The Planning Inspectorate

# Appeal Decisions

Inquiry opened on 18 January 2022

Site visit made on 22 February 2022

**by Paul Dignan MSc PhD**

**an Inspector appointed by the Secretary of State**

**Decisions date: 8 April 2022**

## Appeal A Ref: APP/V3500/C/21/3268764
## Land at Poplar Farm, Bedfield Road, Worlingworth, Suffolk, IP13 7LR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Paul Lansdowne against an enforcement notice issued by Suffolk County Council.
- The notice, numbered ENF/Worlingworth/PF/1/N1/2021, was issued on 15 January 2021.
- The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised change of use of the Land from the permitted use specified in Planning Permission Ref. MS/1011/11 for the erection of an industrial building for the storage and repair of agricultural and contractors' plant and the erection of 2150mm high security fence and gates to the southern boundary and 2150mm high fence to western boundary approved by Mid Suffolk District Council on 2nd June 2011 to a mixed B2/sui generis use including the processing of inert waste and storage of inert waste, comprising of building and demolition waste.
- The requirements of the notice are: (i) Stop using the land for the importation storage and processing of inert waste (ii) Remove from the land all equipment brought on to the land which you use solely for the use as described above in 5.1 and remove from the site all inert waste including any processed materials.
- The periods for compliance with the requirements are 2 days for requirement (i) and 3 months for requirement (ii).
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (d) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

## Appeal B Ref: APP/V3500/W/21/3267400
## Poplar Farm, Bedfield Road, Worlingworth , Woodbridge , Suffolk, IP13 7LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Lansdowne Plant against the decision of Suffolk County Council.
- The application Ref SCC/0075/19MS, dated 3 September 2019, was refused by notice dated 22 July 2020.
- The development proposed is: Recycling and waste transfer of inert wastes, including storage and crushing using mobile plant, and installation of noise attenuation barrier.

## Decisions

Appeal A

1. It is directed that the enforcement notice is corrected by the deletion, at section 3, of the description of the matters which appear to constitute the breach of planning control, and its replacement by "Without Planning permission, the material change of use of the land to a mixed use comprising

use for the storage and repair of agricultural and contractors' plant and the storage and processing of inert waste comprising of building and demolition waste."

2. Subject to the correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the material change of use of the land to a mixed use comprising use for the storage and repair of agricultural and contractors' plant and the storage and processing of inert waste comprising of building and demolition waste at land at Poplar Farm, Bedfield Road, Worlingworth, Suffolk, IP13 7LR as shown on the plan attached to the notice, and subject to the conditions set out in the Schedule attached to this decision.

Appeal B

3. The appeal is allowed and planning permission is granted for Recycling and waste transfer of inert wastes, including storage and crushing using mobile plant, and installation of noise attenuation barrier, at Poplar Farm, Woodbridge, IP13 7LR in accordance with the terms of the application, Ref SCC/0075/19MS, dated 3 September 2019, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

## Applications for costs

4. The main parties made applications for costs against each other. These are the subject of separate decisions.

## Preliminary matters

5. Lansdowne Plant, the appellant in appeal B, is owned and operated by the appeal A appellant, who describes it as a one-man operation. He explained that it sources, supplies and repairs agricultural and contractors' plant and equipment and sources and supplies materials for agricultural and building contractor use, including secondary recycled aggregate. He also works as a demolition and construction contractor. His sole business premises is the land the subject of Appeal A, a former industrial site of about 1.15 ha in the open countryside to the east of the Bedfield.

6. Planning permissions were granted in 2010 and 2011 for the erection of an industrial building for the storage and repair of agricultural and contractors' plant and the erection of security fencing and gates. The fencing permitted by the 2011 permission was erected and material operations for the erection of the building were undertaken in accordance with the time limit specified in condition 1 of the permission. The building, located towards the road frontage along the south of the site, has not been erected, but the permission is considered to remain extant. The Appeal B appeal site occupies over half of the former industrial site (0.63 ha), the operations area being centrally located between the site of the proposed new building and an existing building near the northern boundary.

