



Appeal Decision

Site visit made on 17 May 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/P0430/W/22/3300155

Lockharts Farm Waste Recycling Facility, Wing Road, Cublington LU7 0LB

- 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 Ms Poppy Ginnelly, Bulk Transfer Limited against the decision of Buckinghamshire Council.
 - The application Ref CM/0066/20, dated 3 December 2020, was refused by notice dated 12 April 2022.
 - The application sought planning permission for: 'Waste and recycling transfer station and port-a-cabin office' without complying with conditions attached to planning permission Ref 08/20007/AWD, dated 11 February 2009.
The conditions in dispute are 1, 2 and 3, which state that:
 - (1) – The development hereby permitted shall not be carried out other than in accordance with the following drawings:
Drawing 1 - Site location plan (1:1250)
Drawing no LFm/SP.500/2 - Site layout plan (1:500)
Drawing no LFm/Port.cb/1 - Port-a-cabin plan and elevations (1:100)
 - (2) - No vehicle shall enter or leave the site and no operations authorised by this consent shall be carried out other than between the following hours: 8:00am to 5:00pm Mondays to Fridays 8:00am to 1:00pm Saturdays No operations shall be carried out on Sundays or Public and Bank Holidays.
 - (3) - The number of lorry movements (vehicles over 3.5 tonnes unladen weight) in connection with the development hereby permitted shall not exceed 24 in any one working day (12 in and 12 out).
 - The reasons given for the conditions are:
 - (1) – To define the development which has been permitted and so to control the operations (Buckinghamshire Minerals and Waste Local Plan Policy 28).
 - (2) – In the interests of the local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).
 - (3) – To protect the amenities of the locality and to reduce the amount of disturbance caused to local residents (Buckinghamshire Minerals and Waste Local Plan Policy 28).
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Decision

1. The appeal is allowed and planning permission is granted for waste and recycling transfer station and port-a-cabin office at Lockharts Farm Waste Recycling Facility, Wing Road, Cublington LU7 0LB, in accordance with the terms of the application Ref CM/0066/20, dated 3 December 2020, subject to the schedule of conditions attached to this Decision.

Applications for costs

2. An application for costs was made by Ms Poppy Ginnelly, Bulk Transfer Limited against Buckinghamshire Council. This application is the subject of a separate Decision.

Background and Main Issue

3. The appeal site incorporates a hard surfaced yard area and a former agricultural barn in the southwestern corner of the site. Other structures include two single storey site and welfare cabins, together with some fuel tanks along the southern boundary, and concrete bays and walls up to 3m in height along the northern boundary. The entrance to the yard is secured by a gate. With the exception of the access, the site is largely screened by mature landscaping with earth mounding along the western, northern and eastern boundaries.
4. Whilst the main and third parties have made arguments relating to the 'principle' of the proposal, the appeal site benefits from an extant planning permission¹ ('the original permission') as a waste and recycling transfer station. In the past, the operations associated with this have comprised the receiving of skips containing construction and demolition waste, municipal solid waste and agricultural waste. The waste would then be sorted before being bulked up and distributed to specialised facilities to handle the waste. The original permission does not restrict the types of waste that could be imported and sorted at the site and the size of vehicles using the site. Nevertheless, the limit on lorry movements establishes a degree of restriction upon the maximum throughput for the site.
5. The appellant is seeking to reorganise operations at the site to enable the processing and recycling of construction demolition and excavation waste, with a by-product of this being aggregate materials. Alongside this the proposal seeks to extend the operating hours of the waste and recycling transfer station and increase vehicle movements associated with it. Although this no doubt would allow an increase in throughput, the appeal site would still operate as a waste and recycling transfer station. Therefore, I am satisfied that 'in principle' the proposal is consistent with the description of the original permission.
6. Moreover, the application before me was made and determined under S73 of the above Act. S73(2) of the Act requires only consideration of the question of what conditions a grant of planning permission should be subject to. I have also proceeded with the appeal on this basis.
7. The Council's reason for refusal alleges that the proposal would result in an intensification in use and operation of the site and solely relates to the effect of this on the living conditions of neighbours and the amenity of the area.
8. Against the above background, the main issue is whether the variation of conditions 1, 2 and 3 would be acceptable, with regard to the living conditions of neighbours and the amenity of the area.

