



Appeal Decision

Hearing held on 1 July 2025

Site visit made on 1 July 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2025

Appeal Ref: APP/P2365/W/24/3355053

Chorley Concrete Ltd, Appley Lane North, Appley Bridge, Wigan WN6 9AE

- 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 Mr T Gaskell of Chorley Concrete Ltd against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/0922/FUL.
 - The development proposed is:
 - Erection of 3no cement silos (2no. 2.6m width 7.6m long & 1no. 2.6m width 9.8m long)
 - Erection of 2no. round metal cylinders (1no. 2.7m width 4.5m height & 1no. 2.7m width 5m height)
 - Erection of 5m high retaining wall formed in interlocking concrete blocks
 - Erection of interlocking concrete blocks forming aggregate storage bays up to 4m
 - Installation of 12no 5.6m high lamp posts. (6no. 200w & 6 no. 300w)
 - Erection of 9.7m x 12m portacabin to be used as temporary site office
 - Erection of 6m x 15m temporary storage tent
 - Construction of 4.3m x 12.3m settling pit subject to Structural Engineer details
 - Construction of 4m x 8m wash pit subject to Structural Engineer details
 - Installation of diesel tank with metal hoarding surround.
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Decision

1. The appeal is allowed and planning permission is granted for:
 - Erection of 3no cement silos (2no. 2.6m width 7.6m long & 1no. 2.6m width 9.8m long)
 - Erection of 2no. round metal cylinders (1no. 2.7m width 4.5m height & 1no. 2.7m width 5m height)
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 - Construction of 4m x 8m wash pit subject to Structural Engineer details
 - Installation of diesel tank with metal hoarding surround

at Chorley Concrete Ltd, Appley Lane North, Appley Bridge, Wigan WN6 9AE in accordance with the terms of the application, Ref 2023/0922/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the address in the banner heading above from the appeal form, rather than the application form, as by referring to the name of the business it more accurately identifies the site.
3. Although I have omitted 'Retrospective planning application for the following' from the description, as it does not describe development, I have dealt with the appeal on the basis that planning permission is being sought retrospectively.
4. The retaining walls and storage bays that have been constructed on Green Belt land have, to some extent, reduced the openness of the Green Belt both spatially and visually. Nonetheless, in the context of the site, the appeal scheme does not substantially harm openness. That being the case, I find that it is not inappropriate development in the Green Belt as it conforms with the exception at paragraph 154(g) of the National Planning Policy Framework (the Framework). Accordingly, I do not address this as a main issue.
5. The appeal is supported by additional lighting information in response to the Council's second reason for refusal. This has been reviewed by the Council who has confirmed that, subject to the imposition of recommended conditions and to the development being implemented and retained in the approved form, its concerns about the impact of light pollution on the living conditions of nearby residents has been addressed. There is nothing before me that would lead me to disagree with the Council on this matter. I therefore do not address the effect of light pollution on living conditions within the main issue set out below.

Main Issues

6. The main issues are:
 - Whether appropriate living conditions would be maintained for the occupiers of properties on Appley Lane North, having particular regard to Heavy Goods Vehicle (HGV) movements generated by the appeal scheme; and
 - The effect of the appeal scheme on the safety of visitors and pupils of Appley Bridge All Saints' Church of England Primary School (the School), having particular regard to HGV movements generated by the appeal scheme.

Reasons

Living conditions

7. The appeal site forms part of a former landfill. It lies within the village of Appley Bridge which, according to the evidence before me, is now predominantly residential following a decline in industry. There remains, however, some industrial uses in the village including IKO, located on the opposite side of the railway line to the site, and at Dawber Delph Industrial Area. Due to the surrounding topography, the appeal site is not visually prominent, with public views largely limited to glimpses from the bridge on Appley Lane North over the railway line and whilst travelling along the railway line.
8. Highways England (HE) records provided by an interested party indicates that annually between 2008 and 2017, where movements on a given day were

recorded, more than 2,000 vehicles travelled along Appley Lane North. Exceptions to this were in 2010 when that figure was 4,948 movements and in 2016 when it was 1,718. HGV movements were recorded as being a small proportion of the overall numbers, with a minimum of 80 daily HGV movements in 2017, and a maximum of 166 in 2010. Whilst it has been suggested by interested parties that, prior to the appeal scheme being carried out, the number of daily HGV movements were declining, this is not supported by empirical evidence and there is nothing before me to suggest that the overall vehicular movements have also been reducing. Consequently, I find that the HE records are a reasonable baseline against which to assess the appeal scheme.

