

Case Officer's Report (Delegated Decision)

County Matter - Waste Planning Application

Description of the Proposal: Development of a household waste recycling site and transfer station (Variation of Condition 2 of planning permission WSCC/026/22 to allow for the acceptance and handling of dog waste from Horsham District Council).

Site Address: Crawley Household Waste Recycling Site and Transfer Station, Metcalf Way, Crawley, RH11 7XN

Application No: WSCC/015/24

Local Member: Alison Cornell

Local Council: Crawley Borough Council

Site Location and Description

The Crawley Household Waste and Recycling Site (HWRS) and Transfer Station (TS) is operated by Biffa Waste Services (the applicant) on behalf of West Sussex County Council as Waste Disposal Authority (WDA). It is located in the north of Crawley within the 'built-up area' and the Manor Royal 'main employment area' (as defined in the Crawley Borough Local Plan 2015-2030), and in the southern part of the wider County Oak estate containing several commercial, retail, industrial and businesses parks/uses. The site is accessed from the A23 London Road via County Oak Way and Metcalf Way.

Immediately to the west is the Basepoint Business Centre, and to the north alongside the site's access are both a depot and the Enterprise Court Business Centre. To the south and west are public playing fields, beyond which is the densely populated Langley Green residential area. The nearest residential properties to the site are those in Martyrs Avenue some 40m to the south, separated by a block of garages. To the east beyond a mature tree belt is Langley Green Hospital (specialising in mental health).

The site does not fall within any landscape, historic or ecologically designated area, nor within an area at increased risk of flooding.

Relevant Planning History

CR/482/04 - Development of a household waste recycling site and transfer station (including demolition of four business units). (Approved December 2004)

CR/585/06 - Variation of condition 2 of planning permission ref. CR/482/04 to permit the sale of compost derived from recycled green waste. (Approved November 2006)

CR/608/07 - Variation of condition 2 and 9 of planning permission ref. CR/585/06, to allow the Transfer Station to handle additional waste types and to extend the working hours of the Transfer Station respectively. (Approved December 2007)

CR/552/08 - Application to vary Condition 2 of planning permission ref. CR/608/07, to allow the Transfer Station to handle trade waste brought to the site. (Approved November 2008)

WSSC/026/22 – Variation of Condition 2 of planning permission ref. CR/552/08 to allow for the acceptance and handling of dog waste. (Approved October 2022)

Proposed Development

Planning permission varying conditions to allow for the acceptance and handling of dog waste collected by Crawley Borough Council, was granted in October 2022 (WSSC/026/22).

The applicant now seeks a further variation of the same condition to also allow for the acceptance of dog waste collected by Horsham District Council. It is estimated that this would amount to an additional 14 tonnes of waste per month (3.5 tonnes per week), equating to 11 deliveries in caged vehicles per week (22 movements). As is currently the case, dog waste would be stored and bulked prior to onward transfer to Redhill Landfill Site in Surrey (also operated by the applicant).

Condition 2 sets out the waste types permitted to be accepted at the site. The application seeks to vary the condition as set out below, through amendments to text shown in bold.

Permitted Wastes

2. *Wastes received at the Household Waste Recycling Site (HWRS) shall only comprise residual household waste and recyclables delivered by the public (to include, but not be limited to, glass, metals, paper, plastics, and green waste).*

*Wastes received directly at the Transfer Station (TS) shall only comprise; paper, glass, plastic, metals, green waste, fly tipped waste, litter, dry street sweepings (including autumn leaf falls), and bulky household goods, all of which are to be collected by local authorities; house clearance waste collected solely by the housing department of Crawley Borough Council; **dog waste collected solely by Crawley Borough Council**; and recyclable materials and waste electrical and electronic equipment (WEEE) from local businesses and traders. In exceptional circumstances that may be agreed in advance in writing by the County Planning Authority, collected municipal household waste may be delivered to the TS for storage only, and for a maximum of 48hrs.*

With the exception of those specific waste streams identified above, the site shall not receive construction and demolition waste from commercial sources, commercial and industrial waste, hazardous or special wastes, dredged materials, or animal by-products (other than those from within the municipal waste stream).

Reason: To control permitted waste types at the site in the interests of the environment and amenities of the locality.

