



Appeal Decision

Site visit made on 27 August 2019

by Elizabeth Hill BSc(Hons) BPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2019

Appeal Ref: APP/G4620/W/18/3216591

Giffords Recycling Ltd, Giffords Way, Kelvin Way, West Bromwich, B70 7JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Verus Energy Oak Ltd against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/17/61177, dated 19 October 2017, was refused by notice dated 13 June 2018.
 - The development proposed is the construction and operation of an Energy Recovery Facility.
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Decision

1. The appeal is allowed and planning permission is granted for the construction and operation of an Energy Recovery Facility at Giffords Recycling Ltd, Giffords Way, Kelvin Way, West Bromwich, B70 7JR, subject to the conditions set out in Annex 1 of this decision.

Preliminary matters

2. An environmental permit was granted for the installation by the Environment Agency on 17 July 2019 (Ref. EPR/DP3038JC). This covers the operation of the installation and controls such matters as waste types and quantities, emissions to air and water, odour, dust, pests, noise and fire prevention.

Main Issues

3. The main issues in this case are the impact of the proposal on:
 - a) The living conditions of neighbouring residents, in terms of noise; and,
 - b) The safety and convenience of pedestrians in the locality.

Reasons

Noise

4. The proposed development has been supported by an Environmental Statement (ES) which accompanied the application, and a Noise Statement in respect of the appeal. Surveys were undertaken in 2010 and also in 2016 and 2018 to establish a daytime and night-time noise baseline for the proposal. The scoping for the noise section of the ES was scoped by the Environmental Health Department of the Council and the surveys undertaken for the ES and its updates were carried out in accordance with the scoping. Measurements for the surveys were taken at points along Kelvin Way and Blakeley Hall Road,

which are the nearest residential areas. During the latest survey bridge repairs were being carried out to the M5 viaduct and, with lower speeds, this might reduce background noise levels in the local area. This lower background noise level provides a robust and conservative assessment of the potential noise differences over the background levels from activities associated with the development.

5. The proposed development was assessed against BS4142:2014 Methods for rating and assessing industrial and commercial sound, using an industry standard model, which I consider to be an acceptable method of assessing the noise impact. None of the penalties set out in BS4142:2014 were found to be necessary for the character of the noise in the assessment, although it took into account noise data from the plant to be used on site, with all the plant operating at the same time, together with daytime HGV movements. Cumulative noise impacts, including those from developments already granted planning permission in the surrounding area, have been assessed and shown to have no significant potential cumulative effects and all impacts are shown as negligible. Any uncertainty with the modelling which could arise from weather conditions has been minimised through the use of downwind conditions. On occasions when strong wind conditions could raise noise levels at sensitive receptors, there would also be a rise in background noise levels, limiting any difference between the two. In addition, the proposed mitigation strategy would seek to minimise operational noise through appropriate plant selection, silencing and other treatments.
6. The Reason for Refusal on noise relates to night-time noise (2300-0700 hours). During this time there would be no deliveries to the site and the noise would be operational noise, since the plant would operate continuously. The predicted night-time levels would be below the recorded background levels by -4dB to -1dB, when an adverse impact would be +5dB and over. It can therefore be categorised as having a low impact under BS 4142:2014. The modelling has also been assessed under BS8233:2014 Guidance on Sound Insulation and Noise Reduction in buildings. This examines internal noise levels inside the sensitive rooms of buildings, including bedrooms with an open window. The noise levels would meet the standard required by BS8233:2014 and also the levels which are required by the World Health Organisation for the prevention of sleep disturbance.
7. The Council's evidence also makes reference to the impact of noise in the evenings. This has been assessed as daytime noise (0700 to 2300 hours) in the noise study and would include deliveries to the plant by HGV upto 19.00 hours. The assessment of daytime noise would give a rating of -5dB to -1dB at Kelvin Way and -10dB to -7dB at Blakeley Hall Road, which would be below the +5dB required for an adverse impact. Therefore, this would also have a low impact under BS4142:2014, which means that there would be no observed effect on health and the quality of life as a result of the proposal. The Noise Policy Statement for England as referenced in the footnote to paragraph 180 of the National Planning Policy Framework (NPPF), states that noise is a subjective matter and sets out a framework for assessment based on the perception of noise. Based on the noise levels changes shown under BS4142:2014 these would not result in the exceedance of the indicative Lowest Observed Adverse Effect Level (LOAEL) at the nearest sensitive receptors. Therefore, the proposal would comply with paragraphs 170e and 180 of the NPPF.

