

For: PLANNING AND REGULATION COMMITTEE – 17 JULY 2017

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed: Section 73 application for the variation of condition 11 attached to planning consent P15/S3167/CM (MW.0124/15) to allow up to four heavy goods vehicles (HGVs) to leave the site in both morning and evening rush hour.

Division Affected:	Thame and Chinnor	
Contact Officer:	Catherine Kelham	Tel: 07809 383 809
Location:	Moorend Lane Farm, Moorend Lane, Thame, Oxfordshire, OX9 3HW	
Applicant:	David Einig Contracting Ltd.	
Application No:	MW.0032/17	District No: P17/S1500/CM
Application received date:	29 March 2017	
Consultation Period:	27 April 2017 to 18 May 2017	
District Council Area:	South Oxfordshire	

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Reason for Committee:

Objection from Thame Town Council
Objection from the Local Member

Part 1 - Facts and Background

Location (see site plan Annex 1)

1. The site is a consented inert landfill and mineral extraction operation, with permission to screen and crush material. It is situated to the north of Thame, just south of the Buckinghamshire county boundary. The application site occupies an area of 4.75 hectares. Access to the site is off Moorend Lane via the A4129 Kingsey Road which acts as Thame's northern by-pass. Thame bridleway 2 (382/2/100) runs concurrent with the access to the application site.
2. The site is bounded by a sewage treatment works to the south, the leisure centre football pitches and skate park to the west, the sewage works outfall ditch and agricultural grazing land (belonging to the owner of the application site) to the east, and Lash Lake Stream to the north. Moorend Lane bounds the south-east corner of the site.

Relevant Planning History

3. Planning permission for the site was first granted on 31st January 2013 (reference MW.0101/12 (P12/S1461/CM)). This was for the extraction of a small sand reserve and the importation of inert material to restore the old landfill and sewage beds to facilitate livestock grazing above the surrounding floodplain. Since then, there have been several applications seeking to vary conditions of this and the subsequently granted planning permissions.

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4. Condition 1 of planning permission reference MW.0101/12 was varied in order to amend the location of the crusher, screener, associated stockpiles and screening bund. This permission was granted on 31st March 2013 (planning permission reference MW.0011/14).
5. Conditions 2 and 3 of planning permission reference MW.0011/14 were varied to extent the time period for extraction of sand to 31 December 2020, to extend the time period of completion of restoration to 31 December 2022, and to remove the requirement to install ground markers around the sand extraction site boundary. This permission was granted on 20th May 2015 (planning permission reference MW.0154/14).
6. Condition 12 of planning permission reference MW.0154/14 was varied to allow an increase in the height of the permitted screening bunds on the site. This was granted on 12th November 2015 (planning permission reference MW.0124/15). This is the planning permission for the site which is being implemented.

Details of the Proposed Development

7. The applicant seeks permission to vary condition 11 attached to planning permission MW.0124/15 to allow up to four heavy goods vehicles (HGVs) to leave the site in both the morning and evening rush hours. The existing access and current operating hours, as outlined in condition 4 of the current planning permission (MW.0124/15), would be retained. No changes to operations within the site are proposed by this application.
8. It is stated in support of the application that this current rush hours restriction is problematic in terms of efficient use of the site and the contracted HGV drivers, who are only allowed to drive a certain number of hours per day. As HGVs can enter before and during rush hour times, the site operator reports there is a backlog of HGVs leaving the site at the end of the morning rush hour.
9. The existing planning permission does not restrict the total number of HGVs movements to and from the site. HGV movements therefore are technically unlimited and uncontrolled outside of rush hours.
10. Access to the site is off Moorend Lane via the A4129 Kingsey Road. The existing routing agreement (see Figure 1 below) ensures HGVs from the site do not go through Thame. As in the plan below, HGVs travelling on local roads to and from the site are restricted to using the A418 in both directions (towards Oxford and Aylesbury), the A4129 (Tythrop Way and Kingsey Road towards Longwick and Princess Risborough) and B4012. This routing agreement would be retained should planning permission for the changes to HGV movements be permitted. The site operator has also further voluntarily restricted HGV routing, reportedly at the request of local residents, to insist HGVs turn left out of the site rather than cross a lane of traffic to turn right.