Environmental Impact Assessment

The proposals could be considered to fall within Schedule 2 to the Town and Country Planning (Environmental Impact Assessment (England) Regulations 2017 (the EIA Regulations), namely Part 13(b) as relating to a 'change to or extension of development of a description listed in paragraphs 1 to 12 of Column 1 of this table (Schedule 2), where that development is already authorised, executed or in the process of being executed'. The wider HWRS and Transfer Station site comprise an 'Installation for the disposal of waste' within Schedule 2 and occupies a site over 0.5 hectares in area, thus exceeding the thresholds in column 2.

With reference to Schedule 3 of the EIA Regulations, consideration needs to be given as to whether the proposed amendment to the approved development, along with the existing approved development, has the potential to result in 'significant environmental effects' that require an EIA.

In this case, the proposals to vary the condition controlling waste types accepted at the site, constitute a minor material amendment (under section 73 of the Town and Country Planning Act 1990). The nature of the existing wider site and approved waste management operations form an established environmental baseline, for which the proposed development is broadly consistent. Established controls are in place ensuring impacts on the environment are mitigated. Whilst the proposed acceptance of dog waste could give rise to additional odour and vehicular movements, it is considered that the proposals would not have the potential for significant effects on the environment, within the meaning of the EIA Regulations. Therefore, an EIA is not considered necessary.

Habitats Regulation Assessment

Under 'The Conservation of Habitats and Species Regulations 2017 (as amended)' all planning applications that may affect the protected features of a protected European Habitat Site require consideration of whether the plan or project is likely to have significant effects on that site.

The application site falls within the Sussex North Water Supply Zone (SNWSZ) which draws its water supply from groundwater abstraction in the Arun Valley. Natural England has issued a Position Statement which states that it cannot be concluded with the required degree of certainty, that any new development that would increase the use of the public water supply in this zone, would not contribute to an adverse effect on the integrity of the Arun Valley, a Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar site.

Habitat Regulations Assessment (HRA) screening has been undertaken, that concludes that without mitigation in place, the proposal would not result in additional mains water demand and thus will not have a Likely Significant Effect on the designated features of the Arun Valley site, either alone or in combination with other plans and

projects. Therefore, an Appropriate Assessment is not required, and the proposals would not conflict with the County Council's obligations under the Regulations.

Relevant Planning and Other Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory development plan unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework ('the NPPF')).

The key policies in the development plan that are material to the determination of the application, are summarised below. In addition, reference is made to key relevant national planning policy and other policies that guide the decision-making process and which are material to the determination of the application.

West Sussex Waste Local Plan (2014) ('WLP'): Policy W1 (Need for Waste Management Facilities), Policy W3 (Location of Built Waste Management Facilities), W16 (Air, Soil, and Water), Policy W18 (Transport), Policy W19 (Public Health and Amenity) and Policy W21 (Cumulative Impact).

Crawley Borough Local Plan (2015-2030) ('CBLP'): Policy SD1 (Sustainable Development), Policy CH3 (Normal Requirements of All New Development), Policy EC3 (Manor Royal), ENV12 (Air Quality), and Policy IN1 (Infrastructure Provision).

National Planning Policy Framework ('NPPF'): Paragraphs 8 (Achieving sustainable development - including identifying and coordinating the provision of infrastructure), 11 (presumption in favour of sustainable development), 47 (determining applications in accordance with the development plan), 55-58 (planning conditions and obligations), 110-113 (Transport and considering development proposals), 130 (well-designed places), 187 (new development integrating with existing businesses and communities), 188 (planning decisions should focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions - where these are subject to separate pollution control regimes) and 192 (compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas).

National Planning Policy for Waste ('NPPW'): Paragraph 7 relates to determining waste planning applications. In summary sections of key relevance to this application are; Considering the likely impact on the local environment and amenity against the locational criteria set out in Appendix B (see below); and implementing the strategy in the Local Plan and not control of processes which are a matter for pollution control authorities, on the assumption that such regimes are properly applied and enforced.

Appendix B to the NPPW sets out locational criteria for testing the suitability of sites, namely the protection of water quality and resources and flood risk management; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions including dust; odours; vermin and birds; noise, light and vibration; litter; and potential land conflict.

Planning Practice Guidance ('PPG') - Waste: Paragraph 50 (16/10/14) is of relevance to the proposals which states: "There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body."

Consultations

County Councillor Alison Cornell: No comments received.