8. The noise assessment has also included examination of the noise levels arising from construction noise and vibration. The results show no significant impacts, which in any event would be negligible to minor adverse. Noise from construction traffic has been scoped out of the exercise since it would be lower than existing traffic flows and those during the operational phase and therefore any noise generated would not be significant. In addition, a suitably-worded condition would ensure that construction methods would minimise any impacts on local residents.
9. There has been a recent update on traffic flows for HGVs offsite and an assessment of traffic noise impacts has been made using this recent data, using a standard methodology. The most likely noise increase is from vehicles turning into and out of the site, with only "left in, left out" movements allowed at the junction. The resulting increase in noise would be +0.3dB to +1.8dB, allowing for lower speeds at the junction. This would result in a minor adverse change which would not be significant and would only be present during the daytime.
10. Therefore, I conclude that the proposed development would not be harmful to the living conditions of neighbouring residents, in terms of noise, and would be in accordance with Policies WM4 and ENV7 of the Black Country Core Strategy (BCCS) and EOS10 of the Sandwell Site Allocations and Delivery Development Plan Document (SSAD), which seek to limit the adverse effects of noise from development.

Highway safety

11. The ES included a Transport Assessment, which had been scoped by the Council's Head of Highways. This has subsequently been updated by further traffic surveys on Kelvin Way in 2018, at the request of the Council's Planning Committee and a further assessment produced to assist in the consideration of the planning application. A transport statement formed part of the appeal documentation. The capacity of Kelvin Way is estimated by the Council to be 1200 vehicles per hour in each direction. An additional 7 HGVs in each direction during peak hour would be added to the existing traffic, which is an estimated 1% increase, leading to a total of 860 vehicles eastbound and 829 westbound, well within the capacity of the road. Cumulative impacts of other new development, including the new school off Kelvin Way, have been taken into account in examining the traffic impacts. In addition, as the junction to Gifford Way from Kelvin Way would be "left in, left out" only, this would prevent queueing on Kelvin Way and minimise congestion from the proposal. Kelvin Way is part of the Key Network Route for HGVs and has good links to the rest of this network including motorways.
12. The reason for refusal relates specifically to pedestrian safety. Pedestrians in the local residential areas would need to cross Kelvin Way if they wished to access the industrial areas on the other side of the road and attractors such as Sandwell and Dudley railway station. The appellant has updated the accident data where a personal injury was sustained. This shows over the last five years for which data is available for Kelvin Way, there have been six accidents, two of which involved pedestrians. One of these was a police officer being hit by a police car during a chase and the other where a pedestrian was at fault. The Council do not dispute this data. Having regard to the local population, from the census data presented there is no reason to believe that there are a

higher proportion than average who are less mobile and would take longer to cross the road. There are three designated crossing places, which all have dropped kerbs and a central refuge. The increased traffic movements would only cause 0.5 second delay and would not have any impact in terms of severance issues. A new school is being built on Kelvin Way and this would generate more traffic but as part of the development a new pedestrian crossing is to be installed and this would be a safety benefit to other pedestrians wishing to cross the road.

13. Therefore, I conclude that the proposed development would not be harmful to the safety and convenience of pedestrians in the locality and would be in accordance with Policy WM4 of the BCCS and WBP10 of the West Bromwich Area Action Plan, which aim to support travel by sustainable means on suitable routes.