7. An enforcement notice that alleges a material change of use need not recite the previous use, but in mixed use cases the allegation should refer to all of the components of the mixed use, even if only one is required to cease. The notice in this case cites what the Council considers to be the previous use, but

because the previous use is an issue between the parties it is not helpful to include it. Also, the notice does not clearly describe the mixed use which it is enforcing against, rather what is accurately described is the activity which it requires to cease. For these reasons the notice requires amendment. Correcting the allegation to "Without planning permission, the material change of use of the land to a mixed use comprising use for the storage and repair of agricultural and contractors' plant and the storage and processing of inert waste comprising of building and demolition waste." was considered acceptable by the parties. Since a correction in these terms causes no injustice to the parties, it is within my powers to do so.

**Appeal A – ground (d)**

8. An appeal on ground (d) is that it is too late to take enforcement action. For the ground (d) appeal to succeed the onus is on the appellant to demonstrate that the mixed use commenced 10 years or more before the notice was issued, and has been sustained for a 10 year period during which enforcement action could have been taken against it. The material date is 15 January 2011.

9. The appellant's first involvement with the site was in April 2008 when he was contracted to help prepare the site for sale. This apparently involved gathering broken concrete from various parts of the site for crushing, which would provide the appellant with crushed concrete aggregate for his own needs. The existing building on the site was to be demolished and the resulting waste crushed also, but the owner then decided to retain the building. The appellant's account is that he had undertaken to supply crushed concrete from the site to Sutton Service for other works, and so imported more concrete, some 300 tonnes, for crushing to make the job viable, since he had been relying on materials from the building to be demolished. About 500 tonnes of concrete was crushed in June 2008, 85 tonnes of which went to the Sutton Services job in November 2008.

10. The appellant then purchased the site in October 2009, when he claims to have moved his agricultural plant business there. His evidence is that he sold various lots of crushed aggregate from the site and brought in various loads of broken concrete for subsequent crushing. He says he then crushed concrete for 1 day on 19 January 2011. Various loads of broken concrete were brought to the site in 2011, with some 67 tonnes of crushed concrete sold. All of the broken concrete on the site was then crushed over 4 days in October 2012. So far as the plant and machinery side of the business was concerned, this involved bringing the two machines he used at that time in his contracting business to the site occasionally for maintenance, and moving his equipment to the retained building.

11. Taking all of that evidence at face value, the concrete related element up until the appellant purchased the site appears to have been largely for the purposes of preparing the site for sale, notwithstanding that some concrete was imported and that the appellant subsequently purchased the site himself. Between the date of purchase and 15 January 2011 more concrete was imported, and some aggregate sold, but this appears to have happened on a small part of the site near the gate at the south-eastern corner. No crushing occurred in this period. During this time the only evidence of agricultural plant use is that of the appellant himself, and his description indicates very limited

active use, and then mainly connected to his own construction and demolition contracting plant.

12. Where lawfulness is sought through immunity from enforcement, the use in question has to be affirmatively established over the whole of the relevant immunity period. In this case the earliest the mixed use enforced against could have started was October 2009, and the very limited use to which the site was put up until the relevant date would not, as a matter of fact and degree, be sufficient to affirmatively establish the use the subject of the enforcement notice, as corrected, such that enforcement action could have been taken against that use in the period between October 2009 and 15 January 2011. Indeed, aerial photographs from 2007 and 2011 suggest very little change in terms of its character and appearance, the only noticeable change being a relatively small pile of concrete evident in the south-eastern corner in 2011. The 2010 and 2011 planning applications claimed the existing and last previous use was as a former industrial smoke house, which is very much how it appears in the 2007 and 2011 photographs, and the site did not have the benefit of an Environmental Permit for waste processing activities until 2016.

13. Far from being clear and unambiguous, the evidence of a material change of use by 15 January 2011 to the use now enforced against is scant and falls well short of satisfying the burden of proof, which lies with the appellant. It follows then that the use cannot gain immunity from enforcement through section 171B(3) of the 1990 Act. I shall not therefore deal with other matters raised under this ground, such as the effect of implementation of the 2011 permission, since they are not relevant.

**Appeal B**

14. Although there is considerable overlap between the deemed planning application for the mixed use the subject of Appeal A and Appeal B against the refusal of planning permission for recycling and waste transfer of inert wastes, they are not so similar that they should be considered together. Since almost all of the relevant evidence and submissions concerns the Appeal B development, I shall deal with that first.