Crawley Borough Council (CBC): No objection.

CBC Environmental Health Officer (EHO): Comment. Note measures proposed to minimise the risk of odour, and that the site is regulated by the Environment Agency through an Environmental Permit to ensure appropriate odour, leachate and flies management. Concerns raised in terms of capacity to manage the uplift in this waste stream and potential for it to result in longer periods of container storage outside (and thus a higher risk of odour), and emissions resulting from waste collection vehicles travelling further distances and potential for their routing through an Air Quality Management Area (AQMA).

Environment Agency: No objection. Note that the applicant must ensure that operations at the site are in accordance with Environmental Permitting regulations, and that a variation to the existing permit may be required.

WSSC Highways: There is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. Do not consider the proposed trips could cause a material impact on the operation of the local highway network, have an unacceptable impact on highway safety, or result in 'severe' cumulative impacts on the operation of the highway network. No transport grounds to resist the proposal.

Representations

None received.

Consideration of Key Issues

The main material considerations in relation to this application are:

- need for the development/acceptability in principle
- impacts on neighbouring amenity
- highway capacity and road safety

Need for the development/acceptability in principle

The WLP recognises the importance of ensuring sufficient capacity for the transfer of waste as close as possible to where it arises. Policy W3 of the WLP provides for proposals within the boundaries of existing waste sites which are supported, in principle, for the intensification of existing uses. Further, the NPPF, NPPW and CBLP all recognise the importance of providing key (waste management) infrastructure as part of sustainable development.

Dog waste collected by Horsham District Council (HDC) was previously taken directly to Brookhurst Wood Landfill (within Horsham District, northeast of Warnham) until the end of 2018, when it was closed to the import of waste. This waste is now taken to Redhill Landfill Site in Surrey. As an interim arrangement, HDC have been storing and bulking dog waste for onward transfer in an external container situated at Hop Oast Depot (in Horsham District, north of Southwater). This Depot is not a dedicated waste facility, and the applicant notes that it does not have the appropriate facilities or mitigation measures in place for managing this waste stream which also results in the potential for odour issues, making it unsuitable for continuation of this use.

The proposals would allow for dog waste arising within HDC to be stored, bulked and transferred at the established Crawley TS, where this waste stream is already managed and appropriate facilities, mitigation, odour controls, and Environmental Permits are in place. Although the facility is not located within Horsham District (thus potentially resulting in increased waste mileage) it is currently the closest available suitable facility provided by West Sussex County Council as Waste Management Authority (and operated by the applicant on WSCC behalf) and is cited conveniently enroute to Redhill Landfill in Surrey where the waste is finally disposed of.

In addition to the dog waste already managed at the established Crawley TS arising from CBC collections the proposals would also allow for the bulking and onward transfer of this waste stream arising from HDC collections. This would provide 'transfer' capacity for this waste stream within the nearest appropriate dedicated waste facility to where the waste arises currently available, and between the point of waste arising and the final disposal location.

As a result, it is concluded that the proposals are acceptable in principle and there is demonstrated need to provide for the efficient management of waste arisings in the locality in accordance with national policy, WLP Policy W3, and CBLP Policy IN1. This weighs positively for the proposed development and attracts substantial weight in in the planning balance.

Impacts on neighbouring amenity

The nature of dog waste is such that it has the potential to result in odour, which if not managed correctly could result in odour impacts upon neighbouring businesses, residents and those using or working at the site. The proposals result in an approximate doubling of the volume of dog waste that would be managed on site, thus could potentially exacerbate any odour impacts, if they occur. Further, the proposals result in some additional vehicular movements to/from the site and bulking of the waste, which could give rise to some disturbance.

In terms of potential disturbance, no processing is proposed, and additional vehicular trips are limited in the context of those associated with existing operation of the facility wider HWRS/TS facility. The proposals are commensurate with existing waste management operations at the site and are considered unlikely result in any discernible increase in disturbance to nearby receptors.

In terms of odour, as is currently the case, all dog waste would be unloaded within the main Transfer Station building and transferred into a covered container which, in the large part, is located within the main transfer building (albeit on occasions may be required to be located on hardstanding outside). No odour issues have been reported to the County Council in respect of the existing management of dog waste at the site.

