



Appeal Decision

Inquiry held on 4 October 2022

Site visit made on 5 October 2022

by Peter Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2022

Appeal Ref: APP/P0240/C/21/3283736

Land at Stanbridge Road, Great Billington, Leighton Buzzard LU7 9JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by JGE Recycling Limited against an enforcement notice issued by Central Bedfordshire Council.
 - The notice, numbered CB/MWE/18/0307, was issued on 24 August 2021.
 - The breach of planning control as alleged in the notice is Without planning permission, the material change of use of land from the dismantling, repair and sales of vehicles (sui generis) to a waste transfer, processing and recycling use (sui generis use) including the erection of a metal curved sided building for waste recovery purposes and four-metre-high concrete panel boundary screening along the Stanbridge Road frontage.
 - The requirements of the notice are:
 - (i) To cease the use of the Land as a waste transfer, processing and recycling use (sui generis)
 - (ii) To remove all the waste and recycled materials associated with a waste transfer, processing and recycling use (sui generis) from the Land.
 - (iii) To remove all the plant and machinery, including all the metal crushing equipment associated with a waste transfer, processing and recycling use (sui generis) from the Land.
 - (iv) To demolish and remove the metal curved sided building from the Land.
 - (v) To demolish and remove the concrete panel boundary screening and posts from the Stanbridge Road frontage part of the Land.
 - The periods for compliance with the requirement are:
 - 3 months for Requirement (i)
 - 6 months for requirements (ii)-(v)
 - The appeal was made on the grounds set out in section 174(2)(a), (b), (d) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the material change of use of land from the dismantling, repair and sales of vehicles (sui generis) to a waste transfer, processing and recycling use (sui generis use) including the erection of a metal curved sided building for waste recovery purposes and four-metre-high concrete panel boundary screening along the Stanbridge Road frontage at land at Stanbridge Road, Great Billington, Leighton Buzzard LU7 9JH, as shown on the plan

attached to the notice, and subject to the conditions in the schedule attached to this decision.

Preliminary Matters

2. On opening the inquiry, I was informed by the main parties that there had been considerable last-minute discussion regarding the case. The outcome of this was that:
 - i) The appellant withdrew grounds (b), (d) and (f) of its appeal; and
 - ii) The Council no longer opposed the granting of planning permission under ground (a).
3. In view of the above, while some differences between the parties remained, there were no disputes on factual matters and it was not necessary for me to hear formally-presented evidence. I heard from one interested party, who was supportive of the Council's revised position. At my request the Council provided me with a brief written statement outlining its revised position on the deemed planning application. I convened a round-table discussion to discuss this, to understand fully the position of both parties on the planning merits of the development and to consider the question of planning conditions. A list of planning conditions largely (but not entirely) agreed between the parties was provided after the close of the inquiry.

Main Issues

4. The site lies within the Green Belt. At the inquiry there was agreement that the development amounts to inappropriate development within the Green Belt, having regard to paragraphs 149 and 150 of the National Planning Policy Framework (the Framework). With that in mind, the main issues are:
 - The effect of the development on the openness of the Green Belt and its purposes;
 - Its effect on the character and appearance of the area;
 - Its effect on the living conditions of residents in the locality, with regard to any noise and disturbance arising from the use of the land; and
 - Whether any harm due to inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Background

5. At the inquiry I sought clarity from the parties regarding the lawful use of the site. A certificate of lawful use or development (LDC) issued in 2010¹ indicated an existing lawful use at that time for 'the storage, dismantling, repair and sale of vehicles and plant, the storage, repair and hire of skips, the use of a portakabin for office purposes and for the parking of a mobile vehicle for residential purposes ancillary to the lawful use of the site'. More recently, the enforcement notice refers to a change from 'the dismantling, repair and sales of vehicles'. The appellant no longer challenges the change of use alleged in

¹ CB/10/02691/LDCE

the notice. Accordingly, I have approached the appeal on the basis that 'the dismantling, repair and sales of vehicles' correctly describes the lawful use that was taking place on the site prior to the unauthorised use targeted by the notice.