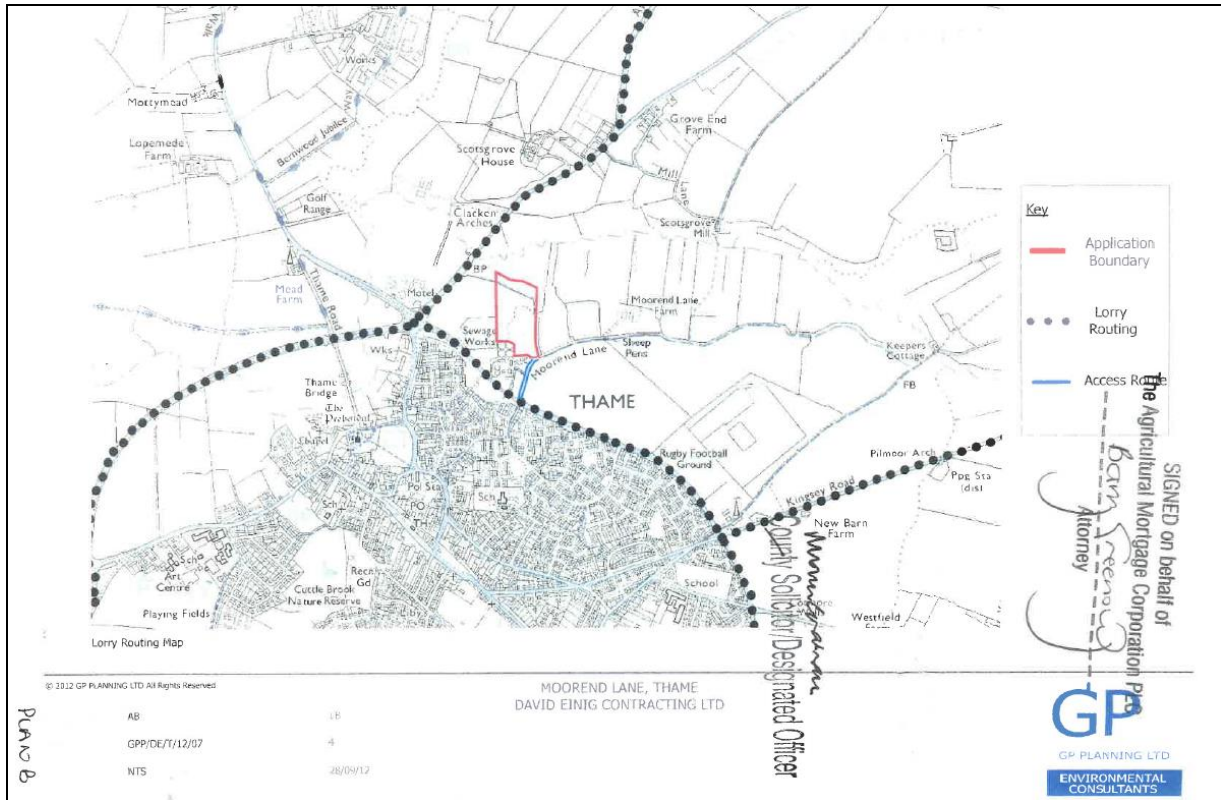


Figure 1: Existing Routing Agreement

Part 2 - Other Viewpoints

Third Party Representations

11. Ten representations, all objecting to the application, have been received. The planning issues raised by these representations are:
 - Highway safety
 - Traffic, congestion and journey time
 - Mud and dust (both on the road and in the surrounding area)
 - Noise from the site
 - Breaches of planning control at the site

Consultation Responses

12. The Local Member, Councillor Carter objects to the application. He has stated that the Thame ring road is heavily congested during peak periods, and the application site is on a section of the ring road which feeds into one of the main roundabouts. At peak times this area is particularly busy, and he believes it would not be appropriate for heavy lorries to be disrupting the traffic flows even further by manoeuvring in and out of the application site. He believes this would have been the reason why the restriction was applied to the original planning permission, and states that as the circumstances have not changed since then, it would make no sense to lift the restriction now.
13. Thame Town Council objects to the development as they are concerned about highways safety.
14. South Oxfordshire District Council supports the views that the relevant highways expertise will make on this application.
15. The Rights of Way Officer has no objection to the application.