9. A Transport Note (TN) supports the appeal which indicates that over a three-day period in October 2023, the appeal scheme generated between 140 and 150 two-way vehicle movements, of which 82 to 94 were two-way HGV trips. Accordingly, in consideration of HE baseline data, the appeal scheme could have resulted in a doubling of the daily HGV movements along Appley Lane North.
10. The TN indicates that several vehicles were off road during the period when the data was compiled. However, there is no robust evidence before me to indicate that, when staff leave is taken into consideration, this was an unusually high number of vehicles not in use. Furthermore, the appellant confirmed at the hearing that the number of HGV operating from the site has not increased since 2023 and that other companies' vehicles are only used where Chorley Concrete vehicles are unavailable. In the absence anything that demonstrates otherwise, I find the appellant's case regarding the number of HGV movements to be compelling.
11. Even if I were to accept that, generally, HGV movements in the area had been declining and that the 118 recorded by local residents is more typical of the appeal scheme, it remains that such movements would represent a small proportion of the overall vehicular movements on Appley Lane North and would be spread across the day. I consider that such an increase is not significant.
12. Given my findings that the appeal scheme does not generate a significant increase in HGV movements on Appley Lane North, I consider that the more comprehensive and systematic process of a transport assessment, which interested parties consider should have been carried out, is not justified in this case. The submitted TN is, in my opinion, an appropriate and proportionate basis upon which to assess the potential impact of the appeal scheme. The absence of objections from the Highway Authority to the TN, who I note agreed its scope, supports my findings in this regard.
13. A Noise Impact Assessment (NIA) has been provided by the appellant containing a noise survey conducted at locations which are said to be representative of the nearest noise sensitive properties to the yard. The NIA concluded that for all such properties, the impact of the continued operation of the appeal scheme remains low.
14. Although concern has been raised about the noise generated by HGV movements along Appley Lane North, this is not assessed by the NIA. The appellant indicates that this is standard practice where, as in this case, the appeal scheme is not large-scale development and does not involve a change of use, and this was not disputed by the Council or interested parties.

15. I witnessed HGVs travelling along Appley Lane North, including several from Chorley Concrete, during a 45-minute visit to the area prior to the hearing. Throughout this time, I noted that traffic movements were steady, generating background noise of a moderate level. Whilst the HGV movements I observed produced intermittent noise, I did not find it to be excessive or intrusive. Although my observations represented a snapshot in time, as it occurred when vehicle noise is said to be at its greatest, from empty wagons returning to the appeal site, it is reasonable to assume that what I observed was representative of the noise experienced by residents.
16. Moreover, my attention has been drawn to Policy IF2 of the West Lancashire Local Plan Development Plan Document (LP), adopted October 2013, which indicates that the appeal site will be safeguarded for a small-scale rail facility. It is reasonable to assume that such a facility would involve the delivery of goods by rail which would then be transferred to their destination by road, thereby generating a substantial volume of HGV movements. As the site is allocated for that purpose, and in the absence of evidence that demonstrates otherwise, there is a real prospect that such a development will take place. Furthermore, it is reasonable to assume that it would generate equivalent or greater vehicular movements and therefore a similar level of noise to the appeal scheme. It thus represents a comparable fallback position which carries considerable weight in the determination of this appeal.
17. Although the Council's Environmental Health Officer (EHO) raised no objection to the methodology of the NIA or its conclusions, the use of third-party weather information has been criticised by interested parties. I note that such use is not good practice, however, the noise measurements were not taken during very windy or rainy conditions. Therefore, the absence of more detailed weather information does not undermine the conclusions of the NIA. Furthermore, there is no independent technical evidence before me that demonstrates that the NIA was incorrect to conclude that feature corrections for tonality, impulsivity and intermittency was not applicable to this noise source.
18. I note that interested parties suggest that noise generated on site could be heard from residential properties, specifically noise from vehicles being loaded using shovels. This activity was carried out during my site visit after the hearing, and I observed that it was not audible from the nearest residential property on Appley Lane North to the north of the site access, which was one of the two positions where ambient noise measurements were undertaken for the purpose of the NIA. Based on such observations, and taking into consideration the topography of the area which obstructs the path of sound, it is reasonable to conclude that any noise generated on site is not heard at residential properties on Appley Lane North to the extent that it unacceptably undermines the living conditions of the occupants.
19. I recognise that it is important to have regard to the lived experience of residents who have day-to-day knowledge of the effects of the appeal scheme. Nevertheless, without the benefit of detailed supporting survey work, the extensive and strongly expressed objections that have been presented do not constitute robust alternative data that alters my findings in this regard.
20. Accordingly, based on the evidence before me, I find that, subject to controls, the appeal scheme would not constitute an over intensification of industrial uses within the village or result in undue disturbance to the extent that unacceptable harm to

