



Appeal Decision

Site visit made on 23 May 2024

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/F0935/W/24/3340021

New Balance Athletic Shoes (UK) Ltd, Flimby, Maryport, CA15 8RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by New Balance Athletic Shoes (UK) Ltd against the decision of Cumberland Council.
 - The application Ref is FUL/2023/0047.
 - The development proposed is described as "Erection of 1MW Wind Turbine (75m Tip Height)."
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Decision

1. The appeal is allowed and planning permission is granted for erection of 1MW wind turbine (75m Tip Height) at New Balance Athletic Shoes (UK) Ltd, Maryport, CA15 8RX in accordance with the terms of the application, Ref FUL/2023/0047, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal was accepted by the Inspectorate on the 27th March 2024. I noted during my assessment that details of the appeal, including the relevant reports accompanying the appeal had not been uploaded to the Council website for local residents to review. I therefore allowed an additional period of time for this to be undertaken and to allow local residents to make any responses they considered necessary.
3. The appeal submission from the appellant's included additional information which comprised, amongst other things, an updated Shadow Flicker Assessment and a Risk Assessment, which sought to demonstrate how any risk to those within the topple distance would be minimised. I have taken these into account in my assessment of the scheme.
4. The application was made before the introduction of the mandatory 10% Biodiversity Net Gain requirement for new development. As such this requirement does not form part of my assessment of the proposal at appeal.
5. The National Planning Policy Framework (the Framework), footnotes 57 and 58 to paragraph 163 were deleted on the 8th of July 2024. The appellant provided comments on this, and I have also sought the Council's views on these. Such submissions have been taken into account in reaching my decision.

Policy Background

6. The adopted development plan is made up of the Saved Policies of the Allerdale Local Plan (Part 1) (LP) which was adopted in July 2014. Policy S19 of the Local Plan seeks to promote and encourage the development of renewable and low carbon energy resources by supporting renewables schemes where the impacts can be made acceptable.
7. The Framework seeks to support the transition to a low carbon future in a changing climate and encourage the use of renewable resources. It also seeks to increase the use and supply of renewable and low carbon energy, by encouraging local planning authorities to provide a positive strategy to promote energy from renewable and low carbon sources. When determining planning applications, applicants should not be required to demonstrate the overall need for renewable or low carbon energy, and decision makers should recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions and approve the application if its impacts are (or can be made) acceptable.
8. A revision to the National Policy Framework (the Framework) came into force on the 8th of July 2024. This effectively removes the requirement in the Framework to demonstrate community support for on-shore turbines. This follows on from the Written Ministerial Statement (WMS) of the 5th September 2023 which states that it is not the policy intent to interpret a very limited number of objections as amounting to a lack of community backing.
9. Planning Practice Guidance for Renewable and Low Carbon Energy advises that the cumulative impact of wind turbines should be taken into account and the need for renewable energy does not automatically override environmental protection or the planning concerns of local communities.
10. Policy S32 of the LP seeks to safeguard amenity by resisting development which would have an unacceptable effect on residential amenity. Policy S19, amongst other things, seeks to encourage renewable energy schemes where it is demonstrated that the proposal will not have an unacceptably adverse impact on the amenity of local residents.
11. Policy S33 of the LP seeks to protect and where possible enhance the landscape character and local distinctiveness of the area. Policy S35 of the LP seeks to protect and enhance biodiversity and geodiversity and to support development that provides net gains in biodiversity.
12. An application of costs was made by New Balance Shoes (UK) against the decision of the Council. This is the subject of a separate decision.

Main Issues

13. Accordingly, the main issues for the appeal are:
 - The effects of the proposal on the living conditions of local residents;
 - The effect of the proposal on protected species; and
 - The effect of the proposal on public safety.