Other matters

14. An environmental permit for the installation has been issued by the Environment Agency. Paragraph 183 of the NPPF states that planning decisions should concentrate on whether the development is an acceptable use of land and that it should be assumed that permitting regimes will operate effectively.
15. The National Planning Policy for Waste states that consideration of need is not required where the proposed development is in accordance with the development plan. In this case, currently available information indicates that that there is about 2.4m tonnes of Municipal Solid Waste (MSW) and Commercial and Industrial (C+I) waste per annum which needs to be treated in the Black Country. This is set to rise with population growth. In terms of capacity, even with 50% recycling and the use of existing recovery and other treatments, 876,000tpa remains to be treated, mainly Commercial and Industrial waste. Therefore, the proposed facility would help to reduce the capacity gap identified in the BCCS. The proposal would move waste up the waste hierarchy by diverting it from landfill and moving it up a level to energy recovery. This has the additional benefit of preventing the formation of landfill gas which is about 50% methane and more damaging than carbon dioxide in the carbon balance. Therefore, the proposal would help to meet national and local ambitions to reduce carbon emissions.
16. The permit is the primary means of tightly controlling the impacts of the process on the environment and human health and includes proposals for continuous monitoring of harmful substances. The application was accompanied by an air quality assessment and has had regard to the proposal being within an Air Quality Management Area. In addition, the proposal incorporates electric charging points for vehicles, reducing carbon emissions. Although the proposal would not use rail or water to bring in the feedstock, the additional traffic to the proposal, as set out above, is only a small increase to overall traffic in the area. In terms of dust, the process would take place within a building, controlling dust emissions. This is a matter which would also be dealt with by the permit. Dust generated during demolition and construction works would be controlled through a construction method statement (CMS), and covered by a suitably-worded condition. These measures are all in accordance with Policy ENV7 of the BCCS.

17. The main building for the proposal would be large and up to 55m tall, with a stack of about 100m. Therefore, it would be widely visible in areas to the north and from the M5. Views from the south would be broken up by the M5 which is on a viaduct in this area. The Council set a brief for the design of the site, which they consider has been met, of an iconic main building, which would provide a focus for more investment and the regeneration of the area. The main building would be of a curved design, similar to that of West Bromwich college in the town centre, which would be distinctive but would also break up the mass and bulk of the building to reduce its visual impact. It would be a prominent building but would be far enough away from residential areas so that it would not be dominant in their outlook. The Birmingham canal corridor is also acknowledged as an important viewpoint and landscaping and tree planting would be provided to break up views of the development from this direction. Therefore, the proposal would be in accordance with Policy ENV3 of the BCCS and Policies EMP3, EOS9 and EOS10 of SSAD, which all encourage a high quality of design.
18. There are no statutory nature conservation sites within 2km of the site, although there are 2 Local Nature Reserves and 5 Sites of Importance for Nature Conservation. In addition, the Birmingham Canals form an important wildlife corridor. Any disruption to the wildlife corridor during construction works would be limited by the provisions within the CMS and external lighting would also be controlled through a suitably-worded condition so that foraging bats would not be disturbed. The proposal would incorporate provisions for an odour management plan which would help to control odour from the plant. The indoor nature of the process would help to keep down odour, as well as wind-blown litter, and discourage vermin. The environmental permit contains requirements for a fire prevention plan. Any past mining in the area would be considered through site investigations and testing for contamination and is also covered by the permit. There have been comments that consultation on the proposal was inadequate. However, the appellant has carried consultation in terms of exhibitions, public meetings and notifications of people within 500m of the proposal. The large response at planning application stage, including a petition in excess of 450 names, indicates that the proposal was well-publicised locally. Operator competence, which was also mentioned in representations, is also a matter for the permit.
19. Finally, there is the impact of the proposal on heritage assets. The site is not within a Conservation Area nor does it have any listed buildings on the site. However, it is close to the Smethwick Summit Galton Valley Conservation Area, which includes the parallel canals of the Old Main Line and New Main Line of the Birmingham Canals, which have associated listed buildings (2 footbridges, Spon Lane Locks and an aqueduct carrying one canal over the other, all Grade II listed). In addition, the Chance's glassworks complex includes 8 listed buildings (Grade II), a Scheduled Monument (SM), which is stated to be mainly underground, and a Locally Listed Building. The proposed development is within the setting of all of these heritage assets.
20. Legislation requires decision makers to have special regard to the desirability of preserving a listed building or its setting (section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). In addition, special regard is also required to the desirability of preserving the character and appearance of the conservation area (section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). The setting of listed buildings and