¹ Ref 08/20007/AWD, dated 11 February 2009.

Reasons

9. Condition 1 of the original permission refers to the approved layout as shown on Drawing no. LFm/SP.500/2 - Site layout plan (1:500). This shows that the majority of the waste management activities would take place along the northern boundary of the site, with three separate areas for stockpiling, sorting, and processing of materials, interspersed between storage locations of containers for material to be transported to landfill and for mini skip storage. Within the southern part of the site there is a building for plastic recycling together with office/welfare buildings and parking areas.
10. By varying condition 1, the appellant is seeking to introduce a new site layout. The proposed site layout plan (Drawing number 283BTLC/5), also incorporates waste stockpiling and processing operations within the northern part of the site, reserving the southern part for the office and welfare cabins, parking and other infrastructure required for operation of the facility. Most notably, the proposed layout includes the following machinery to be used at the site: Crusher, mechanical screener, loading shovel and an excavator.
11. Based on the appellant's submissions and the original permission, I am satisfied that the proposed excavator is similar to a digger which has been utilised at the site. Also, that this and a loading shovel would have been necessary for the moving and sorting of waste materials, loading lorries and for maintenance at the site in association with the original permission. The Council's evidence also confirms that a wood shredder has been used at the site.
12. However, the proposed crusher and mechanical screen which are intended for the processing and recycling of the waste have not been permitted for use on the site. Moreover, condition 4 of the original permission only permits the use of certain equipment at the site and the reason for this states that there is an exceptional need here to secure control over additional plant and machinery in the interests of local amenity. As such, there is a clear requirement that any additional plant and machinery does not harm the amenity of the area.
13. The proposed variation of Condition 2 would result in the waste transfer facility starting operations 1 hour early at 7am instead of 8am on Mondays to Fridays. The proposed start time is intended to align with construction sites, so that the business can supply recycled aggregate to builders and/or the removal of construction and demolition waste materials from construction sites in a timely manner and work around peak morning congestion periods on the highway network. Accordingly, along with site operations, vehicles would be able to enter and leave the site and to be loaded and unloaded between 7am to 8am on weekdays.
14. Also, the appellant is seeking to vary condition 3 of the original permission, to increase Heavy Goods Vehicle (HGV) movements associated with the site. Based on a proposed throughput of about 65,000 tonnes and a 275 working day year, the submitted Transport Statement ('TS') shows that this would average to about 48 daily HGV movements (24 arrivals and 24 departures). To allow for daily variations the appellant is seeking to increase the existing limit of 24 HGV movements per day (12 arrivals and 12 departures) to a maximum of 60 HGV movements per day (i.e., 30 arrivals and 30 departures) on Mondays to Fridays and a maximum of 30 HGV movements (15 arrivals and 15 departures) on Saturdays.