Reasons

Living Conditions

14. The proposal comprises the erection of a single 1MW (megawatt) wind turbine measuring 46 metres to hub height with a tip height of 75 metres. The blade diameter of the structure would be 58 metres. The scheme would include a new access track from the A596 and would be sited 29 metres to the south-east of a factory building occupied by New Balance.
15. A number of residential dwellings are located around 220 metres to the north on St Helen's Lane with further residential dwellings located on either side of the A596, around 500 metres from the site. Local residents have raised concerns in relation to the potential effects of the turbine of their living conditions, in particular in relation to noise and shadow flicker.
16. In relation to noise, generally accepted guidance¹ on indicative noise levels that are considered to offer protection to neighbours states that noise from turbines should be limited to 5dB(A) above background for both daytime and night-time and that in low noise environments the daytime level of LA90,10min should be limited to within the range of 35-40dB(A), with a lower fixed limit for night-time of 43dB(A).
17. The application is accompanied by a Noise Impact Assessment² that found that the predicted noise levels from the proposed wind turbine would be significantly below the daytime and night-time background noise levels and adopted ETSU limits across each wind speed. Furthermore, the cumulative noise assessment found that during both the daytime and night-time, noise levels from the proposed wind turbine would have no impact on existing consented wind farm noise levels. Subject to an appropriately worded condition setting upper noise limits, I am satisfied that the scheme would not lead to noise that would have a harmful effect on existing living conditions.
18. The scheme is accompanied by a number of Shadow Flicker Assessments³. The studies identify that some of the windows for nearby properties would have the potential to be impacted by shadow flicker on clear days, predominantly between October and February. Impacts are avoided if the times when shadow flicker is likely to occur are identified and the turbines shutdown at those times when there are clear skies. Although there is no adopted policy in England as to what a reasonable level of impact might be acceptable, guidance in Europe and elsewhere recommends no more than 30 minutes a day and 30 hours a year. This established guidance has been found to limit shadow flicker to levels that are generally accepted as limiting intrusion and so I have taken them into account here.
19. The analysis shows that some properties have the potential to also be impacted by turbines at the nearby Siddick Windfarm. The appellants state that the report identifies the cumulative impact of shadow flicker but I am not convinced that this is the case. I have not been provided with any explicit analysis of flicker caused by any other turbine and residents have identified flicker as being an existing problem. I would instead have expected to see the

¹ ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms'.

² Noise Assessment - New Balance Factory, St Helens Lane, Flimby, Report reference: NJD22-0100-001R

³ Shadow Flicker Impact Assessment July 2023, Additional Shutdown Scheme July 2023, Shadow Flicker Prevention Functional Description - Specification

programme of shutdown at the adjoining windfarm and an identification of the level of flicker that has already been occurring within acceptable limits in order for cumulative impact to be assessed. This has not been provided.

20. I am therefore not assured that the programme of shutdown identified would be adequate to ensure the proposed turbine would be operating within acceptable limits, but am mindful that it is possible to secure an appropriate shutdown scheme by condition. I note that the submitted assessments show that even if the turbine was shut down for every instance of shadow flicker predicted to arise from this proposal, such shutdowns would only apply for a very limited period across the year and dependent on weather may not always be necessary. I am therefore satisfied that an operational model which shuts down the turbine when shadow flicker is likely to occur would be feasible and workable if in the light of cumulative impacts this is found to be required.
21. I have considered whether residential occupiers are likely to be adversely impacted by noise and disturbance during construction. Some disruption is a normal and anticipated part of construction activity but I am satisfied that subject to an appropriate conditions which limits hours of construction and requires a management plan for construction traffic, the more intrusive effects of such disruption can be mitigated. I also note that the turbine will be prominently visible in some views from nearby residential properties. However, taking into account the separation distances involved and the intervening structures, I do not consider that these views would be overbearing or oppressive.
22. On the first matter I therefore conclude that subject to appropriate conditions the proposal would not have an unacceptable effect on the living conditions of residential occupiers and so would not conflict with Policies S19 and S32 of the LP which together require development which safeguards residential amenity, or with the requirements of the Framework, which has similar aims.

