

Appeal Decisions

Hearing held on 6 September 2016

Site visit made on 6 September 2016

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Appeal A Ref: APP/D0840/W/16/3147454

Penare Farm, Higher Fraddon, St Columb, Cornwall TR9 6NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Greener For Life Energy Ltd against Cornwall Council.
 - The application Ref PA15/03073 is dated 10 April 2015.
 - The application sought planning permission for the construction and operation of a biogas plant to produce heat and power involving erection of buildings, installation of plant and machinery (including tanks and flare stack), grid connection, heat main and ancillary developments including new access, vehicle parking, landscaping, bunding, tree planting and wetland habitat creation without complying with a condition attached to planning permission Ref PA12/01700, dated 20 July 2012.
 - The condition in dispute is No 3 which lists the approved plans.
 - The reason given for the condition is: *To control the extent of the development in accordance with the advice in Circular 11/95.*
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Appeal B Ref: APP/D0840/W/16/3147446

Penare Farm, Higher Fraddon, St Columb, Cornwall TR9 6NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Greener For Life Energy Ltd against the decision of Cornwall Council.
 - The application Ref PA15/05220, dated 5 June 2015, was refused by notice dated 18 February 2016.
 - The application sought planning permission for the construction and operation of a biogas plant to produce heat and power involving erection of buildings, installation of plant and machinery (including tanks and flare stack), grid connection, heat main and ancillary developments including new access, vehicle parking, landscaping, bunding, tree planting and wetland habitat creation without complying with a condition attached to planning permission Ref PA12/01700, dated 20 July 2012.
 - The condition in dispute is No 20 which states: *Once operational the number and types of vehicles visiting the site shall not exceed those set out in para 11.26 (pages 256/257 of Volume 1 of the Environmental Statement). The operators shall keep contemporaneous records of all vehicles visiting the site for a minimum period of 2 years and shall provide written details of such vehicle movements at the request of the LPA to show compliance with this condition.*
 - The reason given for the condition is: *To control the extent of the development in accordance with the advice in Circular 11/95.*
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Decision

1. Planning permission is granted for the construction and operation of a biogas plant to produce heat and power involving erection of buildings, installation of plant and machinery (including tanks and flare stack), grid connection, heat main and ancillary developments including new access, vehicle parking, landscaping, bunding, tree planting and wetland habitat creation at Penare Farm, Higher Fraddon, St Columb, Cornwall TR9 6NL subject to the conditions in the Schedule below.

Application for costs

2. At the Hearing an application for costs was made by Greener For Life Energy Ltd against Cornwall Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in these appeals are whether the:
 - a) reduction in the height of the secondary digester would be beneficial in terms of landscape impact and neighbours' residential amenity (Appeal A), and
 - b) proposed revisions to the number and type of vehicles visiting the site would be acceptable in terms of highway safety and the living conditions of neighbouring residents taking into account the previous grant of planning permission under LPA Ref PA12/01700 and the subsequent Non-Material Amendments (NMA) (Appeal B).

Reasons

Preliminary Matters

4. Cllr Cole argued that because the tanks had not been built in the exact location and to the height of the approved plans in PA12/01700 no planning permission exists for the biogas plant as built and it is therefore unauthorised.
5. However, in its Committee report concerning PA15/03073 dated 7 April 2016 paragraph 30 clearly states that PA15/01700 was lawfully implemented, is therefore extant and remains a lawful fall-back position for the appellant and the Council confirmed this at the Hearing. The Council has also decided, for the reasons stated in its Committee reports, not to instigate any enforcement action against the appellant. Indeed the Council's Committee report clearly explains why officers considered regularisation was considered to be the best option.
6. The Council granted two NMAs as follows: PA13/09571 on 29 November 2013 allowing changes to the feedstock (condition 2), amendment to the odour management plan (condition 16) and amended vehicle/traffic movements breakdown (condition 20) of PA12/01700; and PA14/06189 on 23 July 2014 allowing a change of number and size of tanks (4 to 3 and lowered), reduction in size of reception building and minor reconfiguration of associated equipment.