15. The main issues are:

- The impact on the living conditions of neighbours, in terms of noise and disturbance; and

- The effect on highway safety, the convenience of other users, and on the rural character of the area.

*Noise and disturbance*

16. The concern with noise and disturbance relates to the impact of concrete crushing activities on the nearest residential property, Barn Meadow Farm, adjoining the appeal site to the east. The rear façade of the dwelling is 187m from the proposed location of the crusher, and this has been agreed as the nearest sensitive receptor, rather than the rear garden.

17. The noise impact of the crusher was assessed by the appellant's noise consultant in consultation with the Council's noise consultant. It was agreed that an acoustic scheme for use of a crusher that would be acoustically

acceptable could be specified. This would require the proposed acoustic barrier, comprising a row of shipping containers 2 containers high and welded together, with a 2 m high close boarded fence on top, and the use of a crusher that would produce no more than 81.5 dB(A) at 3 m from the machine, with operating hours limited to 0730 to 1630 Monday to Friday. The scheme would be likely to result in noise levels at the Barn Meadow Farm façade of 5 dB above the agreed 'typical low' background level, towards the upper end of a Lowest Observed Adverse Effect Level[1] (LOAEL), the level above which adverse effects on health and quality of life can be detected.

18. Such a scheme could be secured by condition, provided the condition met the necessary tests. However, it has not been demonstrated that the requirements of the agreed scheme could be met, hence the Council's view is that the condition would not meet the tests of reasonableness, in that it would be unduly restrictive insofar as an inability to meet the condition would effectively prevent the development from proceeding.

19. The problem is that a crusher capable of meeting the specification has not been found. The closest to meeting the specification is one which, according to the manufacturer's operations manual, meets the requirement on 3 sides, but on one side it exceeds the specification by 5 dB. That machine is available relatively locally. Although the suggested crusher has not been tested *in situ*, it is likely that additional mitigation would be required to avoid noise levels at Barn Meadow Farm reaching or exceeding a Significant Observed Adverse Effect Level (SOAEL), the level above which significant adverse effects on health and quality of life occur. What remains unclear is how that mitigation would be achieved. The appellant argues that it will suffice to leave that to be resolved, though the Council is concerned that adequate mitigation would require additional operational development.

20. The fact that a site may have particular lawful use does not include permission to carry out operational development incidental to that use, so any proposal to use additional permanent structure/s to mitigate the noise impact of crushing would require a further planning application in any event. However, it is not wholly improbable that either a crusher that meets the required specification might be found and available, or that mitigation measures that do not involve operational development will be effective in meeting the purpose of the specification, that is that the crushing activity should not result in noise levels at Barn Meadow Farm exceeding 5 dB above the 'typical low' background level. A Grampian condition is appropriate in these circumstances.

21. I shall deal briefly also with the appellant's argument that the use of the crusher on the site for processing inert materials is in any case development permitted by Part 4 Class B of Schedule 2 to the GDPO, such that it can be carried out for up to 28 days per year without the need for express planning permission. Class B permits the use of any land for any purpose for not more than 28 days in total in any calendar year and the provision on the land of any moveable structure for the purposes of the permitted use. Class B does not explicitly permit the provision of plant or machinery, but in any case the use of a crusher is part and parcel of, and not distinguishable or separate from, the use of the land for the processing of inert materials. The material is taken there to be crushed, and the crushed material is sold or distributed from

[1] Noise Policy Statement for England

there. The use, as proposed, includes the use of the crusher and would be continuous.

22. The appellant also argues that noise is controlled by the Environment Agency (EA) which should be the arbiter of what noise level is acceptable in connection with the planning use of the appeal site. However, the NPPF requires that decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions and the potential sensitivity of the site or the wider area to impacts that could arise from the development. Hence there is an onus on the planning authority to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

23. I should note that the Council also raised a concern that noise from the inert materials processing may also adversely affect local character, mentioning that the impulsivity of the crusher noise might harm rural tranquility. However, this was really only touched upon, and it was not suggested that it would be a significant issue if the noise mitigation requirements for residential amenity were met.