the living conditions of nearby residents would arise. Such controls should include restricting the hours of operation to those proposed, which are 0600 to 1900 on Monday to Friday and 0700 to 1700 on Saturdays. This would ensure that HGV movements and the business activities on the appeal site would not take place at unsociable hours when residents reasonably expect a greater level of peace and quiet.

21. Concerns relating to dust emanating from the site have also been raised by interested parties. Although I did not observe this on my site visit, photographs submitted by interested parties show noticeable dust deposits on Appley Road North. However, such photographs do not indicate the frequency of such events or prove that unacceptable nuisance arising from dust solely stems from the operations on the appeal site. In the absence of substantive evidence to the contrary, I therefore find that it has not been demonstrated that the appeal scheme results in air quality issues to the detriment of the living conditions, or health, of nearby residents. The formalisation of dust suppression methods that are operated on site, through the imposition of a condition is, nonetheless, reasonable and necessary to protect living conditions.
22. In conclusion, I am satisfied that, subject to the imposition of appropriate conditions including those referred to above, appropriate living conditions would be maintained for the occupiers of properties on Appley Lane North, including in respect of HGV movements generated by the appeal scheme. The appeal scheme would therefore comply with LP Policy GN3 which, amongst other things, requires development to retain reasonable levels of amenity for occupiers of neighbouring properties.

Safety

23. Appley Lane North has a 30 miles per hour speed limit with double yellow lines along some stretches that restrict on-street parking. Whilst the School is located on Finch Lane, as it is accessed from Appley Lane North it is likely that many pupils and visitors will access the School by walking along it.
24. On my visits before and after the hearing, I observed on-street parking outside of terraced properties that are located close to the junction of Skull House Lane and Appley Lane North. My observations represent a snapshot in time, and it is likely that on-street parking demands in the locality will increase at peak times when more people are at home. Nevertheless, as most residential properties along Appley Lane North have off-road parking, it is reasonable to consider that sections of the highway where vehicles park will be relatively short.
25. Such on street parking restricts the width of Appley Lane North so that two vehicles cannot pass. However, where on-street parking is likely to regularly occur, it has a straight alignment. Given this, and the relatively short stretches of parked vehicles, drivers can anticipate each other's movements and stop as appropriate until the oncoming vehicle has passed. It is therefore reasonable to consider that occurrences where oncoming vehicles meet at a point where they cannot pass is infrequent. Furthermore, as the HGV movements associated with the appeal scheme represent a small proportion of the overall vehicular movements on Appley Lane North, it would not materially increase the likelihood that such occurrences would happen.