The NPPF, NPPW and PPG make clear that the focus of the planning system, should be on whether the development itself is an acceptable use of land and the impacts of those uses rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission the Planning Authority will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.

In this case, the site is the subject of an Environmental Permit (the regulator for which is the Environment Agency), that requires odours be appropriately managed to ensure odour would not cause pollution to the environment, harm to human health, or serious detriment to the amenity of the locality outside the site boundary. The Environment Agency raise no objection to the proposals. It is further noted that as part of current permit requirements site operatives currently undertake daily odour monitoring, and the transfer building is fitted with an odour neutralising misting system. If approved, the EA would determine if any further action/working plans are required in respect of the Environmental Permit and would have recourse to act against odour issues should they arise.

The CBC EHO acknowledges the measures proposed to minimise the risk of odour, and that the site is regulated by the Environment Agency through an Environmental Permit (who would be expected to ensure appropriate odour, leachate and flies management). Nonetheless some concern is raised in terms of capacity to manage the uplift in this waste stream and potential for it to result in longer periods of container storage outside, and thus a higher risk of odour.

The applicant has clarified that there would be no requirement for additional storage containers. To the contrary it is likely that the frequency of emptying of the container for onward transfer off-site would increase, reducing storage times on site, and thus reducing the potential for odour.

Noting the measures proposed to minimise potential for odour, and controls over odour required by other pollution control regimes, it is considered that there is sufficient assurance that the proposals would not lead to any unacceptable odour impacts upon neighbouring receptors. Condition 13 of the extant permission that requires dog waste be received in durable sealed bags and not be kept on site for a period of longer than 72 hrs would be taken forward, further minimising the potential for odour.

It is concluded, that although there is some potential for the proposals to result in additional disturbance resulting from additional waste throughput at the site, this would be limited and commensurate with existing established waste management activities. Further, suitable controls are proposed to limit any odour emissions, and pollution control regimes are in place to ensure that any odour impacts would not be unacceptable. The proposals are therefore considered to accord with national policy, WLP Policies W3, W19 and W21, and CBLP Policies CH3 and EC3. The limited potential for any negative odour impacts upon amenity therefore attract little weight in the planning balance in this case.

Highway Capacity and Road Safety

It is estimated that the additional waste stream would result in some eleven deliveries in caged vehicles per week (22 movements), all via an established access to the site from Metcalf Way. In the context of existing vehicular movements associated with the operation of the established waste transfer and HWRS, such movements are of negligible significance. The Highway Authority does not consider the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

In conclusion, the proposed development would not result in any unacceptable impact upon the highway, and therefore, accords with Policy W18 of the WLP, Policy CH3 of the CBLP and paragraphs 110-113 of the NPPF. Any potential impacts upon the highway therefore attract little weight in in the planning balance.

Other Considerations

The following material matters are considered to be neutral factors in the planning balance.

Air Quality – The CBC EHO notes that proposals could result in HDC waste collection vehicles travelling further distances, and the potential for their routing through the Air Quality Management Area (AQMA) located along Crawley Avenue and around Hazelwick roundabout. As a result, some concern is raised in relation to increases in vehicular emissions and impacts upon the AQMA. Although these concerns are noted, it is considered that the applicant has demonstrated that site represents the most suitable available facility currently available to manage waste close to where it arises. Further, given the geographical location of Horsham (where arisings would occur) relative to the site, there is limited likelihood of vehicular routing through the AQMA. On balance, it is not considered that the proposals would result in any unacceptable impacts upon air quality.

Condition wording sought - For clarity, the updated wording for Condition 2 as sought by the applicant (see 'proposed development' above), is not accepted in full. It is considered that the condition should only be updated with the addition of dog waste collected by Horsham District Council, to ensure the development would be in accordance with the details submitted and considered as part of this application.

Overall Conclusion

Overall, it is considered that the proposed development accords with the statutory development plan when read as a whole. Furthermore, there are no material considerations in this case that indicate a decision other than in line with the statutory development plan, that is, the granting of planning permission.

In favour of the proposal, the need for the development carries substantial weight. Against the scheme, any potential impact upon neighbouring amenity and the highway carries little weight. Therefore, on balance, it is considered that the substantial benefits of the proposal significantly outweigh any limited disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).

Procedural Matters

Where permission for a variation of condition/s is to be granted (under Section 73 of the Town and County Planning Act 1990) the decision takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. NPPG makes clear that any new permission should set out all the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.