Protected Species

23. The nearest European Designated Sites are the Siddick Pond Site of Special Scientific Interest (SSSI) located 1.9 kilometres to the south-west, the River Derwent and Tributaries SSSI and River Derwent and Bassenthwaite Lake Special Area of Conservation (SAC) located 2.3 kilometres to the south-east, Maryport Harbour SSSI located 4.3 kilometres to the north and the Upper Solway Firth SAC and Upper Solway Flats and Marshes Special Protection Area (SPA) located 14.3 kilometres to the north. The Submitted Habitats Regulation Assessment (HRA) concluded that likely significant effects on qualifying interest features associated with the above designated sites including wintering and non-breeding wetland bird species were not anticipated, either alone or in combination with other plans and projects.
24. The Council have raised concerns relating to the potential effects of the turbine on protected species, in particular bats, although no substantial information has been provided other than generalised concerns. In this regard I bear in mind that the turbine has not been shown to be on an identified foraging route and note the Wildlife Trust do not share the concerns of the Council. The ecological survey supporting the application identified that the site may provide limited value for breeding birds. However, in the absence of any specific information to substantiate the alleged direct impacts of the turbine on bats or birds and taking into account the findings of the HRA, I find no basis for

concluding that the proposal would have an adverse impact on protected species and find no conflict with Policy S35 of the LP which seeks to protect and enhance biodiversity and geodiversity or with guidance in the Framework, which has similar aims.

Public Safety

25. The topple distance for the turbine of tip height plus 20% includes part of the New Balance Factory. Development is not precluded within the “topple zone” and I note that there are instances of development close to turbines within the surrounding area. The appellant has submitted a risk assessment which includes measures to ensure the safe construction and operation of the turbine which I consider provides assurances that the installation will be carried out and maintained to high standards. The structure would be subject to control through the building regulations. The turbine would be constructed and installed to comply with International Standard IEC 61400-1, which specifies essential design requirements to ensure the structural integrity of wind turbines. It would be maintained and monitored by a professional company who specialise in wind turbine safety and it would be operated by New Balance as part of their business from the site. Wind turbine failures are also extremely rare with no instances of such in the area.
26. Taking all these factors into account I see no reason why the installation would fail in the manner feared and I therefore find no conflict with the aims of the Framework which seeks healthy and safe communities.

Other Matters

Benefits of the Scheme

27. The proposed development would provide a total installed capacity of up to 1,805 MW per year. The appellant has indicated that this would be sufficient to meet the needs of the existing factory at Flimby. Excess energy will be sold or transferred to an agent via a power purchase agreement to be offset against the energy requirements of the firm’s second factory. In this regard the proposal will enable the firm to meet their energy needs sustainably and so would help address the impacts of climate change and the transition to a low carbon future in a changing climate as set out in the Climate Change Act 2008 which establishes a legally binding target to reduce the UK’s greenhouse gas emissions by at least 80% in 2050 from 1990 levels. I attribute significant weight to this benefit.
28. The scheme would also provide some biodiversity net gain as the surrounding field would receive meadow planting. This would be consistent with Policy S35 of the LP which seeks to enhance biodiversity in the District and is a benefit of the scheme which carries some limited weight commensurate with the extent of biodiversity net gain achieved.

Other Matters

29. The application is supported by a Landscape and Visual Appraisal (LVA). This identified that whilst the site lies within landscape sub-type 5a ‘Ridge and Valley’ it has more in common with the sub-type 2d ‘Coastal Urban Fringe’. The key characteristics of this sub-type include low lying flat land, urban influences linked to tourism development, derelict buildings and major transport routes and strong man-made landforms on the coastal edges. These

landscape sub-types are considered to have medium sensitivity to wind turbine development. The 5-kilometre study area currently contains 28 existing wind turbines, 10 of which are located within 1 kilometre of the application site. As such, the presence of wind turbines is well established and has become a defining characteristic of the landscape. The proposal would not introduce a new or out of scale feature and would be likely to be perceived as part of the existing group of turbines (Voridian and Siddick Wind Farms). Accordingly, I consider that the effect on the wider landscape would be negligible.