15. As already stated, as a consequence of the proposal, there would be an increase in the throughput of waste and recycled aggregates at the approved waste and recycling transfer station. Therefore, the proposal would result in the intensification in use and operations at the site. There would also be an increase in activity and noise arising from this.
16. However, as part of the proposed layout, the appellant intends to implement noise mitigation, which has been approved under planning permission CM/0018/21. This comprises the erection of concrete walling at heights of 3m and 6m. The 6m high walling would be located to the northeast of the site, to largely enclose the proposed processing area and machinery. The 3m high walling would be erected along the rest of the northern boundary with litter fencing atop, giving this an overall height of about 5m above ground level. The walling is also intended to help demarcate the limits of the site and prevent overspilling.
17. The supporting Noise Impact Assessment ('NIA')² undertaken by Environmental Noise Solutions Limited, measures the baseline noise levels at the site and its surrounding environs. Then establishes the noise levels associated with the development proposal, assesses the potential impact of this with reference to relevant guidelines and provides recommendations, as necessary, to protect the amenity of the nearest dwellings with regard to noise.
18. Based on my assessment of the NIA and the Environmental Health - Planning Consultation response, dated 10 February 2022, I am satisfied that the overall methodology and guidance applied in the NIA is acceptable.
19. With the noise mitigation in place, the noise level generated when the processing equipment is operational would mostly be below existing background noise levels of about 42 dB LA90 (15 min).
20. In particular, the nearest noise sensitive receptors to the site are the dwelling at Cedar Farm, about 45m to the north of the site boundary (NSR1) and residential accommodation at South Tinkers Hole Farm, circa 200m to the east of the site boundary (NSR2).
21. The noise levels associated with the crusher / mechanical screener have been modelled with the aforementioned noise mitigation in place. The modelling indicates that, with the provision of this, noise levels associated with the crusher / mechanical screener are reduced to 46 dB LAeq (5 min) at NSR1 and 37 dB LAeq (5 min) at NSR2.
22. The Amicus Trust Buildings, also identified in the Council's reason for refusal, are over 300m to the northeast of the appeal site and the predicted noise levels from the use of the crusher / mechanical screen would be below background levels in the area.
23. Furthermore, with the provision of the proposed mitigation, it is not considered that the nature of the noise associated with the use of the crusher / mechanical screener would be noticeably different from the extant waste transfer facility. However, as a precaution, a +3 dB penalty is applied in accordance with British Standard BS 4142:2014+A1-2019 'Methods for Rating and Assessing Industrial and Commercial Sound' ('BS 4142'), for features which are 'readily distinctive against the residual acoustic environment'.

² NIA/9791/21/9915/v5/Lockhart's Farm

24. In accordance with BS 4142, the crusher / mechanical screener is therefore assessed as less than an adverse impact at NSR1, subject to context, and a low impact at NSR2.
25. In relation to context, as already stated, the site has planning consent as a waste and recycling transfer station, and therefore (with the recommended mitigation measures in place) noise from the crusher/screener would not significantly change the acoustic character of the area. Also, the context includes existing commercial units in proximity of the nearest noise sensitive receptor to the site.
26. I am also mindful that the advice contained in 'Guidance on the Planning for Mineral Extraction in Plan Making and the Application Process,' says that operational noise levels should not exceed the existing background noise level by more than 10 dB(A) during the daytime (0700 to 1900 hours).
27. The representative background level in the vicinity of the nearest receptor was measured at 40 dB LA90, T, which equates to a maximum permissible daytime level of 50 dB LAeq (1 hour) at the nearest receptor.
28. With the provision of the proposed mitigation, the sound level associated with the crusher/ mechanical screener has been predicted/calculated at 43 dB LAeq (1 hour) at the nearest receptor, which complies with the above guidance.
29. Therefore, whilst noise associated with use of the crusher / mechanical screener is slightly above the target criteria set by the Council's Environmental Health Officer, it does not represent an adverse effect when assessed against BS 4142 or 'Guidance on the Planning for Mineral Extraction in Plan Making and the Application Process'.
30. The NIA further concludes that the nature of the noise would not be noticeably different from the existing permitted waste activities and that the proposed additional morning hour represents a No Observed Adverse Effect. This is the level below which no effect can be detected.
31. With regard to the increase in HGV activity, based on the NIA, this would result in only a small increase in noise level but this would still be below the typical ambient noise level and would not result in any loss of amenity to the nearest receptor sites (Cedar Farm House and South Tinkers Hole Farm).
32. Given the generous separation of the Amicus Trust Buildings (over 300m) to the nearest point that HGVs would travel to at the site, the noise effects of HGVs on this property would be negligible.
33. On the information before me, whilst in operation the crusher will dominate the noise sources on site and the additional noise created by the movement of lorries and tipping operations will not add significantly to the overall sound levels given their relatively short duration. Although these sources would become more apparent when the crusher is not operating, as these operations are of a short duration these would not add significantly to the hourly sound level assumed in the NIA.
34. Furthermore, a noise limit for all site operations when measured at a location on the public right of way to the north of the site has been agreed between the main parties. This, together with conditions requiring all plant and machinery with silencers to be operated accordingly and the control of beepers or other

audible warning alarms on any plant or vehicles controlled by the operator at the site, would provide further safeguards in respect of the living conditions of neighbours and the amenity of the area in respect of noise.