Inappropriate development within the Green Belt

6. It is agreed between the parties that the development is inappropriate within the Green Belt. I agree with that view; the construction of the wall and curved-sided building, together with my findings on openness below, mean that the development cannot meet the exceptions to inappropriate development listed at paragraphs 149 and 150 of the Framework. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

7. I have been provided with a range of photographs showing the site at various points in time. Its appearance has changed. Whereas it was previously dominated by vehicles, it is now largely devoted to piles of scrap metal. In neither case, however, could the site be described as open in character.
8. The current use has brought with it the two built developments cited in the notice. The curved-sided building is made of metal. It introduces an entirely new structure and, as a consequence, harms openness. The building is, however, well-contained within the appeal site, with public views largely screened by the boundary treatment (even setting aside the unauthorised wall). It is seen in the context of the multiple structures and piles of scrap metal that currently exist within the site. Even so, there is a small degree of harm to the openness of the Green Belt.
9. The wall runs along the boundary to Stanbridge Road. It is a significant structure designed to enclose and screen the site. Consequently, it harms the openness of the site. That said, the site it encloses already contains significant structures and piles of scrap metal, and would have previously contained an array of scrap cars. With that in mind, the wall has caused only a very limited loss of openness.
10. Overall, the unauthorised development has brought about a small loss in the openness of the Green Belt. The Framework establishes that openness is an essential characteristic of Green Belts.

Purposes of the Green Belt

11. The Green Belt serves 5 purposes, as set out at Paragraph 138 of the Framework. I do not consider that the development compromises the purpose of safeguarding the countryside from encroachment, given that the development has not extended commercial operations beyond the pre-existing site boundaries. There is no suggestion that any of the other 4 purposes have been compromised. Accordingly, I conclude that the purposes of the Green Belt have not been compromised.

Character and appearance

12. The site is located within an established area developed for business use within a wider rural landscape. The site is currently well-contained by the commercial

sites to either side and substantial boundary treatment, including walls and vegetation.

13. The character and appearance of the site has changed as a result of the unauthorised development. The lawful use centred around vehicles and lacked the piles of scrap metal that now occupy the site. Nevertheless, I am not convinced that the unauthorised use is more harmful. Both uses have resulted in the intensive use of the site for scrap and recycling purposes. The additional building targeted by the notice is contained well within the site and has little effect on the wider locality. The wall, although a significant structure, is well-screened by planting and itself serves to screen activities within the site.
14. With these points in mind, I conclude that the development has not harmed the character or appearance of the area. Consequently, I find no conflict with the aims for design, landscape and the quality of development within Policy WSP3 of the *CBC Minerals and Waste Local Plan: Strategic Sites and Policies LDD* and Policies HQ1 and EE5 of the *Central Bedfordshire Local Plan*.

Living conditions and noise

15. The site is located within a mixed, semi-rural area. It has commercial uses to either side and farmland to the rear. On the opposite side of Stanbridge Road is a permanent gypsy and traveller site. There are a few dwellings scattered along Stanbridge Road and the Mead Open Farm visitor facility a short distance away. All of these would be potentially affected by any increased noise arising from the use.
16. I have been provided with noise assessments by both parties. Although there is some disagreement about the precise effects of the waste transfer use in terms of noise, the measurements of noise levels at the site were similar. The Council's concerns focus primarily on the character of the noise, and particularly the crashing sound caused by metal being dropped to the ground by grab handlers. I have no reason to doubt that this will be a significant and intrusive noise when experienced from nearby receptors. Local people have reported loud banging and scraping noise from the site.
17. However, the evidence before me does not show how the noise compares with noise from the lawful use of the site, which may also have been significant. Thus, I cannot be sure that the change of use has been harmful in terms of noise generation. Moreover, the Council now accepts that its concerns could be addressed with appropriate planning conditions. I accept that view. Accordingly, I conclude that, subject to control by appropriate planning conditions, the development will not cause undue harm to the living conditions of nearby residents due to noise or disturbance. I therefore find no conflict with Local Plan Policy CC8, which is concerned with noise, tranquillity and pollution, amongst other things.