26. For the reasons set out above, if HGVs are required to mount the pavement to gain more space to pass, this will take place where there is good visibility between pedestrians and drivers, thereby giving adequate forewarning. For the School pupils that must cross the road, there are several places, away from bends and parked vehicles, where pedestrians can clearly see on coming vehicles. Furthermore, as it is a primary school it is reasonable to consider that most of the pupils will be accompanied by adults who can assist in the safe crossing of the highway. As such, even when the narrow width of the pavement is taken into consideration, the risk to pedestrians, including those accessing the School, is minimal.
27. Records from June 2019 show that no accidents involving HGVs were recorded on Appley Lane North. At the hearing it was confirmed that the latest accident records, which are up to the end of 2023 and therefore cover a short period since the appellant's use of the appeal site commenced, remain unchanged in this regard. Whilst such records are not the only way of establishing highway danger, there is no empirical or technical evidence to support a conclusion that the increase in HGV movements along Appley Lane North associated with the appeal scheme is unsafe for visitors and pupils of the School, or other pedestrians.
28. Consequently, for the above reasons, and in the absence of evidence to the contrary, there is no basis to conclude that the appeal scheme has materially undermined the safety of visitors and pupils of the School, or that it acts as a significant deterrent to people choosing to walk to it. For similar reasons, the safety of other road users, including cyclists, is not adversely affected. As such, based on the information before me and my own observations, there is no basis to disagree with the Highway Authority's assessment that the proposal does not have an unacceptable impact on highway safety along Appley Lane North, or that the residual impacts on the road network would be severe.
29. In conclusion, the safety of visitors and pupils of Appley Bridge All Saints' Church of England Primary School is not adversely affected by the appeal scheme, including in respect of HGV movements generated by it. It would therefore comply with LP Policy GN3 which, amongst other things, requires development to incorporate a suitable and safe access.

Other Matters

30. It has been suggested that the Lancashire County Council's response to the appeal scheme was inconsistent with its decision to refuse an application at East Quarry near to the site. Whilst the evidence before me is limited, it indicates that in that case the refusal was due to harm, arising from the volumes of HGV movements generated during the construction, to living conditions. Given the nature of that development, it would appear reasonable to consider that the construction works would generate significantly greater HGV movements than the appeal scheme and, consequently, a greater impact on residents, albeit over a limited timeframe. Therefore, whilst recognising the importance of consistency in decision making, the East Quarry decision does not provide clear or convincing justification to refuse the scheme before me.
31. My attention has been drawn to the Appley Bridge Conservation Area (CA), which lies to the north of the appeal site and adjoins Appley Lane North, and to the Grade II listed building, Spring Bank, which is within it. It was agreed by the main

parties that the appeal site is not within the setting of the CA or the listed building, and due to the separation distance and the surrounding topography I have no reason to disagree. Reference has been made to HGV movements associated with appeal scheme causing vibration damage to buildings within the CA, however there is no compelling evidence before me that supports such an assertion. Consequently, I am satisfied that the appeal scheme is not harmful to the character and appearance of the CA as a whole and preserves the listed building and its setting.

32. Interested parties have also raised concerns about the adequacy of site drainage, and the associated pollution risks, and the impact of the appeal scheme on wildlife and biodiversity. Nevertheless, I have been presented with no substantive evidence that would lead me to disagree with the Council's conclusions on these matters, or that of their advisors, and determine that material harm sufficient to justify dismissing this appeal arises from the appeal scheme.
33. The appellant has confirmed that following the Council's decision a formal Basic Asset Protection Agreement has been entered into with Network Rail, resulting in its objections to the proposal being withdrawn. On that basis, and subject to conditions that secure adequate drainage and an appropriate boundary treatment between the site and the railway line, I am satisfied that its safe functioning will not be unacceptably compromised.
34. There has also been much concern expressed about the scheme before me being retrospective and the absence of enforcement action against the breach of planning control that has occurred. Whilst this is regrettable, the submission of a planning application and, if necessary, the submission of a subsequent, appeal is a recognised route to regularise a breach of planning control. The retrospective nature has meant that I have been able to assess the scheme in situ and is not a consideration which carries any significant weight against the appeal scheme in the overall balance.
35. I fully recognise that my findings on the appeal scheme do not accord with the perception of local residents. I acknowledge the time that has been spent putting objections in writing and, in some cases in person, and such representations demonstrate a considerable strength of feeling. Nonetheless, for the reasons set out above, there is nothing convincing before me that supports the conclusion that the appeal scheme is unacceptable and that it could not be made acceptable through the use of conditions.

Conditions

36. The Council provided me with suggested conditions to which the appellant confirmed broad agreement at the hearing. I have reviewed such conditions in line with guidance and best practice and have given the main parties the opportunity to comment on amendments to the wording I have considered to be necessary for clarity, consistency and to reflect the retrospective nature of the appeal scheme. I have taken account of the responses received.
37. I have included a condition that specifies the approved plans in the interests of certainty. In addition, given the requirements of LP Policy IF2, it is reasonable that the appeal scheme is subject to a temporary permission in the first instance to allow time to explore the viability of the formation of a small-scale rail facility on the appeal site.