16. The Oxfordshire Minerals and Waste Policy Team have no comments to make on the application.
17. Oxfordshire Transport Development Control Officer has no objection to the application. They are satisfied the geometry and visibility available at the junction and the limited number of trips proposed would not have a significant impact upon highway safety or convenience. The junction has visibility in excess of 'comfortable' stopping distance commensurate to speed of passing traffic. They consider that vehicles slowing and waiting to turn would delay traffic along the A4129 but this would be minimal given the proposed number of trips. They also state there is spare capacity along the A4129 and the additional trips would have a negligible impact and whilst local junctions may be subject to some congestion, such a small number of additional trips would be unperceivable against background flows and demand.
18. Buckinghamshire County Council Highways Authority considers this to be a cross border application. They have concerns of the capacity of the Kingsey Road towards Longwick and Princes Risborough although after speaking with the applicant's agent it has been confirmed that none of the HGVs stated within this application will be routed via Kingsey Road during the peak hours therefore negating the capacity concerns. Nonetheless, it is requested that the condition is amended to prevent HGVs from being routed via Kingsey Road towards Princes Risborough during peak hours. Subject to this, Buckinghamshire County Council Highways Authority has no objection to the application.
19. The South Oxfordshire Environmental Health Officer had recommended that a condition be placed on the application to ensure that all mitigation shall be used to reduce noise levels from land restoration, as described in the noise report ref 4118 by Walter Beak Mason dated 18/09/12, including the earthen bunds detailed in the Moored Lane Plan, job number 1336 dated 28/01/14. Following clarification that this bund already exists, the District EHO has confirmed he has no further comments to make in terms of noise mitigation.

Part 3 – Relevant Planning Documents

20. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
21. The Development Plan for this area comprises:
 - i. Oxfordshire Minerals and Waste Local Plan (OMWLP) (saved policies);
 - ii. South Oxfordshire Core Strategy (SOCS);
 - iii. South Oxfordshire Local Plan saved policies (SOLP); and
 - iv. Thame Neighbourhood Plan (TNP).
22. Other documents that need to be considered in determining this development include:
 - i. Draft Oxfordshire Minerals and Waste Part 1- Core Strategy incorporating proposed main and additional modifications (OMWCS);
 - ii. National Planning Policy Framework (NPPF); and
 - iii. National Planning Policy for Waste (NPPW).

Relevant Policies

23. The relevant policies are:

Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996 Saved Policies

- Saved Policy PE11 (Protecting the Rights of Way Network)

South Oxfordshire Core Strategy (SOCS) 2012

- CSM1 (Transport)

South Oxfordshire Local Plan (SOLP) 2011 Saved Policies

- T1 (Transport)
- T10 (Lorries on Unsuitable Roads)
- EP1 (Prevention of Polluting Emissions)
- EP2 (Noise and Vibrations)
- R8 (Public Rights of Way)

Thame Neighbourhood Plan

- Policy ESDQ24 (Linking Pedestrian and Cycle Routes and Destinations)
In addition, as set out within the Thame Neighbourhood Plan policy list, a number of saved policies from the SOLP 2011 continue to apply to Thame. This includes all those listed above.

Draft Oxfordshire Minerals and Waste Core Strategy (OMWCS) (Main and additional Modifications February 2017)

24. The draft Oxfordshire Minerals and Waste Local Plan Part 1 - Core Strategy (OMWCS) was submitted to the Secretary of State for independent examination in December 2015. Following an examination hearing held in September 2016, the Inspector issued his Report on 15 June 2017. He concludes that with his recommended main modifications, the OMWCS satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (amended) and meets the criteria for soundness in the National Planning Policy Framework. In accordance with Section 23(3) of the 2004 Act, the County Council may now adopt the OMWCS with the Inspector's recommended main modifications and any additional modifications that do not materially affect the policies. Therefore, although the OMWCS is not yet adopted, it is at a very advanced stage and the draft policies with the Inspector's recommended main modifications should accordingly be given due weight.

Relevant policies are:

- C5 (Local environment, amenity and economy)
- C10 (Transport)
- C11 (Rights of Way)

Part 4 – Analysis and Conclusions

25. The principle of the development, to extract a small sand reserve, to import inert material to restore the old landfill, and to crush and screen material has already been established at this location. No changes to the use of the site, or operations within the site are proposed. The only planning issue to be considered is whether the development already permitted would remain acceptable with up to four HGVs leaving the site in both morning and evening rush hours. I therefore considered the key policy matters to consider are:
- Traffic, Congestion and Highway Safety;
 - Amenity (Noise, Dusts and Air Quality);and
 - Rights of Way.