conservation areas is defined in the Glossary to the NPPF as being the setting in which a heritage asset can be experienced. It goes on to say that the setting is not fixed and can make a positive or negative contribution to the significance of an asset, may affect the ability to experience that significance or may be neutral.

21. The significance of all of the listed buildings and the conservation area relates to their industrial heritage value, in retaining buildings and structures which reflect traditional industry and transport infrastructure in the local area and the wider Black Country. The Conservation Area generally follows the line of the two canals as they pass through the area and incorporates a number of listed buildings and the SM at Chance's glassworks. Its significance relates mainly to the history of canal building. In the area near the site it is crossed by the M5 motorway which reduces views within and across the area. However, the main building of the proposed development would be sufficiently tall and large enough to be seen above the canals as a large building of modern design. It would be a prominent building and would have an impact on the way in which the Conservation Area was experienced, particularly in the views from Spon Lane locks. However, its curved design would reduce its visual impact and it would represent the continuing use of the area for industrial purposes. Therefore, the harm to the setting of the Conservation Area would be less than substantial.
22. The canalside within the Conservation Area includes a number of Grade II listed structures. These are the footbridges, aqueduct and Spon Lane locks along the canals. The canals run at a lower level than the site and the main public views in which the new buildings on the site and the listed structures would be visible from Spon Lane bridge. This is some distance away from the site and mitigation is proposed in terms of landscaping to screen the proposed silos closest to the locks, which would be secured by a suitably-worded condition. Although the views along the canal would be changed by the new buildings on the site alongside it, the distance and the proposed design would lessen the impact so that there would be less than substantial harm to the setting of the listed structures alongside the canal.
23. In terms of the SM, this covers the site of Chance's Glassworks and includes underground structures and the bases of demolished features but excludes the listed buildings on the site. From the Heritage Statement it appears that the significance and designation of the site relate to the history of glassmaking on the site and the importance of the various processes undertaken there, including plate glass making and the production of lenses for lighthouses. The SM was recorded by Historic England as being in poor condition, but the site has become part of a Heritage Trust which aims to restore and regenerate the site. The SM lies to the south of the proposed development and is separated from it by the M5 viaduct which significantly screens some of the SM site from the proposed building. However, the new building would be large enough to be seen over the viaduct and across the canals. The new building and the SM would be experienced in views from the canalside area, especially from Spon Lane bridge, although this is only one of a number of views of the site within a largely industrial area. As already stated, the design of the building reduces the impact on surrounding areas and therefore the harm to the setting of the SM would be less than substantial.