7. These NMAs altered the approved development, albeit that not all the amendments were enacted. Although Cllr Cole, St Enoder Parish Council and neighbouring residents consider it outrageous that such amendments were dealt with under the NMA procedure, which at the time did not involve any public consultation, it is a fact that these NMA permissions significantly altered the scheme as approved under PA12/01700 and that they also constitute a lawful fall-back position, given that the Council agrees that permission has been implemented. The objectors are also aggrieved that the appellant is 'picking and choosing' to enact those parts of the original scheme and NMAs that have most impact on local residents. However, it is within its lawful rights to do so; there is no compulsion on it to only implement the NMA scheme in terms of the size of the digester tanks, for example.
8. I have read the numerous objections from neighbouring residents and have considerable sympathy for these neighbours in terms of the way the biogas plant has adversely affected their living conditions, in part as a result of the NMAs. But in view of the fact that PA12/01700 has been lawfully implemented I must assess these appeals by comparing the development as permitted, including the amendments in the NMAs, with what the appellant now proposes.

Appeal A

9. This appeal concerns a proposal to reduce the height of the secondary digester, the anaerobic digester tank sited closest to the houses located on the road immediately to the west of the site.
10. As set out in the Committee report concerning PA15/03073, permission PA12/01700 allowed a digester 28.65m diameter and 10.76m high (including 1m below ground), a digestate/concentrate tank 24m in diameter and 9.13m high (including 2m below ground) and a liquid residue storage tank 12m in diameter and 7.51m high (including 2m below ground).
11. The relevant NMA amended the tanks to 2 primary digesters 21m in diameter 6m high and a secondary digester 18m in diameter 6m high. But in fact these digesters were constructed in a slightly different position on the site, the primary digesters being 22.68m in diameter and 11.4m high (including 2m below ground) with the secondary digester being 18.68m in diameter and 11.6m high (including 2m below ground).
12. The proposal is to lower the domed roof of the secondary digester by about 3m. The Council has no objection to this but points out that I can look at all the conditions afresh. Clearly a reduction in the height of this digester would reduce its present impact on the wider landscape and its visual impact on the nearest residents in the adjacent road.
13. But the relevant comparison is between the permitted scheme and what is now being proposed. This digester tank has been constructed slightly closer to the western site boundary than the approved main digester tank in PA12/01700 but this deviation from the original approved plan is insignificant because the bund partially screens it from the houses opposite and the proposal would lower the height of its roof. Under the proposal the nearest tank to the houses would be 8.7m high including 2m below ground level, as

opposed to 10.76m high including 1m below ground level and it would remain partially screened by the bund. This reduction in height can be conditioned to occur within a reasonable period of time and I can see no objections to this going ahead because it would be beneficial when compared to that allowed by the original permission.

14. The Council confirmed that the landscaped bund had been constructed in accordance with the approved plans, albeit that the landscaping itself had not been maintained since it was planted. However, the appellant confirmed that it would do so and was also happy to strengthen the amount of planting in accordance with the Council's suggested condition. Although the digesters have been built with domed rather than conical roofs the Council does not object to this and I can see no reason to do so.
15. I explored whether the height of the digesters could be further reduced in height but was told by the appellant that this would not be possible due to the need to have adequate storage space for the biogas above the surface of the digestate. Neither the Council, nor the Parish Council nor the residents challenged the appellant's comments in this regard despite many residents wishing for the digesters to be further reduced in height. For these reasons, and because this proposal would lead to an improvement for adjacent residents I consider this proposed reduction in the secondary digester to be acceptable.
16. The Council does not object to this change to the secondary digester and it does not conflict with any development plan policies. For these reasons Appeal A should be allowed.

Appeal B

17. People living on the access road to the plant, the unclassified U6103, have documented in some detail the adverse impact on their living conditions of the increase in vehicle movements caused by the anaerobic digester (AD) plant. This is especially in terms of the impact of heavy goods vehicles (HGVs) bringing in waste and food crops, which are fed into the digester tanks together with the pig slurry from the adjacent pig farm (via the commissioned pipe linking the two sites). I have no doubt that such impacts are severe.
18. However, as set out above, permission PA12/01700 has been implemented and significantly amended in this respect by the NMAs and these permissions use this access road – there is no other access to the site. Permission PA12/01700 and the NMAs constitute the appellant's fall-back position and as such are relevant material considerations that must be afforded significant weight.
19. The Council and appellant disagree on the overall number of vehicles and the number of HGVs that should be allowed to service the plant weekly. The Council refused this application because it considered that the proposed variation to Condition 20 would lead to an increase in the number of large articulated lorries on a highway unsuitable to accommodate such an increase, both in terms of highway safety and neighbouring residents' living conditions.