35. I have taken account of the concerns about the effects on the amenity of the area, arising from the proposed increase in HGV movements. These include considerations such as, the vibration to properties in close proximity to the highway network, debris falling from vehicles, air pollution and damage to roads. The level of maximum vehicle movements over and above the extant use of the site would be about 36 a day. This equates to about 3 additional vehicles movements per hour.
36. Whilst the appellant operates a routeing system, which includes signage requiring all HGVs only to turn left when leaving the site, to direct vehicles towards the A418. This is voluntary and its effectiveness is reliant on the cooperation of the operator and employees of the business. Nonetheless, I accept that adherence to this would assist in minimising the impacts on the surrounding area, in particular local roads.
37. Furthermore, based on my observations and the evidence before me, agricultural vehicles, buses and other large commercial vehicles including HGVs already use the local highway network. Against this background, the net increase in HGV movements, relative to the restrictions on the original permission, would be limited and unlikely to be significant enough to result in in any appreciable unacceptable adverse impact on amenity.
38. The appellant has also agreed to conditions to secure further mitigation of potential impacts from HGV traffic. These include the maintenance of the access road to the site, the recording of all vehicular activity associated with the site, which would assist with enforcing the limit on HGV movements and a requirement for all loaded lorries to be sheeted when leaving the site to limit any debris falling on the highway.
39. Concerns raised by third parties about the physical quality of the local highway network including road surfaces, are matters for the Highway Authority.
40. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. It has been claimed that the dust and air pollution arising from the proposal may be harmful to the health of neighbours, in particular children. The proposal includes a Dust Emissions Management Plan, which would mitigate any potential impacts on the living conditions of neighbours to acceptable levels and could be secured by a planning condition. In light of this, and on the evidence before me, I am satisfied that the proposal would not unacceptably harm the health of nearby residents, including children.
41. Based on the submitted Site Lighting Details Ref: 283BTLC/9, the existing and proposed level of external lighting based on its location, usage hours and direction, would not have any unacceptable impact on the area and any further external lighting could be controlled by a condition.
42. Although it has been alleged that along with another waste transfer facility in the area, the proposal would have a cumulative adverse impact on the amenity of the area, there is limited evidence to substantiate this.

43. For the above reasons, the proposal, which would result in a new permission with variations to conditions 1, 2 and 3 of the original permission, and subject to other conditions, would not have an unacceptable impact on the living conditions of neighbours and the amenity of the area.
44. Accordingly, I find no conflict with Policy 16 of the of the Buckinghamshire Minerals and Waste Local Plan 2016 – 2036 ('MWLP'). Amongst other things, this Policy requires that all proposals for minerals and waste development must secure a good standard of amenity and not give rise to unacceptable adverse impacts on amongst others, air emissions (including dust), human health and wellbeing and amenity to communities, noise, vibration, light, visual impacts and/or intrusion, migration of contamination from the site, potential land use conflict, and cumulative impacts.
45. I also find no conflict with similar aims of Policy BE3 of the Vale of Aylesbury Local Plan 2013 – 2033 (Adopted September 2021) ('LP') which states that permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of existing residents and would not achieve a satisfactory level of amenity for future residents. Where planning permission is granted, the council will use conditions or planning obligations to ensure that any potential adverse impacts on neighbours are eliminated or appropriately controlled.
46. Also, the proposal accords with Policy T5 of the LP, which says that new development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development. Such impacts could include those associated with amenity.