24. There are 8 listed buildings on the Chance's glassworks site and one locally listed building. Their significance is related to the history of glassmaking on the site. These buildings lie to the south of the proposed development and are separated from it by the M5 viaduct which significantly screens some of the listed buildings from the proposal. However, the new building would be large enough to be seen over the viaduct and across the canals. The new building and the listed buildings would be experienced in views from the canalside area, especially from Spon Lane bridge, although this is only one of a number of views of the site in a generally industrialised area. The Chance Glassworks Heritage Trust says that most important building on the site is the seven-storey building. In some views from the south this building would no longer stand out against the skyline. However, I do not consider that this would reduce its significance. As already stated, the design of the proposed building reduces the impact on the surrounding, largely industrial, areas and therefore the harm to the setting of the listed buildings is less than substantial.
25. Paragraph 193 of the NPPF requires that great weight should be given to heritage assets' conservation. In all of the above cases I have said that there would be less than substantial harm to the heritage assets and paragraph 96 of NPPF states that where there is less than substantial harm it should be weighed against public benefits.
26. In terms of the balance, the proposal would generate 35MW of electricity which would be exported to the grid, contributing to energy security and would also be capable of exporting heat to local businesses or heating schemes, if the opportunity arose. As set out above, it would make a valuable contribution to providing much needed recovery facilities to deal with MSW and C+I waste in accordance with the BCCS. It would divert waste from landfill and move it up the waste hierarchy, which would also prevent the formation of methane and the adverse effect on the carbon balance.
27. The site would represent a significant capital investment in the local economy of about £150m and would create 41 new skilled jobs, as well as between 100-200 temporary jobs during construction, with significant new spending power in the local economy as well as indirect employment in other supporting industries and services. Business rates would also be paid but these are generally a rate for services provided. The appellant would also seek to raise educational standards locally through courses for science and engineering which would be needed to operate the plant. The proposal would be in accordance with the development plan for the reasons set above. The site would be suitable for the use proposed as an allocated employment site in the West Bromwich AAP and Corridor 12 in the BCCS.
28. As required, I have given great weight to the heritage assets' conservation but it is more than outweighed by the public benefits set out above. I have also taken into account the duty imposed on decision-makers by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, I consider that the adverse impacts of the proposal on the setting of the heritage assets discussed above would not be substantial and that the significance of the listed buildings and the character and appearance of the Conservation Area would be preserved. Therefore, I consider that the proposal would be in accordance with section 16 of the NPPF, Policies ENV2 and ENV4 of the BCCS and Policy HE2 of the SSAD.

Conditions

29. I have had regard to the tests set in paragraph 55 of the NPPF and the guidance in the Planning Practice Guidance, in terms of the suggested conditions. I have made some minor changes to the conditions in the interests of precision and clarity.
30. A condition would be required to ensure that development is commenced within the statutory time limit to comply with s91 of the Town and Country Planning Act 1990. A condition would also be required to specify the plans which relate to the development in the interests of certainty. A condition would be required to ensure that the risk from potential contamination is properly addressed in the interests of public health and safety. In accordance with the type of development proposed, section 3c) should relate to when the development becomes operational, rather than first occupied. A condition requiring compliance with the recommendations of the Flood Risk Assessment would be necessary to prevent flooding and ensure satisfactory drainage of the site, along with a further condition requiring details of surface and foul drainage to ensure proper drainage and prevent pollution, in accordance with Policy ENV5 of the BCCS.
31. A condition would be necessary to ensure that provision is made for on-site parking and manoeuvring space, as shown on approved plan Figure 3.4, so that there is no parking or delay on the highway outside the site, in the interests of the safety and convenience of its users. In order to safeguard the structural integrity of the M5 viaduct, conditions would be needed requiring the submission of details of the foundations and to show that a lateral clearance distance between the proposed main building and the viaduct would be observed. Similarly, a condition would be necessary to require details showing that the structural integrity of the adjacent canal would be safeguarded.
32. A condition to restrict the impact of noise from the site would be needed to protect the living conditions of surrounding residents. However, it needs to be amended to show the hours which relate to daytime and night-time as set out in the noise assessment for precision and the sensitive receptors to which they relate. Similarly, delivery hours need to be controlled to protect the living conditions of neighbouring residents. The suggested condition prevents deliveries on Sundays but it also needs to prevent deliveries on Bank/ Public Holidays to align with the presumptions in the noise assessment. A condition requiring a method statement of working on the site would be necessary to protect the living conditions of neighbouring residents, the local environment and public safety during the construction period. In order to protect the living conditions of neighbouring residents, it would be necessary to have a scheme for odour management.
33. A condition requiring the submission of materials for the external surfaces of the development would be necessary to ensure a satisfactory appearance of the building. A condition was suggested by the Council to ensure that the development incorporates renewable energy to offset the energy demand of the building. However, as the proposal is for a power-producing plant, a condition requiring 10% renewable energy in the scheme would not be necessary, since it would already comply with Policy ENV7 of the BCCS. In order to reduce emissions to air, a condition would be necessary requiring electric vehicle charging points, in accordance with Policy ENV8 and DEL1 of

the BCCS and the Black Country Air Quality Supplementary Planning Document. It would be necessary to have a condition controlling the external lighting scheme in order to protect public safety and the nature conservation interests. In order to protect the appearance of the area, including the canalside, a condition requiring a landscaping scheme would also be necessary.