20. I agree that the access road is manifestly unsuitable to accommodate any increase in HGV numbers due to its blind bends, narrow width and lack of any footway or central white line. I must therefore assess whether the appeal proposal would lead to any increase above the number and type of movements that have already been permitted.
21. The combined number of heavy vehicle movements per week for the pig farm and the AD plant under the original PA12/01700 permission was 35. But the PA13/09571 NMA increased the weekly number of such movements to 49. The appellant's proposal is now to reduce this combined number to 42. The recent permission for the redeveloped pig farm (PA15/04252) permitted no more than 7 heavy goods vehicles per week for that facility, leaving 35 for the AD plant. This is less than in the implemented permission, and in any case the Council saw fit in 2013 to grant permission for the NMA allowing this. The appellant's proposal would not therefore lead to an increase in HGVs to the AD plant.
22. The appellant is offering two additional conditions, one restricting the delivery times of vehicles and the other for a vehicle management policy to be agreed with the Council, including the use of a Banksman where necessary. It is also intending to use a Duoliner lorry, which is slightly shorter than a conventional articulated lorry and is quieter, for most of the deliveries and has confirmed that such Duoliners will bring out the digestate on the return journey. I saw one of these at the site visit and note that the Council's environmental health officer has no objections to the use of this vehicle on noise grounds. Indeed it seems clear to me that it is preferable to the use of longer articulated vehicles because it is quieter and more manoeuvrable, and to tractors and trailers because its contents are sealed or certainly more sealed than the latter.
23. I am concerned to minimise the impacts of HGV traffic to the AD plant on residents living on the access road. But it would be unreasonable to impose a condition limiting such movements to less than that already permitted and implemented. However, there is scope to minimise such impact by the appellant's other suggested conditions, albeit that the wording of such conditions is disputed between the main parties. I deal with this in detail below.
24. It was also suggested by Cllr Cole and other residents that the numbers of lighter vehicle movements (LGV) is also problematic. I agree that an overall figure should be placed on such movements to the plant in order to minimise vehicle conflict on the narrow access road. Residents provided compelling evidence that such LGV movements are considerably in excess of those permitted and argued in this context that the total number of vehicle movements would inevitably be higher than 42 as indicated in the appellant's suggested condition.
25. However, the appellant has put forward a condition that it feels confident is realistic and if it is breached the Council can take enforcement action, or alternately agree a higher number of LGV movements if it considers that to be appropriate. In my view it is more important that the number of HGV movements on this constrained road is not allowed to increase over that which has been allowed to date.

26. The Council argues that the proposal breaches various development plan policies. But the road is the one and only access road in the implemented permission for the AD plant and the number of vehicle movements would not be increased. In fact the number of HGV movements would be reduced from 49 to 42 per week for the combined pig farm and plant. There is therefore no objection to the proposal subject to agreeing the wording of the conditions. For these reasons I conclude that Appeal B should be allowed, albeit I do not accept the appellant's desired wording on Conditions 15 and 20 below.

Conditions

27. Both applications (under S73 and S73A) allow the decision maker, be it the LPA or an Inspector/the Secretary of State, to decide to vary the conditions being applied for, attach new conditions or make others attached to the original permission more onerous because such applications lead to the creation of an additional freestanding planning permission. The discussion regarding conditions at the Hearing focussed largely on the main disputed conditions between the parties and I deal with these in detail below.
28. These appeal decisions grant a new planning permission for the plant as constructed, subject to the modification to the secondary digester and the other changes discussed above. As such it will be this permission which will be likely to become the implemented permission, with the various controls as set out in the conditions below.
29. 21 conditions have been suggested jointly between the Council and appellant in the Statement of Common Ground. The wording of two of these, relating to the number and types of vehicles and the vehicle delivery times, are disputed by the appellant. Condition 14 below reflects the appellant's preferred wording for the reasons set out above. I have also inserted into this condition a requirement for the appellant to agree with the Council a workable definition of 'Heavy Goods Vehicles' so that only the types and sizes of HGVs on this list will be allowed to deliver to and remove digestate from the plant. The purpose of this is to prevent inappropriate HGV movements in the access road as well as to be clear what types and sizes of vehicle fall within the 35 permitted HGV movements.
30. Condition 15 refers to the hours when vehicles can deliver to the AD plant. The appellant does not agree to such a restriction on deliveries in the afternoon because it says there is no one set leaving time for primary and secondary school children in the afternoon. However, given the lack of footways and a number of well documented (by residents) 'near misses' involving children and HGVs I consider it essential that risks to primary school children at least should be minimised by such a restriction and I consider the times set out in the Council's wording (3pm to 4.15pm) to be reasonable. I also note that the Highway Authority recommended that this restriction should form part of this condition. I have also carefully considered when deliveries should be allowed to start and agree with the Council and objectors that 7am is too early, since many residents would be getting in their cars to drive to work between 7am and 8am. I agree with the Council's indicated times as set out in the condition below.