Conditions set out at Appendix 1 are those to be imposed.

Recommendation (Delegated Decision)

For the reasons given above, it is recommended that planning permission is granted under delegated powers subject to the conditions set out in Appendix 1.



Factors taken into account

Crime and Disorder Act 1998: No implications arise from this development.

Human Rights Act 1998: Article 8 of the European Convention safeguards the respect for family life and home whilst Article 1 of the first protocol concerns the non-interference with the peaceful enjoyment of private property. Both rights are subject to conditions and interference with these rights may be permitted if the need to do so is proportionate. In this particular matter, the interests of those affected by the planned development have been fully considered as have the relevant considerations which may justify interference with particular rights. All of these are set out within the body of the report and are examined in the context of relevant planning considerations.

Equality Act 2010: The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act 2010. Officers considered the information provided by the applicant, together with the responses from consultees and any representations made by third parties and determined that the proposal would not give rise to unacceptable material impact on

individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Date of Report: 24/05/24	Case Officer's Name: James Neave
	Case Officer's Signature: 
Date of Review: 24/05/24	Reviewer's Name: Andrew Sierakowski
	Reviewer's Signature: 

Appendix 1: Conditions and Informatives

Conditions

Approved Plans/Information

1. The development shall not take place other than in accordance with the approved plans and information;
 - Site Location (ref. 0004338/CR/A/01);
 - Planning Application Boundary (ref. 0004338/CR/A/02 Rev C);
 - Proposed Site Layout (ref. 0004338/CR/A/04 Rev H);
 - Elevations and Section (ref. 0004338/CR/A/05 Rev B);
 - Drainage Proposals (ref. 0004338/CR/A/06 Rev C);
 - Site Sections (ref. 0004338/CR/A/07 Rev C);
 - Welfare Facilities and Offices Elevations and Indicative Internal layout (ref. 0004338/CR/A/08 Rev B);
 - Landscaping Specification (ref. 0004338/CR Version 2)
 - Trees to be Retained/removed and Proposed Landscaping (ref. 0004338/CR/A/09 Rev D); and
 - Proposed Storage of Compost' Plan (ref. 17653/CVD/031 A)

save as varied by the conditions hereafter or any variation thereto that may be agreed in writing by the County Planning Authority.

Reason: to secure a satisfactory development.

Permitted Wastes

2. Wastes received at the Household Waste Recycling Site (HWRS) shall only comprise residual household waste and recyclables delivered by the public (to include, but not be limited to, glass, metals, paper, plastics, and green waste).

Wastes received directly at the Transfer Station (TS) shall only comprise; paper, glass, plastic, metals, green waste, fly tipped waste, litter, dry street sweepings (including autumn leaf falls), and bulky household goods, all of which are to be collected by local authorities; house clearance waste collected solely by the housing department of Crawley Borough Council; dog waste collected by Crawley Borough Council and Horsham District Council; and recyclable materials and waste electrical and electronic equipment (WEEE) from local businesses and traders. In exceptional circumstances that may be agreed in advance in writing by the County Planning Authority, collected municipal household waste may be delivered to the TS for storage only, and for a maximum of 48hrs.

With the exception of those specific waste streams identified above, the site shall not receive construction and demolition waste from commercial sources, commercial and industrial waste, hazardous or special wastes, dredged

materials, or animal by-products (other than those from within the municipal waste stream).

Reason: To control permitted waste types at the site in the interests of the environment and amenities of the locality.

No Crushing or Baling

3. No crushing or baling activities shall take place on the site at any time.

Reason: In the interests of local amenity.

Lighting and CCTV

4. All external floodlighting, other illumination and CCTV at the site shall be installed, operated, and maintained in accordance with the approved plans and information; Proposed External Lighting Layout ref. 0016208/CR/E/110 Rev D and; Luminaire Schedule ref. P122-1081.

Reason: To ensure site lighting and CCTV scheme does not detract from local amenity.

Drainage

5. All drainage at the site shall be installed, operated, and maintained in accordance with the approved plans and information; Drainage Proposals ref. 0061208/CR/C/501 Rev 6; Drainage Typical Details ref. 0016208/CR/C/504 Rev 2; Drainage Long Sections (Sheet 1 of 2) ref. 0016208/CR/C/502 Rev 4; Drainage Long Sections (Sheet 2 of 2) ref. 0016208/CR/C/503 Rev 5 and; Section 278/38 Access Road Drainage ref. 0016208/CR/C/2007 Rev 4.

