

Appendix 1: Conditions and Informatives

GENERAL

Commencement

1. The development hereby permitted shall commence before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans and Documents

2. The development hereby permitted shall not take place other than in accordance with the following approved plans and documents:
 - Proposed Site Plan (Fig. No. 2.1, March 2018);
 - Ground Floor Plan (Ref. NK018074-RPS-MB-GF-A-DR-0104, Rev P02; 14 March 2018);
 - Roof Plan (ref. NK018074-RPS-MB-GF-A-DR-0106, Rev P02; 14 March 2018);
 - Proposed Sections AA-BB (ref. NK018074-RPS-MB-ZZ-A-DR-0105, Rev P04; 14 March 2018)
 - Illustrative Landscape Proposals (Figure 5.38, Ref. NK018074-RPS-ST-XX-A-DR-0188);
 - Proposed Elevations (ref. NK018074-RPS-MB-ZZ-A-DR-0111, Rev P02; 14 March 2018);
 - Storage and Recycling Area Plan and Elevations (ref. NK018074-RPS-XX-ZZ-A-DR-0112, Rev P02; 14 March 2018);
 - Air Cooling Condenser Plan and Elevations (ref. NK018074-RPS-XX-ZZ-A-DR-0113, Rev P02; 14 March 2018);
 - Cycle Shelter, Sprinkler Tanks and Pump House Layout and Elevations (ref. NK018074-RPS-XX-ZZ-A-DR-0114, Rev P02; 14 March 2018);
 - Gatehouse (ref. NK018074-RPS-XX-ZZ-A-DR-0116, Rev P02; 14 March 2018);
 - Transformer Building (ref. NK018074-RPS-U01-A-DR-0117, Rev P02; 14 March 2018);
 - Lighting Strategy (ref. RPS-ST-XX-A-DR-6302 Rev. D5, 12 March 2018); and
 - Drainage Strategy (ref. NK018074-RPS-EFW-XX-RP-D-DS001, 13 March 2018), including maintenance provisions in Section 6;

save as varied by the conditions hereafter.

Reason: To ensure the development is carried out as proposed

PRIOR TO COMMENCEMENT

Great Crested Newt Protection Plan

3. Prior to the commencement of the development hereby permitted, a Great Crested Newt Protection Plan shall be submitted to and approved in writing by the County Planning Authority. The Plan shall detail measures to protect and/or mitigate damage to populations of Great Crested Newt and their associated habitat during construction works the operation of the facility, and shall include a timetable for implementation. Any changes to operational responsibilities at the site (including management) shall be submitted to the County Planning Authority within one month of the change occurring. The approved Great Crested Newt Protection Plan shall be implemented in full throughout the operation of the approved facility.

Reason: To protect the Great Crested Newt population and its habitat within and adjacent to the development site, to avoid damage to the nature conservation value of the site, in accordance with the Wildlife and Countryside Act 1981 and section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, and to ensure the responsible parties for securing this are identified.

Materials/Finishes

4. No development shall be carried out until a schedule of materials and finishes (including samples) to be used for external walls, roofs, flue stacks, air cooled condenser structure, of the proposed building(s) has been submitted to and approved in advance in writing by the County Planning Authority. Once approved, the development shall be constructed in accordance with the approved schedule of materials, and maintained as approved.

Reason: In the interests of amenity and to ensure a development of a quality finish.

Landscaping and Ecological Scheme

5. Prior to the commencement of the development hereby permitted, a Landscaping and Ecological Scheme detailing landscaping and ecological proposals, in accordance with the Illustrative Landscape Proposals (Figure 5.38, Ref. NK018074-RPS-ST-XX-A-DR-0188), shall be submitted to and approved in writing by the County Planning Authority. The Scheme shall include:
 - Details of all species, planting sizes and nursery stock types, densities, planting method and soil amelioration;
 - Details of proposed footpaths and fencing;
 - Details of the provision of bird boxes;
 - Details of a 5 metre wide buffer zone alongside the ponds (abutting the northern extent of the site) and details of how the buffer zone will be protected during the development, and managed/maintained over the longer term, including adequate financial provision and named body responsible for management plus production of detailed management plan.

Thereafter, the Scheme shall be implemented in full as approved. The approved landscape scheme shall be fully implemented in the first growing

season following commencement of the development hereby permitted unless agreed by prior arrangement in writing with the County Planning Authority. Any plants which fail to establish, are damaged, become diseased or die within 5 years of planting shall be replaced by the applicant in accordance with the original scheme or as agreed in writing with the County Planning Authority.

Reason: To provide visual screening of low level development on the site, and to protect the Great Crested Newt population and its habitat within and adjacent to the development site, to avoid damage to the nature conservation value of the site, in accordance with the Wildlife and Countryside Act 1981 and section 40 of the Natural Environment and Rural Communities (NERC) Act 2006.

