subsoils may be stored on like subsoils.

Reason: To preserve the integrity of the soil.

- 32) All topsoil and subsoil shall be stored in separate mounds. Topsoil storage and subsoil mounds shall not exceed 3m in height. The mounds shall be constructed with the minimum amount of compaction. They shall not be traversed by heavy plant or machinery, except where essential for purposes of mound construction or maintenance.

Reason: To preserve the integrity of the soil.

- 33) All storage mounds to remain in situ for more than four months shall be grass seeded and managed in accordance with a scheme that has received the prior approval in writing of the Waste Planning Authority. The scheme, which shall be implemented as approved by the Waste Planning Authority, shall be submitted to and be recorded on a plan, no

later than two months after the commencement of soil stripping, as notified to the Waste Planning Authority under the terms of Condition 1 above.

Reason: To preserve the integrity of the soil and in the interests of visual amenity.

- 34) During replacement of the subsoil, it shall be subsoiled (rooted) with a heavy subsoiler to ensure that within a total depth of 1m below the surface of the topsoil there is:
- i) no fill material or other sterile material injurious to plant life;
 - ii) no rock, stone, boulder or other materials capable of preventing or impeding land drainage operations, including mole ploughing or subsoiling;
 - iii) no wire rope, cable or other foreign objects;
 - iv) a reasonable level surface suitable to receive subsoil; and
 - v) stone or other unwanted material at the surface of the subsoiled material, which will not pass through a 230mm diameter ring in any dimension, shall be removed from the site or buried not less than 2m below the final surface contours.

Reason: To ensure a high standard of restoration.

- 35) All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.

Reason: To ensure a high standard of restoration.

Tree Protection

- 36) At all times, the development shall be undertaken in accordance with the measures set out on page 3 (Trees and hedgerows) of the Method and Transport Management Plan dated 3 January 2017, as approved by the Waste Planning Authority on 8 June 2017, under Submission No. SW2979.

Reason: In the interests of the protection of trees and hedgerows.

- 37) No groundworks shall take place until those trees retained on the site have been adequately protected by 'HERAS' or similar type fencing. The fencing should be erected around the trees to be preserved and positioned in accordance with BS5837 'Trees in Relation to Construction and notices erected on the fencing stating 'Protected Area'.

Reason: To ensure adequate protection for trees on the site.

- 38) Notwithstanding the above condition, no materials shall be stored or activity taken place within the area enclosed by the protective fencing. No alteration, removal or repositioning of the fencing shall take place during the development period without the prior written consent of the Waste Planning Authority.

Reason: To ensure adequate protection for trees on the site.

Site Drainage and Contamination During Operational Phase

- 39) Prior to being discharged into any water course, surface water drain, sewer or soakaway system, all surface water drainage from parking areas and hard-standings, shall be passed through an oil interceptor, which shall be designed and constructed to have a capacity (and details) compatible with the site being drained.

Reason: To prevent pollution of the water environment and ensure the site is adequately drained.

- 40) The site operator shall ensure that all surface water drainage operates efficiently.

Reason: To prevent pollution of the water environment and ensure the site is adequately drained.

- 41) Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks. All facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of each bunded compound shall be at least equivalent to the capacity of the tank and associated pipework plus 10%. If there is multiple tankage within a bund, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels and associated pipework plus 10%. All filling and emptying points, associated valves, vents, tank overflow outlets, pipework, gauges and sight glasses shall be located within the bund or have separate secondary containment. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund. There shall be no drain through any bund floor or walls. The drainage system of each bund shall be sealed with no discharge to any watercourse, land or underground strata.

Reason: To prevent pollution of the water environment and ensure the site is adequately drained.

Site Restoration, Planting and Aftercare

- 42) The site shall be restored to the levels referred to as 'proposed levels', as set out on Drawing no 2995C entitled 'Topographical survey'.

Reason: In the interests of landscape and visual amenity and to achieve a satisfactory restoration at the site.

- 43) During restoration, the drainage channel shall be constructed in accordance with the details as set out on page 3 (Drainage) and in Appendices One and Three of the Method and Transport Management Plan dated 3 January 2017, as approved by the Waste Planning Authority on 8 June 2017, under Submission No. SW2980.

Reason: In the interests of achieving a satisfactory restoration of the site.

- 44) The site shall be landscaped in accordance with a scheme that has been submitted to and received the written approval of the Waste Planning Authority. The scheme, which shall be submitted within two months of the date of this permission, shall provide details of the grass seed mixes to be used, rate of sowing, fertiliser applications, etc, shall then be implemented as approved.

Reason: In the interests of the satisfactory landscaping of the site.

- 45) For the first five years following new planting of any trees, shrubs, or hedgerow, planting shall be maintained in accordance with the principles of good forestry and husbandry, and any stock which die or become seriously damaged, diseased or is missing, shall be replaced with plants of the same species or such alternative species as have been approved by the Waste Planning Authority (for the avoidance of doubt, 100% replacement is necessary).

Reason: To ensure the successful establishment of landscaping at the site.

- 46) The restored site shall be subject to a programme of aftercare in accordance with a scheme which has submitted and approved in writing by the Waste Planning Authority. The scheme for the whole site or any part of the site shall be submitted within two months of the date of this permission. The submitted scheme shall provide for such steps as may be necessary to bring the land to the required standard for use for

woodland, nature conservation and amenity during a five year aftercare period, and shall include details of:

- i) fertiliser applications based on soil analysis;
- ii) drainage;
- iii) weed control;
- iv) removal of tree guards ;
- v) maintenance of fencing;
- vi) a mechanism for annual review during the five year period; and
- vii) a programme of implementation.

The scheme shall then be implemented as approved by the Waste Planning Authority.

Reason: To ensure the successful establishment of landscaping at the site.

Premature Cessation of Site Works

- 47) In the event of the development hereby approved being discontinued, within three months of receiving written notification from the Waste Planning Authority, a scheme for the restoration and treatment of the site as so left, and all other operational areas associated with the site shall be submitted to the Waste Planning Authority. The scheme, as approved by the Waste Planning Authority, shall be commenced within three months of the date of notification of determination of the scheme and shall be fully implemented within a further period of six months or such period as may be approved in writing by the Waste Planning Authority.

Reason: To secure the full restoration of the site in the event of the development ceasing prematurely.

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

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of the planning applications in full accordance with this Article. The applicant had engaged in pre-application and post application discussions and meetings with relevant officers in the Authority.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



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24-Sep-2018