Traffic, Congestion and Highway Safety

26. Taken together policy CSM1 of the SOCS and saved policy T1 of the SOLP seek to ensure developments are served by an adequate road network, which can accommodate the traffic from the development, without creating traffic hazards, affecting road safety, damaging the environment or effecting air quality. Draft policy C10 of the OMWCS, expects mineral and waste developments to use roads suitable for lorries and make provision for safe and suitable access to the advisory lorry routes shown on the

Oxfordshire Lorry Route Maps. In addition, saved policy T10 of the SOLP seeks to prevent development which would significantly increase the number of lorries on unsuitable roads.

27. Local residents have objected to the proposed development, as they believe it would lead to increased congestion and journey times and would adversely impact highway safety. Similarly, Thame Town Council has objected to the application on highway safety grounds. The Local Member has also objected to the application, believing it would increase congestion on the Thame ring road at peak times. These views are not supported by the Oxfordshire Development Control Officer (Transport) responding to the application on behalf of the council as Highway Authority. In his view, the number of trips proposed would not have a significant impact upon highway safety or convenience. In addition, he believes that such a small number of additional trips would be unperceivable against background flows and demand. In light of the technical advice, as the development has safe and convenient access to a highway network that can accommodate the traffic, I consider the development is in compliance with policy CSM1 of the SOCS and saved policy T1 of the SOLP.
28. As the HGV movements are not specifically controlled by condition through the existing permission, allowing HGVs to leave the site during the morning and evening rush hours, could inadvertently enable the operator to increase HGV movements to and from the site. Should the application be permitted, as only four HGVs could leave the site in the morning rush hour and only four could leave the site in the evening rush hour, it is anticipated this possible increase would be small. As such, although there is no overall limit on HGVs accessing the site, in light of the comments from the Oxfordshire Transport Development Control Officer, I am satisfied that changing the limit on HGV movements from the site during the rush hour would not cause severe harm to the highways network.
29. Chapter eight of the SOLP supports the County Council Policy that lorry traffic should, wherever possible, use the major road network and encourages the use of routing agreements as a means of addressing environmental impacts in towns and rural areas. Normally these routing agreements would be to address specific local issues, for example at a junction in the immediate vicinity of the site, and direct HGVs to the county's strategic highway network. Once HGVs are on the county's strategic highway network, it would not normally be considered necessary, reasonable or enforceable to control them.
30. Access to the site is off Moorend Lane via the A4129 Tythrop Way and the exiting routing agreement, as shown in figure 1, ensures that HGVs travel on suitable roads and prevents HGVs travelling through Thame. Buckinghamshire County Council Highways Authority has expressed concerns of the capacity at Princes Risborough (approximately 7.5 miles to the west-southwest of Moorend Lane Farm along the A4129). Due to this, they have requested that vehicles from the site are not routed towards via Kingsey Road (A4129) towards Princes Risborough during peak hours.
31. Whilst I accept these concerns, the routing restriction suggested by Buckinghamshire County Council Highways Authority would only apply to those of the four HGVs that left the Moorend Lane site between the peak hours wanting to travel through Princes Risborough and not to any other "David Einig Contracting Ltd" branded HGV on the highway network. In addition, whilst there are concerns over the capacity of the road network at Princes Risborough, I consider the impact of four HGVs during rush hours to be negligible. The proposed change between no HGVs leaving the site during the morning and evening rush hours, and four HGVs leaving the site during the morning and evening rush hours is likely to be within daily fluctuations of vehicles on the highway network, for example between school holiday and term-time. As in the comments from Oxfordshire Transport Development Control Officer, such a small number of additional trips are likely to be unperceivable against background flows.

32. I therefore consider that further restricting the HGV routing, and preventing them from entering or exiting the site via part of the local A-road network would be unreasonable and unnecessary as the HGVs have already been routed on to the county's strategic highway network. As such, a condition or obligation requiring this new routing would be unacceptable and contrary to Paragraph 206 of the NPPF. If planning permission were to be granted, this new suggested routing should not be a requirement. I believe the existing routing agreement should however be carried forward as it seeks to address a specific local issue, and provide a safe route to direct HGVs on to the county's strategic highway's network. Regardless of this view, the comments from Buckinghamshire County Council Highways Authority indicate the applicant already chooses not to route HGVs via Kingsey Road during peak hours. Whether to continue this practice is a matter for the operator rather than planning control.
33. In summary, this application proposes to allow up to four HGVs to leave the site in both the morning and afternoon rush hours. From a technical perspective, I have been advised that the geometry and visibility available at the junction is satisfactory and the junction has visibility in excess of 'comfortable' stopping distance commensurate to speed of passing traffic. The existing routing agreement seeks to ensure that HGVs access the site using the major road network and bypass Thame. It facilitates safe and suitable access to advisory lorry routes shown on the Oxfordshire Lorry Route Map. Should the application be permitted, this routing agreement would be retained. I am satisfied that the limited number of trips proposed during peaks hours times would not have a severe or significant impact upon highway safety or convenience. I consider the development is in compliance with saved policy T10 of the SOLP and draft policy C10 of the OMWCS.