Bird Hazard Management Plan

6. Prior to the commencement of the development hereby permitted, a Bird Hazard Management Plan shall be submitted to and approved in writing by the County Planning Authority. The submitted Plan shall include details of the management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and 'loafing' birds. The Bird Hazard Management Plan shall be implemented as approved upon completion of the roofs and shall remain in force for the life of the building.

Reason: To minimise the attractiveness of roofs to birds that could endanger the safe movement of aircraft and the operation of Gatwick Airport.

Construction and Environmental Management Plan

7. Prior to the commencement of the development hereby permitted, including construction and preparatory works, a Construction and Environmental Management Plan shall be submitted to and approved in advance and in writing by the County Planning Authority. The Plan shall provide details on the following matters:
 - The method of construction, including details of any piling and foundation design using penetrative methods;
 - The method of demolition;
 - The measures to prevent the mobilisation of existing contamination by airborne and waterborne routes;
 - The parking of vehicles by construction site operatives;
 - Details of public engagement both prior to and during construction works;
 - Dust suppression measures, particularly during demolition;
 - The storage, loading and unloading of plant, materials and waste;
 - The use of temporary lighting;
 - The erection and maintenance of construction screening/hoardings;
 - The provision of wheel washing and/or other works required to mitigate the impact of construction upon the public highway;
 - Traffic management, including the anticipated number, frequency and types of vehicles used during construction (including a framework for

managing abnormal loads), and the installation of any signage within the site and the highway;

- The measures to minimise noise producing activities;
- The measures to prevent spills on site;
- Details of cranes and other tall construction equipment (including the details of obstacle lighting). Such schemes shall comply with Advice Note 4 'Cranes and Other Construction Issues', available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>

Thereafter, the scheme shall be implemented and adhered to as approved throughout the entire construction period of the development hereby permitted.

Reason: In the interests of highway safety and the amenities of the locality, and to ensure the development does not endanger the safe movement of aircraft or the operation of Gatwick Airport through interference with Instrument Flight Procedures.

Obstacle Lighting Scheme

8. Within 12 months of the commencement of development, details of the permanent obstacle lighting scheme for the development shall be submitted to and approved in writing by the County Planning Authority. Obstacle lights shall be placed on the flue stack and on the four highest corners of the building itself. The obstacle lights must be steady red medium intensity (2000 candelas) type B. The flue stack shall not be erected until such time as the scheme has been approved, and the approved scheme shall thereafter be implemented in full throughout the operation of the development.

Reason: Permanent illuminated obstacle lights are required on the flue stack and the four highest corners of the building to avoid endangering the safe movement of air traffic.

Liaison Group

9. Prior to the commencement of the development hereby approved, the applicant shall submit a scheme for approval in writing by the County Planning Authority detailing the establishment of a local liaison group to include representation from the site operator, WSCC and local residents. The scheme shall include its objectives, membership, frequency and location of meetings and arrangements for the publication of minutes. Liaison group meetings shall be held in accordance with the approved scheme.

Reason: In the interests of the local amenities of the area.

OTHER REQUIREMENTS

Combined Heat and Power Opportunities

10. The facility hereby approved shall be designed from the outset such as to allow for the potential future beneficial use of combined heat and power, the specific measures and specifications for which shall be submitted to and approved in

writing by the County Planning Authority prior to the installation of the energy-from-waste plant. Thereafter, the plant shall be installed in accordance with the approved specifications.

Reason: To ensure that plant is designed with the potential to make use of heat produced by the plant, in the interests of sustainability and maximising resource use.

Deposit of Material onto the Highway

11. Prior to waste first being accepted at the facility hereby approved, a scheme shall be submitted to the County Planning Authority for written approval detailing the measures to ensure that no vehicle shall leave the site in such a condition that earth, mud and debris adhere to the wheels in a quantity which may introduce hazard or nuisance on the highway and actions to be taken in the event of earth, mud or debris arising from the development being present on the highway. Thereafter, the approved scheme shall be implemented in full throughout development.

Reason: In the interests of highway safety, and to protect the amenity of local residents from dust and mud.

Operational Noise Survey

12. Within two months of the facility becoming operational, an Operational Noise Survey, undertaken in accordance with BS4142:2014 (or successor), in accordance with an approach previously agreed with the County Planning Authority (including agreeing sensitive receptors and monitoring periods), shall be submitted to the County Planning Authority. If the Survey indicates that noise emissions from the facility exceed existing representative background sound levels $L_{A90,T}$ by more than 3dB, mitigation measures shall be introduced, and the Survey repeated and submitted to the County Planning Authority on a monthly basis until the required levels are reached.

Reason: To ensure noise emissions from the facility are at a level which will not be detrimental to the living conditions of nearby residents.

Archaeological Information Board

13. Within six months of waste first being accepted at the facility hereby approved, an information board shall be erected at the site providing details of its industrial history, in accordance with a scheme submitted to and approved in writing by the County Planning Authority. The board shall thereafter be maintained as approved throughout the operation of the facility.