Other Matters

47. In addition to the above matters, a significant number of third parties, including members of the local community, councillors and a local Member of Parliament have raised concerns in relation to the proposal. These include understandable safety concerns regarding extra HGV traffic through Wing and other nearby villages.
48. Based on the TS, the proposed daily uplift in HGV movements can be adequately accommodated by both the existing access arrangement and the surrounding highway network. The TS also confirms that there would be no residual cumulative impacts in terms of highways safety or the operational capacity of the surrounding highway and transport networks. I have not been provided with any substantive technical evidence to suggest otherwise. Accordingly, I do not consider that the proposal would result in any unacceptable adverse impact with respect to traffic generation or highway safety.
49. Other matters, including the effects of the proposal on the health of residents with regard to odours. Along with the effects on wildlife, landscape and the historic environment were addressed in the Council's various reports to the North Buckinghamshire Area Committee. I have also considered these and based on the scope of this appeal and the main issue; I have no reason to disagree with the Council's findings.
50. Matters relating to previous breaches of planning control and the future enforcement of planning conditions relating to the appeal site are for the

Council and do not alter my findings on the main issue. The alleged effects of the proposal on property values do not alter the planning merits of this case.

51. I have taken account of the representations including a letter from a vet in respect of pigs that are housed in a unit at South Tinkers Hole Farm. Based on the submitted dust management scheme, I have no substantive evidence to conclude that the proposal in respect of dust would be harmful to pigs. On the information before me, the measured internal reverberant noise levels within pig units is circa 67 dB LAeq (30 mins), the predicted crusher noise level at the nearest farm building to the proposed crusher is 55 dB LAeq (5 min) externally. Therefore, irrespective of any allowance in reduction for the cladding to the unit occupied by the pigs, the proposed noise levels are appreciably below the likely existing noise levels within a unit used to accommodate pigs. Accordingly, I am not persuaded that dust and noise associated with the proposal would unacceptably harm the health and welfare of pigs, to warrant refusal of the proposal.
52. The application which is before me was subject to Screening by the Council, under the Town and Country Planning (Environmental Impact Assessment Regulations) 2017, and has been determined, by a Screening Opinion, not to require the submission of an Environmental Statement. I have also considered this and have no reason to refute the Council's determination.
53. A third party contends that the additional lorry movements passing their property would breach their rights under Article 1, Protocol 1, under the Human Rights Act 1988. Article 1 of the First Protocol is primarily concerned with every natural or legal person being entitled to the peaceful enjoyment of their possessions. I recognise that proposal would result in additional HGV movements. However, I have found that this aspect of the proposal would not unacceptably harm the living conditions or the amenity of the area. Therefore, in terms of Human Rights, I find that the proposal would be acceptable when balanced against the need to uphold the operation of the planning system, which includes the requirement for development to accord with the planning policies of the Council's statutory Development Plan; that being made and applied in the wider public interest.

Conditions

54. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 of the Act should also repeat the relevant conditions from the original permission unless they have already been discharged. Two such conditions which would have required discharging are conditions 5 and 7. The former relates to a surface water drainage scheme and the latter to a landscaping scheme. There is insufficient information before me to conclude if these conditions have been formally discharged.
55. Irrespective, conditions 5 and 7, specifically relate to Drawing no. LfM/SP.500/2 - Site layout plan (1:500). As already stated, this previously approved layout is being changed as part of the proposal. The proposed site layout incorporates a revised landscaping scheme and surface water drainage. As such, I have specified condition 6b, which requires that the approved drainage is installed before any processing involving the crusher or mechanical screen is undertaken. I have also specified condition 7, which requires a schedule of maintenance for the surface water drainage and its