30. The turbine would be visible when travelling along the A596 between Workington and Maryport and from some more limited points on the local road and footpath network, particularly in elevated locations such as Flimby Brow. In these views the effects would have only a very limited harmful visual impact as the structure would be viewed in the context of the other turbines and built form along the coastal edge. In terms of wider views the linear placement of turbines would not extend any further north towards the more sensitive landscape of the Solway Coast AONB and would not be visible from the AONB.
31. I am therefore of the view that the proposal would not have a significant adverse impact upon the landscape character or the character of the area. The proposed development is therefore acceptable under the provisions of Policy S19 and S33 which taken together seek to protect landscape character and visual amenity.
32. I note the concerns of residents in relation to drainage and potential surface water flooding. The scheme would be supported by a surface water drainage strategy secured by condition which would ensure the scheme did not have an adverse effect on drainage and so I am satisfied that the scheme would not give rise to harm in this regard.
33. Residents have also expressed concern that the scheme would have adverse effects on highway safety, particularly during construction. Subject to an appropriate condition to secure a construction traffic management plan, I am also satisfied that the scheme would be prejudicial to highway safety.
34. The proposal received 21 letters of objection and 20 letters of support during the application and a further limited number of objections during the appeal. Public views on the scheme are therefore finely balanced and not indicative of a lack of community support. Irrespective of the recent changes to the Framework, I therefore see no reason why this matter should preclude the scheme from being considered on its merits and have reached a decision based on the policies of the Plan.
35. Having concluded that the adverse impacts of the proposal can be appropriately mitigated I find no conflict with the Plan, taken as a whole.

Conditions

36. For the reasons given above, the appeal should be allowed. I have imposed the standard commencement conditions, and one requiring development to be carried out in accordance with the approved plans. I have also imposed conditions limiting the period of operation to 25 years, and requiring the installation be removed if it is non-operational for a period of more than 12 months. A plan for decommissioning is also necessary. This is to protect the visual and residential amenity of the area and to ensure that the removal of the

turbine does not lead to disturbance or environmental harm. For the same reasons I have also imposed a condition preventing the illumination of the structure or use of the structure for advertising.

37. To protect highway safety and residential amenity I have imposed a condition requiring a Construction Traffic Management Plan. A condition requiring a Construction Environmental Management Plan is also necessary to ensure the living conditions of residents are not adversely impacted by the construction of the turbine. Conditions limiting noise and shadow flicker impacts are necessary to protect living conditions during the operational stage of the development. These include a procedure for monitoring in the event of complaints that may arise in relation to either matter.
38. In order to ensure the installation is appropriately drained and does not lead to an adverse impact on the public highway, a condition requiring approval of a surface water drainage scheme is also necessary. To ensure the scheme does not have an adverse effect on local ecology and leads to a gain in terms of biodiversity, as proposed by the scheme and in accordance with the developer's stated intentions, conditions are necessary to secure a grassland management plan. Furthermore, to protect local birdlife, works should not take place during the bird breeding season and a condition is necessary to ensure this.
39. In the interests of safety for air traffic, conditions relating to the installation of aviation lighting and pre-notification of the implementation of the permission to the Ministry of Defence are necessary. The Phase I Geo-Technical Survey advises that although most of the site is undeveloped agricultural land, part of the site has been previously developed. A Phase II Geo-Technical Survey is therefore recommended, and conditions are necessary to secure the survey and ensure any necessary remediation is undertaken.