34. In order to reduce the impact on the listed buildings at Spon Lane Locks, a condition would be required for a landscaping scheme to help screen the proposed silos in views from this area. Finally, conditions would be required to provide for a low emissions strategy for the proposal and mitigation measures to reduce the impact of road traffic emissions to ensure that they meet regulated levels, in the interests of public health.

Conclusions

35. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

E A Hill

INSPECTOR

ANNEX 1 - CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan FIGURE 3.1
 - Site Block Plan FIGURE 3.2
 - Aerial View Plans FIGURE 3.3
 - Proposed General Layout/ Elevation/Roof Plan FIGURE 3.4
 - Proposed General Layout/Elevation/Roof Plan FIGURE 3.5
 - Proposed General Layout Elevation/Roof Plan FIGURE 3.6
 - Planning Layout - Proposed FIGURE 3.7 (i)
 - Planning Layout - Proposed FIGURE 3.7 (ii)
 - Site Block Plan FIGURE 6.1
 - Aerial View Plans FIGURE 6.2
 - Aerial View Plans FIGURE 6.3
 - Aerial View Plans FIGURE 6.4
 - Aerial View Plans FIGURE 6.5
 - Aerial View Plans FIGURE 6.6
 - Landscaping Plan FIGURE 6.7
 - Landscaping Plan FIGURE 7.1
 - Planning Layout - Proposed FIGURE 8.1
 - Planning Layout - Proposed FIGURE 8.2
 - Planning Layout - Proposed FIGURE 8.3
 - Planning Layout - Proposed FIGURE 8.4
 - Planning Layout - Proposed FIGURE 8.5
 - Planning Layout - Proposed FIGURE 8.6
 - Planning Layout - Proposed FIGURE 8.7
 - Planning Layout - Proposed FIGURE 8.8
 - Planning Layout - Proposed FIGURE 8.9
 - Site Block Plan FIGURE 10.1
 - Aerial View Plans FIGURE 10.2A - 2B
3. a) Before the development is commenced, a desktop study shall be undertaken to assess the risk of the potential for on-site contamination. If the desktop study identifies potential contamination, a further detailed site investigation shall be carried out to establish the degree and nature of the contamination and its potential to pollute the

environment or cause harm to human health. Where necessary, details of remediation measures shall be provided. Details of the desktop study, site investigation and remediation measures shall be submitted in writing and approved in writing by the Local Planning Authority prior to the commencement of development. All works shall conform to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004) and be carried out by a competent person.