Amenity (Noise, Dust and Air Quality)

34. Saved policy EP1 of the SOLP seeks to prevent development which would have an adverse effect on people and other organisms from polluting emissions, including dust and grit. Similarly, draft policy C5 of the OMWCS requires development to demonstrate that it would not have an unacceptable adverse impact on the local environment and human health. Potential adverse effects on air quality are also protected through draft policy C10 of the OWMCS and saved policy T10 of the SOLP. Saved policy EP2 of the SOLP seeks to prevent development which would have adverse effects on neighbours in terms of noise or vibrations.
35. Several representations have highlighted concerns over mud and dust on the road and in the surrounding area. No changes to the operations already permitted at the site are proposed and a dust mitigation strategy is already in place at the site. This requires all vehicles to be sheeted prior to leaving the site to minimise spillages or wind whipping of loose material and requires vehicles to have their wheels cleaned prior to leaving the site. During dry weather, this strategy also requires a water bowser to be used to dampen the access road to suppress dust, and for loose stockpiles to be stabilised with water. The dust mitigation strategy is required by condition and this would be carried forward should planning permission be granted. Overall, I consider it unlikely that allowing four HGVs to leave the site during both the morning and afternoon rush hour would noticeably change how much dust or mud is generated from the site. I therefore consider this development to be in compliance with saved policy EP1 of the SOLP and draft policy C5 of the OMWCS.
36. One representation commented on the noise from the existing operations on the site. The District EHO also commented to ensure noise from the land restoration operation is adequately mitigated. As above, the use of the site for mineral extraction, landfill and material screening has already been established and planning permission to change this use is not being sought through this application. A bund is already in place and the District EHO believes this would be sufficient to minimise any mechanical noise from the restoration process.

37. Should the proposed development be permitted, HGVs would leave the site during morning and evening rush hours and travel on the roads outlined in the routing agreement. Outside these times, HGVs would continue to access the site as permitted by the current permission. No changes to operations at the site are proposed. Overall, I consider the noise and vibrations linked to the site are likely to be unchanged. I therefore believe the proposed development would not have adverse effects on neighbours in terms of vibrations or noise, and is in compliance with saved policy EP2 of the SOLP.
38. In terms of air quality, Thame is not within a South Oxfordshire Air Quality Management Area. In addition, the District EHO has not highlighted any air quality concerns in his comments. As such, I consider that allowing four HGVs to leave the site during both the morning and evening rush hours, would not lead to significant concern in regard to the air quality in the immediate area. I therefore consider the development is in compliance with draft policy C10 of the OWMCS and saved policy T10 of the SOLP.

Rights of Way

39. Thame bridleway 2 (382/2/100) runs concurrent with the access to the application site. This is part of an existing off-road cycle route, and forms part of a potential cycle connection towards Thame and Haddenham as outlined in Figure 9.2 of the Thame Neighbourhood Plan. Such connects are protected through Thame Neighbourhood Plan Policy ESDQ24 which requires pedestrian and cycle routes to link together potential destinations. Saved policy PE 11 of the OMWLP, draft policy C11 of the OMWCS and saved policy R8 of the SOLP also seek to maintain and protect existing public rights of way.
40. In light of the proposed changes, the Rights of Way Officer has requested that the applicant inspect and confirm that all the advisory signage as outlined in the previous application for this site are still in place, legible, and are being adhered to by all vehicle drivers. The applicant has confirmed this is the case, and I suggest that to protect the users of the bridleway, the requirement for this signage to be maintained for the duration of the development is controlled through condition. With this in place, I am satisfied the development is in accordance with policy ESDQ24 of the Thame Neighbourhood plan, Saved policy PE11 of the OMWLP, draft policy C11 of the OMWCS and saved policy R8 of the SOLP.