38. To minimise risks to the occupants of the site, neighbouring occupiers and the environment, conditions are required to ensure that contamination is appropriately addressed. Additionally, in the interests of the safety, operational needs and integrity of the railway, conditions are also necessary to ensure that the appeal scheme and drainage of the site do not affect the adjoining railway line.
39. To protect the living conditions of the nearby residents I have imposed conditions restricting the hours of operation on the site, controlling external lighting and securing active dust mitigation. I have also attached a condition securing a scheme that areas to be lit will not disturb bat activity in the interests of nature conservation.
40. Conditions 3, 4, 6 and 7 are imposed to ensure that the required details are submitted, approved and implemented so as to make the appeal scheme acceptable in planning terms. Such conditions include a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure approval and implementation of the outstanding matters before the appeal scheme takes place. Such conditions will ensure that it can be enforced against if the required details are not submitted for approval within the period given, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented.
41. The appellant has suggested that the period for the approval of the detailed lighting scheme, as set out in condition 3, should be adjusted to allow for the completion of a bat survey. However, the appellant considers that such a survey is not necessary and there is no evidence before me to suggest otherwise. Consequently, the approval period set out in condition 3 is consistent with conditions 4, 6 and 7.
42. There were discussions at the hearing around the imposition of a condition to control routing of HGVs to limit their number on Appley Lane North. However, all routes to the M6 that largely avoid Appley Lane North, including along Lees Lane, significantly increasing journey times. Moreover, such routes also have residential properties along them. I therefore find that there are no suitable alternative routes. Furthermore, for the reasons set out above, I have found that the HGV movements associated with the appeal scheme does not adversely affect the living conditions of occupants of properties on Appley Lane North or highway safety. For these reasons, I have not imposed a condition to secure a routing agreement as this is not feasible and is not necessary to make an otherwise unacceptable development acceptable.

Conclusion

43. For the reasons given above I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Piers Riley-Smith	Barrister, Kings Chambers
Stephen Buckley	Peacock and Smith
Tom Bentley	Eddisons
Richard Cookson	PDA Ltd
Tommy Gaskell	Managing Director Chorley Concrete
Clayton Griffiths	Operations Manager Chorley Concrete

FOR THE LOCAL PLANNING AUTHORITY:

Steven Faulkner	Planning Services Manager
Kate Jones	Development Control Manager
Nicola Cook	Principal Planning Officer
Councillor Gaynor Owen	Chair of Planning Committee
Councillor Edward Pope	Member of Planning Committee

INTERESTED PARTIES:

Katie Jukes	Borough Councillor
Hugh Carey	Wrightington Parish Councillor
David Kelsall	Local resident
Stuart Thorn	Local resident
Anita O'Donnell	Local resident
Anne Fletcher	Local resident
Martin Ainscough	Local resident
Mark Bolton	Local resident
Dr Paul Walton	Local resident
Karen Hunter	Local resident
Del Ellis	Local resident

DOCUMENTS

Document 1	Map showing Ashfield Terrace Conservation Area, boundaries of biological heritage sites, and listed buildings
Document 2	List description of Grade II listed building, Spring Bank, Appley Lane North

Schedule of Conditions

- 1) This permission relates to:
Drawing no. 3501 S.1 New Retaining Walls and Yard Slab Extension
Drawing no. 3501 S.2 Wash Pit Ramp
Drawing no. 3501 S.3 Silt Trap Pits – As Built
Drawing no. 3501 S.4A Drainage Arrangements
Drawing no. 23-091-100C Site Location Plan
Drawing no. 23-091-110C Proposed Site Plan
Drawing no. 23-091-102 Temporary Site Office
Drawing no. 23-091-103 Temporary Tent Plans and Elevations
- 2) The operational development hereby approved shall be removed and the land restored to its former condition in accordance with a scheme submitted to and approved by the local planning authority on or before the expiration of the period ending five years from the date of this permission, unless there has been a subsequent grant of planning permission in this regard.
- 3) Unless within 3 months of the date of this permission, a detailed scheme, demonstrating that areas to be lit will not disturb bat activity and would accord with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', has been submitted to and approved in writing by the local planning authority, all building operations shall be removed along with all materials resulting from their demolition, until such time as the detailed lighting scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 12 months of the date of this decision, all building operations shall be removed along with all materials resulting from their demolition, until such time as a detailed lighting scheme approved by the local planning authority is installed.