- implementation. This and condition 6b are necessary to ensure the satisfactory functioning of the site and to safeguard against contamination.
56. Condition 8 of my Decision requires the implementation and maintenance of landscaping scheme and is necessary in the interests of enhancing biodiversity and the amenity of the area.
57. I have restated those undisputed conditions that are still subsisting and capable of taking effect for the original reasons specified (conditions 5, 13, 19 and 21 of my Decision). However, condition 10 of the original permission relates to the provision of screens and enclosures to mitigate noise. In light of the approved noise mitigation this is not necessary.
58. Section 73 of the Act also allows me to impose additional conditions. In doing so, I have had regard to those suggested by the main parties.
59. Because my Decision will result in a new planning permission and the development subject of the proposal was not being undertaken at the time of my visit, I have specified the standard implementation timescale condition (condition 1). I have also imposed a condition specifying the relevant plans and drawings (condition 2). This provides certainty and is also necessary to safeguard the living conditions of neighbours and the amenity of the area. Condition 3 of my Decision reflects the proposed hours of operation and condition 4 reflects the proposed limit on HGV movements. Conditions 3 and 4 are also necessary to safeguard the living conditions of neighbours and the amenity of the area.
60. Also, in the interests of the living conditions of neighbours and the amenity of the area, the following additional conditions are necessary. Condition 6a, which requires that the proposed noise mitigation is completed before any processing involving the use of the crusher or mechanical screen is undertaken at the site. A requirement to record the number of daily vehicle movements (condition 11), a requirement to ensure that loaded vehicles are securely sheeted (condition 12). The control of beepers or other audible warning alarms on any plant or vehicles controlled by the operator at the site (condition 14). A maximum height limit for stockpiled materials (condition 15). The maintenance of the site access road (condition 17). The requirement for the operation of the site in accordance with the approved Dust Emissions Management Plan (condition 18). A requirement that sound levels do not exceed a specified level when measured from a specific location (condition 20). The retention and maintenance of signage advising drivers to turn left out of the site onto the Wing Road (condition 22).
61. To safeguard against contamination, I have specified a condition requiring any fuel storage tanks to incorporate bunds (condition 16). Condition 9, requiring the provision of bat and bird boxes, is necessary in the interests of enhancing biodiversity.
62. Condition 10 of my Decision is to ensure that vehicles are able to access and leave the site in a forward gear in the interests of the satisfactory functioning of the site and highway safety.
63. In the interests of limiting noise impact on the living conditions on neighbours, the appellant has confirmed that hydraulic breaker will not be used at the site. The plant and machinery permitted for use at the site is specified by condition

5 of my Decision. Therefore, a separate condition prohibiting the use of a hydraulic breaker is not necessary.

64. Although I am aware that planning conditions should not duplicate other legislation, I have insufficient information about the other relevant legislation to determine this for the suggested conditions.

65. Where necessary and in the interests of clarity and precision, I have altered some of the original, proposed and suggested conditions to better reflect the relevant guidance.

Conclusion

66. I have found that the proposal to vary conditions 1, 2 and 3 of the original permission would not harm the living conditions of neighbours and residents in the area. As such, I conclude that the appeal should succeed in respect of proposed conditions 2, 3 and 4 of my Decision and the other conditions therein.

M Aqbal

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following documents and drawings:

Drawing 1 – Site Location Plan (1:2500);
Proposed Site Plan, Drawing Ref: 283BTLC/5 Rev B;
Drawing Ref: LFm/Port.cb/1 - Port-a-cabin plan & elevations, dated 24 November 2008;
Site Lighting Details Ref: 283BTLC/9;
Noise Measurement -Drawing No.: 283BTLC/10;
Transport Statement ref.: J325347, including Drawing No. J32-5347-001 – Swept Path Analysis;
Ecological Impact Assessment Report ref.: W4379;
Noise Impact Assessment ref.: NIA/9791/9915/v5; and,
Dust Emissions Management Plan ref.: 283BTLC/7.

3. No operations authorised by this permission, including vehicles entering or leaving the site, shall take place except between the following times: 07:00 to 17:00 Mondays to Fridays and 08:00 to 13:00 Saturdays.

No vehicle shall enter or leave the site and no operations shall be carried out at the site on Sundays or Public and Bank Holidays.