Other considerations

18. I have been provided with a set of planning conditions discussed by the Council and appellant. There is substantial, although not total, agreement about the ground the conditions should cover. In addition to measures to control noise, as outlined above, the matters addressed by the conditions would also include:
 - The hours of operation

- The maintenance of a visibility splay and other road safety requirements
 - A limit to the number of vehicles visiting the site
 - A limit on the tonnage and type of waste going through the site
 - Control of the height of waste stockpiles on the site
 - Measures to control dust
 - A landscaping scheme
19. These conditions would directly address a range of the key concerns raised by the Council and interested parties in relation to the development.
20. Moreover, it must be borne in mind that the previous lawful use of the site is not subject to planning conditions. While the lawful use and current unauthorised use are different, they have many similarities, and will be similar in many of their impacts. Consequently, there is a genuine and substantial benefit in the use of the site being controlled by planning conditions.
21. In reaching that view I am mindful that many aspects of the use of the site are controlled by the permit issued by the Environment Agency². However, that does not apply to the whole site and leaves a large part of the site closest to the road and nearby residential receptors without such control. While a range of other environmental legislation will no doubt apply to the site, I consider that genuine benefits arise from the specific and detailed controls, backed up by an enforcement regime, that the planning conditions can secure. I attach substantial weight to those benefits. My view on this is reinforced by the importance the Council attaches to controlling activities on the site with planning conditions.
22. The appellant argues that there is a need for the development. However, that is disputed by the Council. From the evidence before me I am not persuaded that other facilities or sites within the Minerals and Waste Local Plan area would be incapable of handling the waste currently handled at the appeal site.
23. Nevertheless, the Council accepted at the inquiry that some benefits arise from the site continuing in its current use. I agree with that view. Policy WSP1 of the Minerals and Waste Local Plan seeks to ensure sufficient capacity for the recovery of waste within the Plan area is provided. The targets set within the policy are minimum levels, and the supporting text expresses a hope that they will be exceeded in practice. Thus, providing additional capacity would support a strategic objective of the Plan and provide additional flexibility and certainty that adequate capacity can be maintained.
24. Moreover, the evidence before me from both parties shows that the appeal site currently handles a significant proportion of certain categories of waste. It seems to me that there is an advantage for existing users of the services provided at the site to be able to continue to do so. Thus, overall, the retention of the appeal site as a waste transfer facility helps to deliver the strategic aim of moving away from landfill and facilitating recycling, as set out in local and national policy. I conclude that the waste facilities provided by the site are a significant benefit of the development.

² Permit No EPR/GB3302HP dated 22/10/2018

25. The Council alleges that use of the site as a transfer facility is in conflict with Policy WSP6 of the Minerals and Waste Local Plan. However, that policy permits proposals for waste transfer and materials recovery operations within 'an existing employment area of similar uses'. In my judgement the appeal site fits with that description and there is no conflict with the development plan arising from WSP6. At the inquiry the Council accepted that the policy was open to interpretation in that way.

Planning balance and conclusion

26. I have found that the development is inappropriate development within the Green Belt. Additionally, there is a small harmful effect on the openness of the Green Belt. I attach substantial weight to the harm to the Green Belt.
27. Set against that are substantial benefits arising from bringing the site into improved planning control by the imposition of planning conditions, taking into account the existing lawful use, which is not controlled in the same way. Additionally, the site provides a valuable waste transfer facility which assists in the important aim of facilitating the recycling of waste materials.
28. Looking at the case as a whole, I find that those matters that weigh in favour of the development clearly outweigh the harm that I have identified. Accordingly, very special circumstances exist and the development is compliant with the Green Belt policy set out in the Framework and Policy SP4 of the *Central Bedfordshire Local Plan*. Having considered all of the local policies drawn to my attention, I find that it complies with the development plan as a whole. I therefore conclude that the appeal should succeed on ground (a) and I shall grant planning permission for the development as described in the notice.