24. Overall, while it has not been demonstrated that, as it stands, noise generated from the crushing activities on site would not cause unacceptable harm to residential amenity, there is a prospect that a satisfactory solution can be found. Hence control of this matter can be secured by condition, in a Grampian form. Rather than specify particular crusher performance specifications which it appears may not currently be met, I shall specify that crushing operations shall not commence until it has been demonstrated that the agreed rating level ($L_{ATr}$) at the relevant receptor would not be exceeded. This would enable the proposed development to comply with Policy GP4 of the Suffolk Minerals & Waste Local Plan (MWLP), which expects new development to adequately assess, and address where applicable, any potentially significant adverse impacts of noise and vibration, and Policy CS 5 of the Mid Suffolk Core Strategy (CS), which seeks to ensure that new development maintains and enhances the environment.

*Highway matters*

25. The public highway serving the site is a rural single track road, Tannington Road, also referred to as Bedford Road, with occasional passing places. The application plans indicate that the development would use existing accesses at the south-western and south-eastern corners of the wider site. The Council's highways concerns relate to visibility splays at the south-western access, and the need for highways improvements.

26. At present, satisfactory highways visibility is available at both accesses, but at the south-western access the visibility splay to the west crosses over land belonging to a neighbouring farmer. The concern is that maintenance of the visibility splay would be beyond the appellant's control. A hedge that may have impeded visibility has recently been removed with the consent of the neighbour, and he has undertaken to enter into a binding deed to permit maintenance of the visibility splay. A draft deed has been provided, along with a letter of reassurance from the neighbouring landowner, but the deed has not been executed and registered. The appellant has suggested that, if required, the deed could be required by condition. However, a better solution is simply

to require use of the south-western access to cease if for any reason it becomes impossible to retain the necessary visibility. The site can be satisfactorily served by the south-eastern access, and while that might be a departure from the application plans, it is a very minor one and not one that would justify further consultation, so that nobody would be prejudiced by the lack of opportunity in that respect.

27. The need for highways improvements is predicated on increased HGV movements on the local road network over and above those that would arise under full implementation of the 2011 permission. However, the appellant maintains that there would be no intensification of HGV use. The proposed inert waste use would generate an average of 8 HGV movements per day, but it is asserted that the reduced area for the 2011 permitted use would reduce the potential associated HGV use, apparently because the part where shipping containers could be sited would be no longer available. However, while no restriction was placed on traffic generation by the 2011 permitted use, I see no clear basis for an assumption that use of the overall site for the two separate activities would result in less traffic, and HGV movements in particular. Since the new use to be introduced, the inert waste use, would generate a significant number of HGV movements on a regular basis, on the balance of probability there would be an intensification of HGV traffic on Tannington Road.

28. The road in the vicinity of the site is clearly not well suited to HGV traffic, and there are a number of points in the vicinity of the site where informal passing places have been created on unsurfaced land, along with numerous tyre overruns evident. Any HGV trips would be likely, even given the lightly trafficked nature of the road, to cause conflict with other road users, to the detriment of highway safety. The Highway Authority recommended that passing bays be constructed in key locations to mitigate the harm due to increased HGV traffic, and I consider that to be reasonable in the circumstances.

29. A general scheme of highway improvements was agreed, involving the construction of passing bays and localised bend widening, measures likely to significantly reduce the likelihood of conflict and inconvenience for other road users. The measures proposed would make the proposed use acceptable in planning terms, so far as highway safety is concerned. Analysis of the use to date suggests that most users of the facility are likely to be relatively local, and the level of traffic generated is unlikely to have significant adverse impacts on the wider road network. Accident data has only been considered at a local level, but that is proportionate to the likely traffic generation.

30. What has not been clearly demonstrated is that the highway improvements proposed are technically feasible within highway land. These were based on Ordnance Survey mapping of highways land, which do not necessarily reflect the actual highways land boundaries, passing bays shown were not to the standard required, and possible impediments were not shown. However, although it cannot be definitively established without detailed survey and the development of appropriate specification, there does at least appear to be scope for the necessary improvements, and the works are not major. Again, this is a matter that can be dealt with by means of a Grampian condition.