Conclusion

40. For the reasons given above, and having regard to all other matters raised, the appeal should be allowed.

Anne Jordan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be implemented solely in accordance with the following plans:
 - Application Form (Received 9th March 2023)
 - Drawing NB22_72/01B - Location Plan (Received 9th March 2023)
 - Drawing NB22_72/02A - Existing Site Layout (Received 9th March 2023)
 - Drawing NB22_72/03D - Proposed Site Layout (Received 12th June 2023)
 - Drawing 1000927-R00 – Proposal - (Received 9th March 2023)
 - Planning Statement (Received 9th March 2023)
 - New Balance Business Need (Received 9th March 2023)
 - Shadow Flicker Impact Assessment (Received 25th July 2023)
 - Additional Shutdown Scheme (Received 25th July 2023)
 - Shadow Flicker Prevention Functional Description (Received 25th July 2023)
 - Noise Assessment (Received 9th March 2023)
 - Landscape and Visual Appraisal Report with Appendix A (Received 9th March 2023)
 - Transport Statement with Appendices (Received 9th March 2023)
 - Transport Storage and Crane Requirements (Received 9th March 2023)
 - Preliminary Ecological Appraisal (Received 9th March 2023)
 - Habitat Regulations Assessment (Received 9th March 2023)
 - Biodiversity Net Gain Assessment V2 (Received 12th June 2023)
 - Biodiversity Net Gain Metric V2 (Received 12th June 2023)
 - Telecommunications Impact Assessment (Received 9th March 2023)
 - Aviation Risk Assessment (Received 9th March 2023)
 - Preliminary Report of Wind Conditions, AEP and EWT Turbine Load Suitability (Received 9th March 2023)
 - Phase 1 Geo-Environmental Site Assessment (Received 9th March 2023)
- 3) The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date when electricity is first supplied to New Balance UK Ltd. The Local Planning Authority shall be notified in writing of the date of the commissioning of the wind turbine. By no later than the end of the 25-year period the turbine shall be de-commissioned, and it and all related structures shall be removed from the site which shall be reinstated to its original condition.
- 4) If the turbine hereby permitted ceases to be operational for a continuous period of 12 months the operator shall give notice in writing to the local planning authority of the date this event occurs. Unless the local planning authority gives notice in writing to the contrary the use shall cease and the turbine and all components, listed in Condition 2 above, shall be removed from the site within 6 months of the date notified to the Local Planning Authority for the purposes of this condition.
- 5) No logos, advertisements, lettering, lights or other information (other than that required for health and safety purposes or required for legal reasons including aviation safety) shall be displayed on the turbine, nor shall it be illuminated without the prior written approval of the local planning authority.

- 6) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include details of:
- The construction of the site access and the creation, positioning and maintenance of associated visibility splays;
 - Details of proposed crossings of the highway verge;
 - Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - Cleaning of site entrances and the adjacent public highway & details of proposed wheel washing facilities;
 - Construction vehicle routing and the management of junctions and street furniture etc.;
 - The dimensions of turbines and associated components;
 - The scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs and banksman/escort details.
 - The development hereby approved shall be carried out in accordance with the approved Construction Traffic Management Plan.
- 7) No development shall commence until details of the measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway have been submitted to and approved by the shall be submitted to the Local Planning Authority. Any approved works shall be implemented prior to the completion of the development and shall be retained thereafter for the lifetime of the development.
- 8) No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include details of:
- Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding;
 - Measures to control the emission of dust and dirt during construction;
 - Measures to avoid and minimise the risk of a pollution event;
 - A scheme for recycling/disposing of waste resulting from construction works;
 - A procedure to monitor and mitigate noise and vibration from the construction and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries.
 - All measurements should make reference to BS7445;
 - Measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.
 - A written procedure for dealing with complaints regarding the construction, delivery and construction working hours.

The development hereby approved shall be carried out in accordance with the approved Construction Environmental Management Plan.

- 9) No development shall commence until a Grassland Management Plan has been submitted to and approved by the Local Planning Authority. The Grassland Management Plan shall include details of the measures to be implemented after construction works to enhance the existing pasture to ensure delivery of the target habitats and conditions in accordance with the approved Biodiversity Net Gain Assessment V2 (Received 12th June 2023). The works shall be

implemented solely in accordance with the approved Grassland Management Plan and thereafter managed at all times in accordance with the approved scheme.