Conditions

29. In imposing the conditions set out at the attached schedule, I have considered carefully the submissions of both parties. Condition 1 controls the hours of operation of the site to protect the living conditions of nearby residents. Conditions 2-7 are necessary in the interests of road safety. Condition 8 controls the height of stockpiles in the interests of the appearance of the site and to assist in the control of noise. Conditions 9-12 are to ensure that noise from the site is controlled to protect the living conditions of nearby residents.
30. Conditions 13 and 14 are required to ensure that excessive dust is not emitted from the site. Conditions 15 and 16 are necessary in order to prevent pollution and condition 17 is to prevent light pollution. Conditions 18 and 19 are to ensure the satisfactory appearance of the site and Condition 20 is to allow the use of the site to be monitored in the interests of the proper planning of the locality.
31. I am not persuaded that a condition requiring CCTV to be provided within the site and allowing the Council access to CCTV footage is justified by any need to monitor the site, based on the information before me. Nor am I persuaded that a condition restricting waste materials at the site, based on the current environmental permit is justified, given that the permit controls the materials on much of the site and other planning conditions will control any environmental impacts arising from the permitted use. Any change in activities sufficient to bring about a material change in the use of the site would be subject to normal planning control.

32. I have considered whether conditions concerning the management of surface water drainage are necessary, having regard to the aims for sustainable drainage within Local Plan policy CC5. Although the site lies within Flood Zone 1, Environment Agency mapping shows that it lies within an established natural overland flow path. However, having considered the views of both sides it is not evident that the specific matters targeted by the notice have caused any need for changes to drainage provision. The Framework establishes that planning conditions should only be imposed where they are necessary and relevant to the development to be permitted.
33. Moreover, while full details of the current drainage system have not been provided, the appellant advises that it is a sealed system, in which all surface water from the site is collected in sub-surface tanks and tankered off the site for disposal. Indeed, a sealed drainage system is a requirement of the permit which covers much of the site. I have no evidence to indicate that the drainage system at the site is inadequate. With these points in mind, I am not persuaded that conditions requiring the submission, approval and implementation of a surface water drainage scheme and maintenance regime are necessary or justified.
34. A number of conditions require the submission of schemes to be approved by the Council, and broadly follow the form of wording suggested by the Council. These include a requirement to cease the use of the site if certain actions are not carried out. The appellant regards this as too onerous, arguing that the Council could address any failure to submit any scheme by issuing a Breach of Condition Notice. However, the conditions have to address the possibility that a scheme could be submitted but found to be unsatisfactory. There has to be some meaningful sanction in place to ensure that the appellant is motivated to put a purposeful scheme in place and provide some way of ensuring that the use does not give rise to harm while matters are being resolved. The appellant has the safeguard of appealing any decision the Council might make relating to a submitted scheme, and the conditions I have imposed allow for that in terms of the timescales specified. Accordingly, I do not regard them as excessively onerous.

Peter Willows

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gary A Grant - Barrister of Kings Chambers, instructed by Kathryn Lucas Managing Director of the Environment Practice.

He called³:

- Thomas Benson: BSc AMIOA, EMIEnvSc senior environmental consultant, member of the Institute of Environmental Science and Associate Member of the Institute of Acoustics.
- Martin Popplewell: Chartered Member of the Landscape Institute.
- Richard Sims: BSc Hons Environmental Earth Science and MSc (Distinction) in Environmental Monitoring and Analysis and Director of Oaktree Environmental Ltd.
- John Groves MRTPI planning consultant.