Other Issues

41. Two representations objected to the development on the basis that it is breaching its existing permission, and one specified this was in relation to the height of the bund being over 4 metres. The bunds are permitted to be maximum 6 metres in height, as shown on approved drawing No.4b "Proposed Screen Bund Cross Section August 2015". Stockpile heights however are limited to a maximum of four metres. These matters are not considered relevant to the application being considered, but have been referred to the Council's Monitoring Officer for investigation.

Conclusion

42. Oxfordshire County Council seeks to prevent developments which are likely to result in an unacceptable level of traffic on the local highway network, or which would result in a detrimental effect on the amenities and environment of the area. In this instance, I am satisfied this development would not result in an unacceptable level of traffic, and nor would it have a detrimental effect on the amenities of the area and highway safety. I therefore consider it is compliance with the development plan policies. Subject to the conditions set out in Annex 2 below, I recommend the proposed development is permitted.

RECOMMENDATION

- 43. It is RECOMMENDED that application MW.0032/17 be approved subject to conditions to be determined by the Director of Planning and Place including those set out at Annex 2 to this report.**

SUSAN HALLIWELL
Director for Planning and Place

July 2017

Annex 2: Proposed Conditions

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise:
 - Planning Application form dated 27/03/17
 - Planning Application form dated 04/08/15
 - Planning Application form dated 03/02/14.
 - Planning Application form dated 20/06/2012
 - Planning Statement ref DEC/P4 dated August 2015
 - Planning Statement dated 29th March 2015
 - Planning Statement by GP Planning V1 February 2014
 - Transport Statement (JPH/151201/D2) February 2017
 - Email from Gill Pawson to David Flavin dated 04/03/14
 - Gill Pawson Drawings: Dwg Nos. GPP/DE/T/11/01 [Site Location Plan]
 - GPP/DE/T/11/02 [Site Plan]
 - GPP/DE/T/12/03 [Site Layout Plan]
 - GPP/DE/T/12/04 Rev 5 [Landscape Plan revised 18/09/12]
 - GPP/DE/T/12/05 [Proposed Footpath Diversion]
 - GPP/DE/T/12/09 [Flood Plain & Land Ownership]
 - DT Transport Planning Drawings Dwg Nos. SK3 [LH visibility splay]
 - SK4 [RH visibility splay]
 - 1 [Proposed Restoration Version 2 Rev A dated 13/6/12]
 - 1B [Site Survey 6/2/12]
 - 2a [Proposed Sand Extraction 6/2/12]
 - 4 [Cross Sections Pre & Post restoration 17/6/12]
 - 4b [Proposed Screen Bund Cross Sections August 2015]
 - 5 [Section Location Plan 17/6/12] PGW&A
 - Sand Extraction Drawings: ML/S1/D1 [Current site survey with trial pit and borehole locations]
 - ML/S1/D2 [Inferred contours on the top of the sand]
 - ML/S1/D3 [Inferred contours at the base of the sand]
 - ML/S1/D4 [Inferred sand thickness]
 - ML/S1/D5 [Proposed extent of sand extraction]
 - ML/S1/D6 [Cross sections through site]
 - Noise Assessment & Mitigation Report by WBM dated 18/09/12
 - Final Ecological Assessment & Mitigation Report by BSG dated September 2012
 - Planning Statement by GP Planning V2 June 2012
 - Transport Statement from DT Transport Planning June 2012
 - Landscape & Visual Assessment by GP Planning V1 June 2012
 - Addendum to Landscape & Visual Amenity Appraisal by DB Landscape Consultancy Ltd dated January 2015
 - Flood Risk Assessment by Abington Consulting Rev A 13/6/12
 - Hydrogeological Assessment by Hafren Water Ref:THL/HIA V1 May 2012
 - Geology & Proposed Sand Extraction by PGW&A Ref:ML/S1/1 14/6/12
 - Discharge of Conditions Application Relating to Planning Permission MW.0100/12 by GP Planning V1 March 2013 • Email from Gill Pawson to Kevin Broughton dated 24/10/13
 - Restoration and Aftercare Scheme February 2013 by Katie Burfitt
 - Dwg KB-THA001 [Agricultural Restoration Plan, February 2013]
 - Dwg 13012/104 [Proposed Highway Works Layout, 25/02/13]
 - Ecological Management Plan by BSG ecology dated 05/03/13

Reason: To ensure that the development is carried out as proposed (PE18:OMWLP1996).