31. Condition 16, the requirement for a vehicle management policy along the lines set out is vital for the reasons explained above and I note that the appellant is itself proposing such a condition in an effort to minimise problems to residents and improve highway safety in the road. Condition 1 requires the reduction in height of the secondary digester within 9 months, which is necessary to ensure neighbours' amenity and the character of the area. Conditions 2 and 3 are necessary to limit the scope of the AD plant as agreed and to provide certainty and like most of the other conditions are necessary repeats of conditions attached to the original permission, all of which were necessary for the reasons previously indicated therein.
32. A construction management plan is necessary under Condition 4 to ensure highway safety during the lowering of the secondary digester, as is a construction environment management plan under Condition 5 to minimise impact on residents. Condition 6 requires a scheme for surface water management, especially because there were problems associated with this in the AD plant's construction. Condition 7 limits construction activity to normal working hours to preclude adverse impacts on residents and Condition 8 imposes noise levels arising from such, 1m from the facade of houses, for the same reason. Conditions 9 and 10 control the operation of the emergency flare and prevents the use of single or multi-pitch reversing beepers on vehicles or plant for the same reason.
33. Conditions 11, 12 and 13 are necessary to prevent pollution and/or minimise the potential for disturbance to residents and in the interests of highway safety respectively. A new landscaping scheme, including details of its maintenance, is required by Condition 17 for the reasons set out above. Condition 18 is necessary to achieve a satisfactory landscape restoration of the site if and when it stops operating and Condition 21 requires the submission of an acceptable demolition management plan when the AD buildings are removed. Condition 19 requires the retention of the pig slurry pipe between the northern pig farm and the site so that additional trips are not generated on the highway.
34. Lastly, Condition 20 requires the submission of a necessary odour management plan, especially in view of the residents' complaints about odour. I have amended the wording of this to make clear that all imported material, including biocrops and not just waste should be stored inside a building. This gives the option for the appellant to store such biocrops either in the main reception building or else to put a roof and doors on the outside storage pens currently used to store such imported material. This is necessary in my view in order to prevent odour problems to adjacent residents and is a method often used to minimise odour in such AD plants.

Conclusion

35. For the reasons given above I conclude that the appeals should essentially succeed. I grant a new planning permission accordingly, subject to the conditions in the Schedule below.

Nick Fagan

INSPECTOR

Schedule of Conditions

1. The Secondary Digester hereby permitted shall be reduced in height as indicated on plan number A3/003Rev1 and A3/002, within 9 months of the date of this permission. The height thereafter shall not exceed the height shown on these approved plans.
2. This permission only authorises:
 - (i) The co-treatment of all the pig slurry up to 7000 tonnes a year from the Penare Farm piggeries, supplied only by pipeline or by internal traffic movements from the Penare Farm piggeries (and not imported by road by lorry/tanker) and the imported feedstock/waste as approved by the Environmental Permit.
 - ii) The following structures:
 - development of 2 x 22.68m diameter Primary Digesters
 - 1 x 18.68m diameter Secondary Digester
 - Storage Clamp
 - Separator
 - Flare
 - Weighbridge
 - Biofilter
 - Reception Building and Tipping Floor
 - Membrane Biogas Upgrading Plant
 - Biomethane Network Entry Kiosk
 - Propane Storage tanks
 - Concrete Yard
 - Attenuation pond
 - Ancillary operational equipment
 - 250kW Combined Heat and Power Unit
 - Pipeline connection to neighbouring pig farm

There shall be no development outside of the areas edged red on Drawing No. PL-02 Rev H.