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Morgan, Counsel – instructed by Paul Weeks, Principal Lawyer, Pathfinder Legal Services Ltd

He called:

- James Gould BSc (Hons) – Principal Planning Enforcement Officer, Capita
- Ralph Haynes BSc(Hons) (Environmental Health) MSc (Environmental Pollution Sciences) Dip(Acoustics) Member of the CIEH– Noise Consultant, CBC
- David Peachey BSc(Hons) (Environmental Planning) MSc (Town and Country Planning) MRTPI - Principal Planning Officer, CBC
- Natalie Chillcott BSc (Hons) MA (Spatial Planning) MRTPI – Senior Planning officer, CBC

INTERESTED PARTIES:

- Mark Versallion – Councillor (Heath and Reach ward)

DOCUMENTS SUBMITTED DURING OR AFTER THE INQUIRY

- 1 List of machinery at the site
- 2 Statement on behalf of the LPA regarding the acceptability of the deemed planning application for planning permission under appeal ground (a)
- 3 Post inquiry schedule of conditions (v1)

³ No formal evidence was presented but those listed were available for the round table discussion

PLANNING CONDITIONS

1. No operations or activities authorised or required by this permission shall take place except during the hours specified below:

Processing of waste materials or recovered materials	0730 hours to 1800 hours on Mondays to Fridays
Mechanical sorting / manoeuvring of waste materials or recovered materials	0730 hours to 1300 hours on Saturdays
Loading and unloading waste materials or recovered materials onto / from Heavy Goods Vehicles	
All other permitted operations and activities	0700 hours to 1800 hours on Mondays to Fridays 0700 to 1300 hours on Saturdays

2. Throughout the life of the development, a visibility splay free from obstructions shall be maintained at the junction of the site access with the public highway. The maintained splay lines shall not be less than 2.4 metres measured along the centre line of the site access road from its junction with the channel of the public highway and 215 metres measured from the centre line of the site access road along the line of the channel of the public highway.
3. Throughout the life of the development, sufficient space shall be retained within the curtilage of the site at all times to enable vehicles to draw off, park and turn outside the highway limits.
4. The total number of Heavy Goods Vehicle (HGV) movements into / out of the site shall be limited to a maximum of 150 per working day. (For the purposes of this and all subsequent conditions, HGV is defined as a vehicle with a gross weight of over 7.5 tonnes and a single HGV entering and leaving the site shall be counted as two HGV movements, irrespective of whether that vehicle is loaded or empty).
5. A daily record of the number of HGV movements shall be maintained at all times and shall be made available for inspection by the local planning authority within 7 calendar days of any written request.
6. No HGVs shall turn left on exiting the site onto Stanbridge Road.
7. Within 2 months of the date of this decision, signage shall be installed in a prominent position on the site instructing all HGV drivers to comply with the left turn ban.

8. No storage or stockpiling of waste materials or other materials shall take place at a height exceeding 4 metres as measured from ground level. And within 3 months of the date of this permission, painted marker posts shall have been installed on the site that clearly display this 4-metre height restriction and in positions that are visible at all times by site operatives.
9. Other than during the 6 month period commencing with the date of this decision, no plant, equipment and HGVs shall utilise reversing alarms on the site unless equipped with broadband frequency (White Noise) technology and no tonal reversing alarms shall be employed by plant, equipment or HGVs on the site.
10. The rating level (LAeq, 1hr) of noise emitted from the processing, sorting, manoeuvring, loading and unloading of waste materials or recovered materials, including the use of mobile and static plant and machinery, shall be no greater than background level (L90) as measured from any point 1 metre outside the window of any habitable room of any affected residential property. The rating level (LAeq, 1hr) shall include a correction factor for distinguishable, discrete continuous noise (whine, hiss, screech hum,) and / or distinct impulse (bangs, clicks, clatters, thumps).
11. The use of the land hereby permitted shall cease within 3 months of the date of any failure to meet any one of the requirements set out at sub-paragraphs (i) to (iv) below:
 - (i) Within 4 months of the date of this decision, a Noise Management Plan (NMP) shall have been submitted for the written approval of the local planning authority. The NMP shall include a timetable for its implementation, management and operational procedures to control noise, noise monitoring and reporting procedures to demonstrate compliance with the noise limit specified in condition 10 of this permission, presentation of noise monitoring results, and procedures to be adopted in the event of the noise limit specified in condition 10 of this permission being exceeded.
 - (ii) If within 7 months of the date of this decision the local planning authority refuse to approve the NMP or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) On determination of an appeal made in pursuance of (ii) above, the submitted NMP shall have been approved by the Secretary of State.
 - (iv) The approved NMP shall have been implemented in accordance with the approved timetable.