- 10) No construction works of any kind shall take place during the breeding bird season (1st March - 31st August) unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.
- 11) The operation of the turbine hereby approved shall be undertaken in strict accordance with an agreed scheme to manage shadow flicker from the permitted turbine. This shall take into account existing levels of shadow flicker from existing turbines and shall ensure that taking into account the cumulative effects of all turbines in the area on any nearby dwelling, the proposed development does not cause shadow flicker within any dwelling to exceed 30 hours per year with a maximum of 30 minutes per day. The scheme shall thereafter operate in accordance with the agreed scheme unless the local planning authority gives its prior written consent to any variations.

The scheme shall be accompanied by a Shadow Flicker Complaints Protocol which shall be submitted to and approved by the Local Planning Authority. The Complaints Protocol shall outline the process in the event of any future complaint from the owner or occupier of a dwelling which lawfully exists or had planning permission at the date of the complaint. The Complaints Protocol shall also include remedial measures for addressing any future complaint. The operation of the turbine hereby approved shall take place in accordance with the approved protocol unless the Local Planning Authority gives its prior written consent to any variations.

- 12) Noise from the turbine hereby approved shall not exceed the following LA90,10min noise levels specified within Table 1 below representing receptors as shown in Figure 1 of the NJD Environmental Associates Noise Assessment (dated December 2022). Background noise and turbine noise measurements should be carried out in line with the Institute of Acoustics Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise taking account of all guidance notes for noise conditions.

Table 1 - Noise Levels at Sensitive Receptors										
Resultant L90 Wind Turbine Noise Levels (dB)										
Location	3m/s	4m/s	5m/s	6m/s	7m/s	8m/s	9m/s	10m/s	11m/s	12m/s
ESR1	29	29	29	31	35	38	40	40	40	40
ESR2	32	32	32	34	38	41	43	43	43	43
ESR3	30	30	30	32	36	40	41	41	41	41
ESR4	30	30	30	32	35	39	40	41	41	40
ESR5	29	29	29	31	34	38	39	40	40	39

Noise Sensitive Receptors

ESR1 Ross House, Balcarry and St Helen's Cottage

ESR2 Hillcrest

ESR3 Beldor

ESR4 Croft View

ESR5 Mattlyn Cottage

13) Within 28 days from the receipt of a written request from the Local Planning Authority, following a complaint to it the wind turbine operator shall, at the wind turbine operators expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property following the procedures described in 'The Assessment and Rating of Noise from Wind Farms, ETSU-R-97'. Upon notification in writing of an established breach of the noise limits the wind turbine operator shall within 28 days propose a scheme to the Local Planning Authority to mitigate the breach and to prevent its future occurrence. This scheme shall specify the timescales for implementation.

14) Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the local planning authority in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:

a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and

b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

15) The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

16) No development approved by this permission shall commence until all necessary site investigation works within the site boundary have been carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for

the site investigations should be agreed with the Local Planning Authority prior to the commencement.

Should land affected by contamination be identified following site investigations which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.

Should a remediation scheme be required, the approved strategy shall be implemented, and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

- 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All work shall be undertaken in accordance with current UK guidance, particularly CLR11.
- 18) Prior to the decommissioning works, a Decommissioning Environmental Management Plan (DEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include the following:
- Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, off-site parking, turning and compound areas;
 - Procedure to monitor and mitigate pollution, noise and vibration from the decommissioning works and to monitor any residential properties or wildlife habitats at risk (including type of generators, fuel storage facilities, spillage procedures and oil types use in plant working on the site), as well as taking into account noise from vehicles, deliveries. All noise measurements should make reference to BS7445.
 - Mitigation measures to reduce adverse impacts on residential properties from decommissioning compounds including visual impact, noise, and light pollution.
 - Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);
 - Programme of work for demolition and construction phase;
 - Hours of working and deliveries;
 - Details of lighting to be used on site;
 - Highway signage/haulage routes.

The approved statement shall be adhered to throughout the duration of the development.