2. Extraction of minerals shall cease by 31/12/2020, all plant, vehicles and machinery to which this permission relates shall be removed by 31/12/2022 and restoration shall also be completed by 31/12/2022.

Reason: To ensure restoration takes place when sand extraction and landfilling has ended (PE13:OMWLP1996).

3. A copy of this permission and the approved plans showing the method and direction of working and landfilling and restoration shall be displayed in the operator's site office at all times during the life of the site. Any subsequent approved amendments shall also be displayed.

Reason: To ensure that the development is carried out as approved (PE18:OMWLP1996).

4. No operations, including HGVs entering and leaving the site (subject to the additional restriction in Condition 11 below), other than environmental monitoring, shall be carried out at the site except between the following times:- 7.00 am to 6.00 pm Mondays to Fridays
7.00 am to 1.00 pm Saturdays. No operations shall take place on Sundays, Public or Bank Holidays.

Reason: To protect the amenities of local residents the southern side of the by-pass (PE18:OMWLP1996).

5. The site access road shall be maintained in accordance with approved DT Transport Dwgs SK3 & SK4. No other access shall be used by traffic entering or leaving the site. The visibility splays shown on approved plans SK3 & SK4 shall be maintained free of all obstruction.

Reason: To ensure the access road is maintained with due regard to highway safety (PE18:OMWLP1996).

6. Unsurfaced sections of the access or haul road shall be hardened to ensure a smooth running surface free of pot holes and shall be maintained as such and kept free of mud and other debris at all times until completion of site restoration and aftercare.

Reason: In the interests of highway safety and to reduce the effect of noise and dust on residents on the other side of the by-pass (PE18:OMWLP1996).

7. No mud or dust shall be deposited on the public highway.

Reason: In the interests of highway safety (PE18:OMWLP1996).

8. No development shall take place except in accordance with the dust suppression measures specified in the document Discharge of Conditions Application Relating to Planning Permission MW.0100/12 by GP Planning V1 March 2013.

Reason: To protect the amenities of residents the other side of the by-pass and the users of the adjacent sports pitches from the effects of any dust arising from the development (PE18, W7: OMWLP1996; EP1: SOLP2011).

9. No development shall take place except in accordance with the approved Restoration and Aftercare Scheme dated February 2013, email from Gill Pawson to Kevin Broughton dated 24/10/13 and Ecological Management Plan by BSG ecology dated 05/03/13.

Reason: To ensure the productive afteruse of the land and that the development results in biodiversity enhancement (PE18:OMWLP1996; NERC Act 2006).

10. All topsoil and subsoil shall be permanently retained on site and used in restoration.

Reason: To prevent loss of soil (PE18:OMWLP1996).

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11. No more than 4 HGVs shall leave the site during the morning rush hour (8.00 - 9.00 am) and no more than 4 HGVs shall leave the site during the afternoon rush hour (4.00 - 6.00 pm).
Reason: To prevent severe harm to the highways network in terms of congestion and highways safety (CSM1:SOCS 2012, T1: SOLP2012).
12. A landscape bund shall be constructed as per Dwg No.4b "Proposed Screen Bund Cross Section August 2015". The bund shall be seeded and maintained in accordance with the approved Restoration and Aftercare Scheme (February 2013).
Reason: To ensure residents to the south of the by-pass do not suffer any adverse noise impacts from the crushing and screening operations on the site (PE18, PE13, W5:OMWLP1996; EP2:SOLP2011).
13. No material shall be stockpiled to a height exceeding 4 metres.
Reason: In the interests of visual amenity (W3:OMWLP1996).
14. Prior to commencement of each phase of restoration details of the location of the temporary perimeter ditches to collect surface water run-off and the location of the temporary settlement lagoon (identified in Para. 9.9 of the Flood Risk Assessment by Abington Consulting dated 13/6/12) shall be submitted to and approved in writing by the Mineral Planning Authority.
Reason: In order to prevent sediment discharging to the watercourse as set out in the FRA (PE18:OMWLP1996).
15. Along Moorend Lane, from the junction with the A4129 to the site entrance, advisory signage reminding drivers accessing the site that they should proceed with care and expect to meet walkers, horse riders or cyclist, shall be kept clear and legible for the duration of the development.
Reason: To protect users of the existing bridleway (R8:SOLP2012)