The site shall thereafter be operated in accordance with the approved NMP.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

12. The use of the land hereby permitted shall cease within 3 months of the date of any failure to meet any one of the requirements set out at sub-paragraphs (i) to (iv) below:
- (i) Within 4 months of the date of this decision, a scheme with details of a noise-absorbent material to be applied internally to the top two thirds of the concrete panel boundary wall alongside Stanbridge Road and the side concrete panel wall on the north east side of the site shall have been submitted for the written approval of the local planning authority.
 - (ii) If within 7 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) On determination of an appeal made in pursuance of (ii) above, the submitted scheme shall have been approved by the Secretary of State.
 - (iv) The approved scheme shall have been implemented in accordance with the approved timetable.

The noise absorbent material shall thereafter be retained and maintained in accordance with the approved details.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

13. No laden Heavy Goods Vehicle shall enter or depart the site unless it is sheeted or otherwise enclosed.
14. The use of the land hereby permitted shall cease within 3 months of the date of any failure to meet any one of the requirements set out at sub-paragraphs (i) to (iv) below:
- (i) Within 4 months of the date of this decision, a Dust Management Plan (DMP) shall have been submitted for the written approval of the local planning authority. The DMP shall include a timetable for its implementation, the measures and procedures for the effective suppression and control of dust and the prevention of the deposit of mud and debris on the public highway.

- (ii) If within 7 months of the date of this decision the local planning authority refuse to approve the DMP or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) On determination of an appeal made in pursuance of (ii) above, the submitted DMP shall have been approved by the Secretary of State.
- (iv) The approved DMP shall have been implemented in accordance with the approved timetable.

The site shall thereafter be operated in accordance with the approved DMP.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

15. There shall be no burning of waste materials or other materials on the site.

16. Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage.

17. The use of the land hereby permitted shall cease within 3 months of the date of any failure to meet any one of the requirements set out at sub-paragraphs (i) to (iv) below:

- (i) Within 4 months of the date of this decision, a scheme with details of existing and any additional external lighting shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- (ii) If within 7 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) On determination of an appeal made in pursuance of (ii) above, the scheme shall have been approved by the Secretary of State.
- (iv) The approved scheme shall have been implemented in accordance with the approved timetable.

External lighting at the site shall thereafter accord with the approved scheme.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

18. Within 3 months of the date of this decision, the external face of the concrete panel boundary wall bordering Stanbridge Road and the external face of the side concrete panel wall on the north east side of the site shall have been painted in a dark green colour to BS 4800 12 B 29. Thereafter, those walls shall be maintained in that colour finish, by re-painting where necessary, for the life of the development.
19. The use of the land hereby permitted shall cease within 3 months of the date of any failure to meet any one of the requirements set out at sub-paragraphs (i) to (iv) below:
- (i) Within 4 months of the date of this decision, a landscaping scheme with details of existing on-site planting to be protected and retained, the provision of supplementary hedge planting on the front and rear site boundaries and a programme for maintenance of all planting throughout the life of the development shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - (ii) If within 7 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) On determination of an appeal made in pursuance of (ii) above, the scheme shall have been approved by the Secretary of State.
 - (iv) The approved scheme shall have been implemented in accordance with the approved timetable.

The landscaping shall thereafter be maintained in accordance with the approved scheme.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

20. Details of the tonnage and types of waste imported to the site and the tonnage and types of materials exported from the site shall be submitted to the local planning authority by 31 March each year covering the preceding year (1 January to 31 December).

End