Reason: To ensure adequate drainage of the site.

Bunding and fencing

6. All bunding and fencing at the site shall be installed and maintained in accordance with the approved plans; Fencing Gates Bollards & Barriers ref. 0016208/CR C 301 Rev 4; Typical Section ref. 0016208/CR C 104 Rev 3 and Section 278/38 Access Road Fencing Gates Bollards & Barriers ref. 0016208/CR/C/2008 Rev 2.

Reason: To ensure the site is adequately screened.

Hours of Operations

7. Unless otherwise agreed in advance and in writing by the County Planning Authority, the hours of working and operation of the Household Waste Recycling Site (HWRS) shall be as follows:

The HWRS shall not be open for the reception of waste before 0800 hours Mondays to Fridays, or before 0900 hours on Saturdays, Sundays and Bank

Holidays. It shall close each day, no later than 1900 hours between 1 April and 30 September, and no later than 1700 hours between 1 October and 31 March.

No working shall take place and no large goods vehicles shall arrive or depart before 0730 hours on Mondays to Fridays, and 0800 hours on Saturdays, Sundays and Bank Holidays, or later than 30 minutes after the approved closing time.

The Transfer Station shall not be open for the reception of waste before 0700 hours Mondays to Fridays and Saturdays, unless otherwise agreed in advance and in writing by the County Planning Authority. It shall close each day, no later than 1900 hours Mondays to Fridays, and no later than 1700 hours on Saturdays. On Bank Holidays the Transfer Station shall only open for the reception of waste at 0900 hours and shall close no later than 1700 hours. No working shall take place on Sundays.

No working shall take place and no large goods vehicles shall arrive or depart before 0700 hours on any day or later than 30 minutes after the approved closing time.

Reason: In the interests of local amenity.

Plant use and silencing

8. All plant and machinery shall operate only in the permitted hours and shall be silenced at all times in accordance with the manufacturers standard UK specification as updated.

Reason: To protect the amenity of nearby residents.

Road Markings, turning and parking provision

9. Unless otherwise agreed in advance and in writing by the County Planning Authority, road markings and sufficient space allocated within the site for the turning and parking of staff vehicles and customer vehicles shall be installed, operated, and maintained in accordance with the approved plans; Line Marking & Signage ref. 0016208/CR C 1201 Rev 2 and; Section 278/38 Access Road Traffic Signs and Line Marking and Street Lighting ref. 0016208/CR/C/2005 Rev 1.

Reason: In the interests of highway safety.

Storage of pollutants

10. Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas

shall be impervious to both water and oil. The pipes should vent downwards into the bund.

Reason: To minimise the risk of pollution of watercourses and aquifers.

Copy of decision notice

11. A copy of this decision notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission shall be kept at the office and the terms and contents of them shall be made known to all persons with responsibility for the management or control of waste handling activities on the site.

Reason: To ensure the site operatives are conversant with the terms of the planning permission.

Storage of compost for resale

12. Unless otherwise agreed in advance and in writing by the County Planning Authority, only the area identified by diagonal green lines on drawing 1763/CVD/031 A, shall be used for the sale of bags of compost derived from recycled green waste. Such compost shall at all times be contained within pre-packaged sealed bags and at no time shall there be in excess of three palettes of compost for resale stored on site.

Reason: In the interests of the environment and the amenities of the locality and to enable the County Planning Authority to control the extent of retail activities within this site.

Management of Dog Waste

13. Any dog waste received at, stored within, or dispatched from, the site shall at all times be contained within durable sealed bags. No dog waste shall be stored on site for longer than 72 hours, with appropriate records kept of its receipt/removal times which shall be made available to the County Planning Authority upon request.

Reason: To ensure any odour associated with the management of dog waste is minimised in the interests of neighbouring amenity.

Informatives

- A. The County Planning Authority has acted positively and proactively in determining the planning application by identifying issues of concern and considering whether planning conditions could be used to satisfactorily address them. As a result, the County Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework.

B. **Biodiversity Net Gain** - Based on the information provided (1) this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemptions or transitional arrangements are considered to apply:

- Application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

** "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.*

- Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.