- b) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken, and where remediation is necessary a remediation scheme shall be prepared, which is subject to the approval in writing of the Local Planning Authority.
 - c) Where remediation works have been carried out in pursuance with the preceding conditions, a post remediation report shall be submitted to and approved in writing by the Local Planning Authority before the development is operational. The post remediation verification report should detail the remedial works undertaken and demonstrate their compliance. The report should be produced in accordance with CLR11 "Model Procedures for the Management of Land Contamination".
- 4. The recommendations contained within the Flood Risk Assessment submitted with the appeal application shall be implemented in full and shall thereafter be retained.
 - 5. a) The approved development shall not be brought into use until the space shown on the approved Figure 3.4 for the parking, loading, unloading and manoeuvring of vehicles has been provided.
b) The approved space for the parking, loading, unloading and manoeuvring of vehicles shall be retained as such.
 - 6. a) Before the development is commenced (excluding any demolition, site investigations or remedial measures) design details of the proposed foundations of the main building and its relationship to the M5 viaduct shall be submitted to and approved in writing by the Local Planning Authority.
b) The foundations shall be constructed in accordance with the approved design details.
 - 7. The development shall maintain a lateral clearance distance between the main building and the M5 viaduct in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the development is commenced (excluding any demolition, site investigations or remedial measures).
 - 8. a) Before the development is commenced (excluding any demolition, site investigations, remedial measures) details shall be submitted to and approved in writing by the Local Planning Authority to provide assurance that the structural integrity of the adjacent canal will be safeguarded.
b) The development shall be constructed in accordance with the approved details and thereafter retained as such.
 - 9. Noise from the site shall not exceed the background levels by more than 5dB(A) on any day between 07.00 and 23.00 and there shall be no increase over measured background noise levels at night between 23.00 and 07.00 the following day at residential properties off Kelvin Way and Blakeley Hall Road.
 - 10. Heavy goods vehicle (HGV) movements shall only take place between the hours of 07.00 and 19.00 on Mondays to Fridays, and 07.00 to 13.00 hours on Saturday. There shall be no HGV movements on Sundays and Bank/Public Holidays.
 - 11. a) Before the development is commenced (excluding the demolition of buildings and structures that are not to be retained and the carrying out of the site remediation

- works) a detailed method statement of working on the application site in connection with the approved development shall be submitted to and approved in writing by the Local Planning Authority. The method statement of working on the application site shall include details of hours of operation, noise mitigation, wheel cleaning and dust suppression measures to be implemented during the site preparation and construction phases and shall include details of parking for all site operatives and proposed access points for construction vehicles.
- b) The method of working statement scheme shall be implemented as approved in writing by the Local Planning Authority.
12. a) Before the development is commenced (excluding any site investigations, remedial measures or construction of foundations) details of an odour management scheme shall be submitted to and approved in writing by the Local Planning Authority.
- b) The odour management scheme shall be implemented in accordance with the approved details and shall thereafter be retained as such.
13. a) Before the development is commenced (excluding any site investigations, remedial measures or construction of foundations) details of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be constructed in accordance with the approved schedule of materials.
14. a) Before the development is brought into use details of the electric vehicle charging points, to be provided shall be submitted to and approved in writing by the Local Planning Authority.
- b) Prior to first occupation, the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.
15. a) Before the development is brought into use or occupied an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.
- b) The approved lighting scheme shall be implemented before the development is brought into use and thereafter retained as such.
16. a) Before the development is first occupied a detailed hard and soft landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority.
- b) The approved hard and soft landscaping and planting scheme shall be implemented within eight months of the development being occupied.
- c) Any tree, hedge or shrub planted as part of a soft landscaping scheme (or replacement tree/hedge) on the site, and which dies or is lost through any cause during a period of 3 years from the date of first planting shall be replaced by plants of a similar size and species in the next planting season.
17. a) Before development is commenced (excluding demolition, site investigation and remediation) a detailed method statement setting out job and apprenticeship opportunities which may arise during the construction of the development and/or when the development is brought into use, shall be submitted to and approved in writing by the Local Planning Authority.
- b) The approved method statement shall thereafter be implemented.

18. a) Before the development is commenced details of drainage works (including SUDs) for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.
- b) The approved drainage works shall be implemented before the development is brought into use and thereafter retained as such.
19. a) Before the development is brought into use details of screening of the silos along the boundary with the canal side at Spon Lane Locks shall be submitted to and approved in writing by the Local Planning Authority.
- b) The approved screening shall be implemented before the development is brought into use.
20. a) Before the development is brought into use a low emissions strategy shall be submitted to and approved in writing by the Local Planning Authority.
- b) The approved emissions strategy shall be implemented in accordance with the submitted details before the development is commenced and shall thereafter be retained as such.
21. a) Before the development is brought into use detailed mitigation measures designed to reduce the impact of road traffic emissions shall be submitted to and approved in writing by the Local Planning Authority.
- b) The approved mitigation measures shall be implemented upon occupation of the development and shall thereafter be retained as such.

ENDS