31. Increasing HGV traffic on rural roads can affect local character, but the numbers of movements involved would be able to be accommodated without undue impact in this regard.

32. Overall, I consider that the highways related impact of the proposal can be mitigated, so that on balance, there will be no conflict with MWLP Policy GP4 insofar as the proposal adequately assesses and addresses highways impacts.

*Conclusions on Appeal B*

33. Subject to conditions, I find that the proposal accords with the development plan, read as a whole, and so the appeal succeeds. In the interests of clarity and good planning, I shall impose a condition requiring adherence to the submitted plans and application documents. This will include the layout plan showing details of the siting of the proposed fixed acoustic barrier which formed the basis for noise calculations, but the Grampian condition I shall impose to protect residential amenity will enable some deviation from the approved layout if reconfiguration of the mitigation measures is required or otherwise appropriate. I shall also limit hours of operation and general noise from the site in the interests of local character and amenity, impose conditions requiring landscaping and controlling external lighting and stockpile height in the interests of character and appearance, conditions requiring highway improvements, maintenance of visibility splays, lorry routing, waste capacity and mud avoidance, in the interests of highway safety, and conditions requiring details of drainage and controlling the type of waste processed, in the interests of the environment and local amenity. A site restoration condition is also necessary in the interests of local character and environment.

34. A suggested condition requiring that non-retrospective elements of the development take places within 3 years is neither necessary or reasonable, and separate conditions controlling dust management and load covering are not necessary since the application documents the subject of condition 1 include a Dust Management Plan which satisfactorily addresses these matters. So far as working hours are concerned, I agree with the appellant that a general closing time of 1800 hours is reasonable. I have not been given sufficient justification for the removal of permitted development rights.

35. Where necessary or appropriate in the interest of clarity and precision I have amended the suggested wording.

**Appeal A – ground (a) and the deemed planning application**

36. Under this ground planning permission is sought for the mixed use the subject of the enforcement notice. The planning evidence has been focussed on the use the subject of Appeal B, understandably so since a planning permission already existed for the agricultural plant use, and the requirements of the notice as issued related only to the inert waste use, so that under-enforcement was clearly intended, which would have granted another permission for agricultural plant use had the notice been complied with. The outcome of Appeal B then is that an inert waste processing use is permitted, confined to a discrete area, albeit access will clearly be common. As it stands then, there is no remaining planning objection to the agricultural plant use, so subject to avoiding inconsistency between the Appeal B planning permission and the planning permission sought under this ground, the appeal on this

ground will succeed, the notice will be quashed, and planning permission granted.

37. There will be 3 overlapping planning permissions covering the site, which is not ideal. The appellant's case in Appeal B was that the 2011 permission would be unaffected save for the loss of storage area, including that earmarked for shipping containers. The recent case of *Hillside Parks Limited*[2] suggests that it may not be that simple, so that reliance on the 2011 permission should be exercised with caution. However, although I raised this issue during the Inquiry, ultimately I am concerned with the appeals before me. I will note however, that the deemed planning application is confined to the matters constituting the breach of planning control, which in this case is the change of use to the mixed use specified. Hence the permission granted on this ground does not include operational development.

38. So far as conditions are concerned, I am satisfied that the conditions I have attached to the Appeal B permission should also be imposed on this permission, for consistency, good planning and for the reasons set out above, which apply equally to the mixed use.

39. I also note that on my site visit it was apparent that a part of the appeal site was being used as a works depot by a separate company. This use did not form part of the deemed planning application, hence it is not included in the permission.

*Paul Dignan*

INSPECTOR

[2] Hillside Parks Limited v Snowdonia National Park Authority [2020] EWCA Civ 1440

## APPEARANCES

FOR THE APPELLANT:

Meyric Lewis
of Counsel

He called

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| Paul Lansdowne | Appellant |
| Glenn Sutton | Sutton Services |
| John Goodwin | Noise |
| Simon Tucker | Highways |
| Jane Stewart | Planning |

FOR THE LOCAL PLANNING AUTHORITY:

Juan Lopez
of Counsel

He called

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|---|---|
| Jo Lloyd | Enforcement |
| Heulwen Peters | Noise |
| Luke Barber | Highways |
| Andrew Sierakowski | Planning |