3. The development hereby permitted shall be carried out in accordance with the following plans and details:
 - Drawing No. PL-02 Rev H Site Location and Site Block Plan
 - Drawing No. A3-001 Figure 1 As Built Layout
 - Drawing No. A3-002 Figure 2 Section AA
 - Drawing No. A3-003 Rev1 Figure 4 Digester Tank Elevations and Sections
 - Drawing No. A3-004 Figure 6a Reception Building Side Elevations
 - Drawing No. A3-003 Figure 6b Reception Building Front and Rear Elevations
 - Drawing No. A3-001 Figure 6c Reception Building Ground Floor Plan
 - Drawing No.2184 – Site Section
 - Drawing No. 20012-01-014 Rev 08 Site and Equipment Layout
 - Drawing No. 3020 Rev B Surface water outfalls concept
 - Drawing No. 1010 Rev B Site survey

4. Within four months of the date of this permission, a detailed 'Construction Management Plan' (CMP) - Construction Phase Proposals shall be submitted to and approved in writing by the Local Planning Authority (LPA) for the reduction in height of the secondary digester and other necessary construction works including surface water drainage and the commissioning phase of the anaerobic digester plant. The plan shall include a detailed programme of works, construction vehicles details (number, size and type), delivery arrangements and details of the contents of a written report to be provided every 4 months to St Enoder Parish Council. The works shall be carried out strictly in accordance with the approved plan and shall set of a timetable for the phasing of works.
5. Prior to the reduction in the height of the secondary digester and other works, a scheme for the control of pollution during the works shall be submitted to and approved in writing by the Local Planning Authority (LPA). This should take the form of a Construction Environment Management Plan (CEMP) which will detail method statements and contingency plans for emergencies. The works shall be carried out in accordance with the approved details.
6. Within two months of the date of this permission, details of a scheme for the provision of surface water management to resolve existing issues shall be submitted to and approved in writing by the LPA. The scheme shall include; details of the drainage scheme including for the shared drive into the site, provision for overland flow routes, construction quality control procedure, timetable of construction, plans for future maintenance and management of the system. The works shall be carried out in accordance with the approved details.
7. No on site construction activities shall be undertaken except between 0800 and 1800 hours Mondays to Fridays and between 0800 and 1300 hours on Saturdays.
8. The noise level due to construction activities and measured 1 metre from the façade of any residential property shall not exceed 65 dB LA eq (T). Should the Local Authority determine that there is a breach of this condition, which is attributable to the operations within the site, the operator shall be required to undertake self-monitoring of noise levels and operations to demonstrate compliance with this condition in accordance with a scheme to be agreed in writing by the LPA.
9. The emergency flare stack shall only be used for emergency purposes between the hours of 17.00–09.00 on any day (including Bank/Public Holidays). It shall not be operated for maintenance or testing purposes except between 09.00 and 17.00 hours on any day (and not including Bank/Public Holidays).
10. Heavy and Light Goods Vehicles along with plant under the direct control of the operators which deliver waste, remove digestate or biofertiliser or operate at the site shall only use non-intrusive broadband and/or vehicle noise alarms or reversing cameras. On such vehicles, there shall be no use of single or multi pitch reversing beepers.

11. Any oil, lubricant or other potential pollutant shall be handled and stored on the site so as to prevent pollution to any watercourse.
12. The operators shall ensure that all lights shall be positioned/ screened so as not to cause glare or annoyance to local residents or users of the local highway network.
13. The operators shall take all reasonable measures to prevent mud, stones or other deleterious material being carried out onto the public highway during constructional, commissioning and operational phases. This shall include wheel washing where necessary.
14. The weekly number and types of vehicles visiting the AD Plant site shall not exceed the following:
 - 35 Heavy Goods Vehicle movements
 - 7 Staff/Other Vehicle movements (Light Goods Vehicles)

-Total number of movements per week for the Anaerobic Digester Plant: 42.

-One vehicle movement refers to an arrival to site and the corresponding departure from the site.

-The operators shall keep contemporaneous records of all vehicles visiting the site and shall provide written details of such vehicle movements at the request of the LPA, in order to show compliance with this condition.

-The definition of Heavy Goods Vehicles shall be agreed between the applicant and the Local Planning Authority (LPA) by the appellant submitting to the LPA within one month of this decision a list of vehicles types (including dimensions) of this class that will service the plant. Once agreed only these vehicles will be used to import material for the digesters and remove the digestate.
15. During school term times, vehicles delivering to and from the site shall operate only between the hours of 9am to 3pm and 4.15pm to 6pm Monday to Friday and between 8am–1pm on Saturday. There shall be no deliveries on Sundays or Bank/Public Holidays. Outside of school term times, vehicles delivering to and from the site shall operate only between the hours of 9am to 6pm Monday to Friday and between 8am–1pm on Saturday. There shall be no deliveries on Sundays or Bank/Public Holidays.
16. Within two months of the date of this permission, the Operator shall submit to the Local Planning Authority for approval in writing and then implement the approved Vehicle Management Policy to deal with deliveries to and from the site to include:
 - Haulier Training and Induction
 - Communications between the site, the pig farm and delivery drivers to ensure smooth vehicle schedules
 - Regular review of procedures
 - Contact number for residents to report issues
 - Details of the content of a written report which will be provided to St Enoder Parish Council and residents of Higher Fraddon Lane at 4 monthly intervals and will address information regarding deliveries to and from the site.
 - Details of when and where attendance by a Banksman to direct vehicle movements will be required.