4. The number of heavy goods vehicle movements (vehicles over 3.5 tonnes unladen weight) in connection with the development hereby permitted shall not exceed 60 (30 in and 30 out) per day on Mondays to Fridays. On Saturdays, the maximum total number of heavy good vehicle movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 30 (15 in and 15 out).
5. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing, or re-enacting that Order), no buildings other than those shown on drawing no.: 283BTLC/5 Rev B shall be erected at the site, and no plant or machinery, other than the following: Teleporter; Small farm tractor; Wood shredder; Excavator; Crusher; Mechanical screen and Loading shovel, shall be operated or installed at the site without the prior written approval of the local planning authority.
6. No processing involving the use of a crusher or mechanical screen shall be carried out until:
 - a) the concrete walling as shown on drawing no.: 283BTLC/5 Rev B and as approved under planning permission CM/0018/21 has been completed, and;
 - b) the heavy-duty channel drain as shown on drawing 283BTLC/5 Rev B has been installed.

7. Within 6 months from the date of this permission, a schedule of maintenance for the full drainage system (e.g., a maintenance schedule for each drainage component) including details of who is to be responsible for carrying out the maintenance shall be submitted to and approved in writing by the local planning authority. Thereafter, the development hereby permitted shall be undertaken in accordance with the approved schedule of maintenance.
8. The landscaping scheme shown on approved drawing Ref: 283BTLC/5 Rev B, shall be completed within 12 months of the date of this permission.

If within a period of 5 years from the date of the planting of any plant or tree pursuant to this condition, that plant, tree or any replacement, is removed, uprooted or destroyed or dies, it shall be replaced by another plant or tree of the same species and similar size at the same location in the next planting season (November to March).

9. Within 12 months of the date of this permission, 1 bird nesting box and 1 bat box shall be erected on site in accordance with the details set out in the Ecological Impact Assessment Report ref: W4379. Thereafter, the bird and bat boxes shall be retained for the life of the development.
10. To ensure that vehicles using the development site are able to access, turn and leave the site in a forward gear, the areas shown for access/egress and turning on Drawing No. J32-5347-001 – Swept Path Analysis (Appendix B of the Transport Statement) shall be retained for such purposes for the duration of the development hereby permitted.
11. A record of the number of daily vehicle movements (including the associated date, time and tonnage of waste being imported to and exported from the site) shall be maintained for the duration of the development hereby permitted and provided within seven days of a request from the local planning authority.
12. No loaded vehicles (over 3.5 tonnes unladen weight) shall exit the site without being securely sheeted.
13. Site working practices shall include an auditable schedule of regular (twice a week) litter clearance for the external areas of the site.
14. No reversing beepers or other audible warning of reversing vehicles, other than those which use white noise, shall be used on any plant or vehicles controlled by the operator at the site.
15. Stockpiles of processed or unprocessed material within the site shall not exceed 4 metres in height.
16. Any fuel storage tanks with a capacity of 201 litres or more shall be pre-bunded or have secondary containment capable of containing 110% of the tank's volume and all fill and draw pipes shall be within the bund or containment.

17. The road between the site and highway shall be maintained free of potholes while in use in association with the development hereby permitted.
18. The development hereby permitted shall be operated in accordance with the dust management measures detailed in the approved Dust Emissions Management Plan Ref: 283BTLC/7.
19. Plant and machinery at the site shall be maintained in accordance with the manufacturer's instructions and shall be shut down when not in use. Any plant and machinery fitted with silencers shall only be used with silencers in operation.
20. Sound levels shall not exceed a level of 52dB LAeq(15mins) when measured at the location set out on Drawing No: 283BTLC/10. Measurements shall be taken between the hours of 10am and 4pm, at a height of 1.5m, when the crusher is in operation and when there are no other significant sources of background sound present.
21. No external lighting, other than that detailed in the approved Site Lighting Details Ref: 283BTLC/9 shall be erected or otherwise provided at the development site without the prior written approval of the local planning authority.
22. Signage advising drivers to turn left out from the site access onto the Wing Road shall be retained and maintained in a legible condition at the site exit.