Reason: To record and advance understanding of the significance of the former brickworks and to make this evidence publicly accessible.

CONSTRUCTION CONTROLS

Hours of Construction and Deliveries

14. Construction (including any demolition and site clearance) of the development hereby permitted, involving the use of plant/machinery/equipment/vehicles and the deliveries of construction materials/plant/machinery/equipment being received by or despatched shall only take place between the hours of:
- 07.00 and 19.00 on Monday to Friday inclusive;
 - 08.00 and 16.00 on Saturdays; and
- not at any time on Sundays, Bank Holidays or Public Holidays.

Reason: To accord with paragraph 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

OPERATIONAL CONTROLS

HGV Numbers

15. No more than 142 HGVs shall enter the site between the hours of 07.00-16.30 and no more than 142 HGVs shall exit the site between the hours of 07.00-18.00 on Mondays to Fridays inclusive.

No more than 70 HGVs shall enter the site between the hours 07.00-12.00 and no more than 70 HGVs shall exit the site between the hours of 07.00-18.00 (of which no more than 9 HGVs shall exit the site between 16:30-18:00) on Saturdays.

No HGVs shall enter or exit the site on Sundays, Bank Holidays or Public Holidays.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

Hours of Use

16. With the exception of the processing and combustion of waste within the Energy-from-Waste building, which shall be allowed to operate continuously, there shall be no external operations involving plant and machinery associated with the development hereby permitted, including the movement of HGVs to/from the site, outside the hours of:
- 07.30 and 18.00 on Monday to Friday inclusive; and
 - 07.30 and 18.00 on Saturdays.

No external operations shall take place on Sundays, Bank Holidays or Public Holidays.

Reason: To limit the hours of outside operations on the site which will not be contained by buildings, in the interests of protecting the amenity of residents, to accord with paragraphs 109, 120 and 123 of the NPPF (2012).

Odour Control

17. The Waste Processing Hall and Tipping Hall (as shown on the Proposed Site Plan (Figure 2.1, March 2018)) shall incorporate and operate negative pressure extraction/ventilation systems, and all doors shall remain closed as far as is reasonably practicable.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) to minimise odour emissions in the interests of the amenities and environment of the locality.

Enclosed Loads

18. All vehicles associated with delivery of wastes to the site and the removal of waste/treated waste materials/products from the site shall have their loads enclosed so as to prevent spillage or loss of materials on the public highway and the release of emissions to air.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) in the interests of road safety and of the amenities of the locality.

Quantities of Waste and Record Keeping

19. No more than 230,000 tonnes of waste shall be managed at the site in any one year. A record of the annual quantities (in tonnes) of wastes delivered to the site and the number of all goods vehicle movements entering and exiting the site in any one year shall be maintained by the applicant at all times and made available to the County Planning Authority upon request.

Reason: To accord with paragraphs 109 and 123 of the NPPF (2012) to enable the County Planning Authority to monitor the level of traffic generated by the permitted use and ensure adequate control of the development so as to protect both local amenity and the local environment.

Reversing Alarms

20. Vehicles within the operator's control, including those required to visit the site under contract that are required to emit reversing warning noise, shall use only white noise/broadband alarms rather than single tone alarms.

Reason: To protect the amenities of local residents.

Retention of Parking Provision

21. The car and HGV parking shown on the Proposed Site Plan (Figure 2.1 dated March 2018) shall be retained for this use throughout the operation of the approved development.

Reason: to ensure sufficient parking is provided on site, to minimise the impact of the development on the wider highway network.

Storage/Recycling Building

22. No putrescible (or mixed putrescible and non-putrescible) materials shall be managed or stored in the Storage/Recycling Building shown on the Proposed Site Plan (Figure 2.1, March 2018).

Reason: to prevent odours and the attraction of vermin/birds.

INFORMATIVES

Positive and Proactive Working

- A. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive way, and has worked proactively with the applicant by:
- Providing pre-application advice;
 - Seeking amendments early on in the application process to see if a sustainable solution can be agreed;
 - Discussing issues of concern as early as possible, including those raised by consultees and third parties;
 - Giving them the opportunity to provide further information/changes to overcome material impacts; and
 - Working with consultees.

As a result, the County Planning Authority has been able to recommend the grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

Protected Species Survey Requirements

- B. The applicant should note that a licence will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species. For further information and guidance on European Protected Species and licensing procedures see the Wildlife Management and Licensing Guidance from Natural England. Further information and guidance on UK protected species and licensing can be found under the Defra web pages for the Wildlife and Countryside Act 1981.

Protection of Network Rail Assets

- C. The Developer should contact the Network Rail's Asset Protection Team well in advance of mobilising on site or commencing any works. The initial point of contact is Asset Protection Sussex AssetProtectionSussex@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.