The operator shall implement the approved Vehicle Management Policy and adhere to it at all times. A copy of the Vehicle Management Policy will be maintained on site and the operator will keep records of any matters reported by and to residents for inspection by the Local Planning Authority, at its request.

17. Within two months of the date of this permission a scheme of landscaping shall be 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
- Cultivation proposals for the maintenance and management of the soft Landscaping

-Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

-All planting, comprised in the approved scheme of landscaping shall be carried out within 6 months of the date of this permission and to the satisfaction of the LPA. 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.

18. At the cessation of the development hereby approved, the site shall be cleared of all buildings and structures, hardstandings and any wastes within a period of six months from the date of cessation. Should the plant not operate for a period of 12 consecutive months, the site shall be cleared of all buildings and structures, hardstandings and any wastes. After removal of the above, the surface of the site shall be regraded, ripped and be covered with topsoil to a depth of 500mm within a period of three months. The site shall then be planted in accordance with details to be agreed in writing by the LPA.
19. The existing operational pipeline that carries pig slurry from buildings 1 to 7 of the neighbouring pig farm to feed the anaerobic digester plant shall be retained and maintained for the purpose of transferring pig slurry from the neighbouring pig farm to the anaerobic digestion plant.
20. Within two months of the date of this permission, the operators shall submit to the Local Planning Authority a revised Odour Management Plan (to include the method of transporting slurry from building 8 to the AD plant and details of covered storage on site for all imported material) for approval. Covered storage means that all waste and biocrops imported by lorry shall be stored either inside the main reception building or that the outside storage bays where the biocrops are currently stored shall be roofed and walled via a scheme to be submitted as part of this revised Odour Management Plan. The approved Odour Management Plan shall be implemented in full and the recommendations contained within it shall be strictly adhered to.

21. Prior to any site clearance works required by condition 18, a detailed Demolition Management Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority (LPA) for the clearance of the site of all buildings and structures. The plan shall include a detailed programme of demolition, vehicles details (number, size and type) with traffic management proposals, delivery/removal arrangements and details of the contents of a written report to be provided every 4 months to St Enoder Parish Council. The works and demolition shall be carried out strictly in accordance with the approved plan and shall set of a timetable for the phasing of demolition works.

End of Schedule of Conditions

APPEARANCES

FOR THE APPELLANT:

David Manley	Planning Director, Greener For Life Energy Ltd
Gareth Pinwell	Ashfords LLP
Mark Rowe	Hydrock
Tim Jopling	Hydrock
Ian Bennett	ACIA Acoustics

FOR THE LOCAL PLANNING AUTHORITY:

James Holman	Principal Development Officer
Chris Cooper-Young	Principal Development Officer

INTERESTED PERSONS:

Dick Cole	Divisional Member and St Enoder Paris Council rep
Edie Evans	Local Resident
Anne Woolcock	Local Resident
Melanie Morcomb	Local Resident
Arabella McCarthy	Local Resident
Philip Potter	Local Resident
Tony Bullows	Local Resident
PC Mark Atkins	Local beat policeman – left before speaking
Anne Double	On behalf of Steve Double MP

DOCUMENTS SUBMITTED AT THE HEARING

1. Hearing notification letter for PA15/03073 dated 9/8/16
2. Hearing notification letter for PA15/05220 dated 9/8/16
3. Statement of Common Ground signed by both parties
4. Residents' diary from May to September 2016 including traffic movements and EA reference numbers regarding residents' complaints
5. NMA PA13/09571 decision notice dated 29/11/13
6. Extract from Environmental Statement for PA13/09571
7. Undated objection letter to Inspector from Edie Evans
8. Response by Council to appellant's costs application re PA15/03073
9. Response by Council to appellant's costs application re PA15/05220
10. Appellant's wording for Conditions 14 and 15

End of Documents List