Upon implementation of the external lighting scheme specified in this condition it shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision 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.

- 4) Unless, within 3 months of the date of this permission, a Remediation Strategy, to deal with the risks associated with contamination of the site in respect of the development hereby permitted, and a Monitoring and Maintenance Scheme, have been submitted to and approved in writing by the local planning authority, all building operations shall be removed along with all materials resulting from their demolition, until such time as a Remediation Strategy and a Monitoring and Maintenance Scheme are approved and implemented.

The Remediation Strategy shall include the following components:

- i. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- ii. A site investigation base on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii. The results of the investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they will be undertaken.
 - iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Upon implementation of the approved Remediation Strategy specified in this condition, it shall thereafter be retained.

The Monitoring and Maintenance Scheme shall include monitoring of the long-term effectiveness of the proposed remediation/investigation over the required period, and together with the provision of reports on the same, must be prepared and submitted concurrently with the Remediation Strategy for approval in writing by the local planning authority.

If no Remediation Strategy or Monitoring and Maintenance Scheme in accordance with this condition are approved within 6 months of the date of this decision, all building operations shall be removed along with all materials resulting from their demolition, until such time as a Remediation Strategy and Monitoring and Maintenance Scheme approved by the local planning authority is implemented.

In the event of a legal challenge to this decision, or to a decision 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.

- 5) Within 2 months of the completion of the measures identified in the Monitoring and Maintenance Scheme, and when remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance that have been carried out must be produced and submitted to the local planning authority. If the submitted reports indicate that remediation objectives have not been achieved, a revised remediation strategy shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details.
- 6) Unless within 3 months of the date of this permission, details of safety barriers and a retaining wall along the boundary with Network Rail land, to prevent accidental egress onto the railway, and details of the timescale for their installation have been submitted to and approved in writing by the local planning authority, all building operations shall be removed along with all materials resulting from their demolition, until such time as the safety barriers and retaining wall are approved and implemented.

If no details of the safety barriers or retaining wall in accordance with this condition are approved within 6 months of the date of this decision, all building operations shall be removed along with all materials resulting from their demolition, until such time as the safety barriers and a retaining wall approved by the local planning authority are installed.

Upon implementation of the safety barriers and retaining wall specified in this condition they shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision 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.

- 7) Unless within 3 months of the date of this permission, details of a drainage scheme and timescale for its installation have been submitted to and approved in writing by the local planning authority, all building operations shall be removed along with all materials resulting from their demolition, until such time as the drainage scheme is approved and implemented.

If no details of a drainage scheme in accordance with this condition are approved within 6 months of the date of this decision, all building operations shall be removed along with all materials resulting from their demolition, until such time as a drainage scheme approved by the local planning authority is implemented.

Upon implementation of the drainage scheme specified in this condition it shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision 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.

- 8) Other than the lighting shown on approved drawing no. 23-091-110B Proposed Site Plan, no external lighting shall be installed at the site until a scheme detailing the proposed lighting has been submitted to and approved by the local planning authority. All external lighting shall be installed and maintained thereafter in accordance with the approved scheme.
- 9) Operations on the site shall only take place between 0600 and 1900 on Mondays – Fridays, 0700 and 1700 on Saturdays, and not at any time on Sundays or on Bank or Public Holidays.
- 10) The floodlighting hereby permitted shall only be in use between 0600 and 1900 on Mondays – Fridays, 0700 and 1700 on Saturdays, and not at any time on Sundays or on Bank or Public Holidays.
- 11) The development hereby approved shall be operated in strict accordance with the active dust mitigation actions detailed at paragraph 9.1 of the Air Quality Assessment produced by Miller Goodall (report number 103091, dated 8 November 2023).