## DOCUMENTS

1 Opening submissions - Appellant
2 Opening submissions - Council
3 Bundle of documents submitted by the appellant by email 18/01/2022
4 List of application plans
5 Crusher movement documents - Appellant
6 DMRB extract - Council
7 Proposed Deed of Covenant with accompanying letter - Appellant
8 Notes on highways visibility, lorry routes, deliverability and chronology/correspondence - Council
9 Comments on document 8 - Appellant
10 Crusher details and proposed condition - appellant
11 Suggested conditions - Council
12 Council's closing submissions
13 Appellant's closing submissions
14 Council's costs application and responses
15 Appellant's costs application and responses

## SCHEDULE OF CONDITIONS: APP/V3500/C/21/3268764 & APP/V3500/W/21/3267400

1) The development hereby permitted shall be carried out in accordance with the following:

   a) Dust Assessment 3409r1 by Redmore Environmental dated 31 January 2020.

   b) Dust Management Plan 3409-1r2 by Redmore Environmental dated 24 April 2020.

   c) Drainage Technical Note BLI.2020.02 Revision 1 by BLI Consultant Engineers dated 26 February 2020.

   d) Flood Risk & Drainage Assessment BLI.2020.08 by BLI Consultant Engineers dated April 2020.

   e) Updated Preliminary Ecological Appraisal by SCALES Consultancy Ltd dated 4 May 2020.

   f) Applicant's response to ecology comments by JMJ Planning dated 4 May 2020.

   g) Applicant's Ecology EA Clarification Response by JMJ Planning dated 22 May 2020.

   h) Review Letter for GCN mitigation by Greenlight Environmental Consultancy dated 4 June 2020.

   i) Site Location Plan SC/POP/001a by JMJ Planning Limited dated 28 October 2019.

   j) Site Layout Plan SC/POP/002B, dated 24 April 2020

   k) Cross Sections SC/POP/007A, dated 8 December 2019

   l) Landscape Plan Supplemental Planting and Location of Bird Boxes, SC/POP/008C, dated 4 May 2020.

2) Importation and processing of inert wastes shall not take place or resume until a highways improvement scheme comprising of localised carriageway widening and construction of suitable passing places in accordance with Suffolk County Council specification, based on, and broadly in conformity with, the highway improvement works shown on Drawing 22020-02a, including detailed design, an ecological and arboricultural assessment and method statement, and a timetable for implementation, has been submitted to the Waste Planning Authority and approved in writing. The approved scheme shall be implemented in accordance with the details and timetable approved.

3) The visibility splays shown on drawing 22020-01-2c and 22020-01b shall be maintained and no obstruction over 0.6m shall be erected, constructed, planted or permitted to grow within the areas of the visibility splay, this shall be maintained for the life of this permission. If at any time any visibility splay is obstructed above 0.6m above ground level, use of the access affected shall cease until such time as the visibility splay is restored unobstructed.

4) Within three months of the date of this permission, a Lorry Route Management Plan shall be submitted to the Waste Planning Authority for

approval in writing. The approved version shall be implemented in full for the duration of the permission.

5) Effective measures to prevent mud or dirt being carried onto the public highway by vehicles using any access to the site shall be employed at all times.

6) Notwithstanding the noise mitigation details shown on Site Layout Plan SC/POP/002B, crushing of inert materials shall not commence until a scheme to prevent the rating noise ($L_{ATr}$) from the crusher, assessed in accordance with BS 4142, exceeding a background noise level ($L_{A90}$) of 32dB by more than 5dB at the nearest residential facade has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented as approved and maintained thereafter for the duration of the use.

7) The use hereby approved shall only be undertaken between 0700 to 1800 Monday to Friday and 0700 to 1300 Saturdays, and not at all on Sundays and Bank or National Holidays. Crushing shall only be undertaken between 0730 to 1630 Monday to Friday and not at all on Saturdays, Sundays and Bank or National Holidays

8) No sound reproduction or amplification equipment (including public address systems and loudspeakers) which is audible at the nearest noise sensitive location shall be installed or operated on the site.

9) Silencers shall be fitted to, used and maintained in accordance with manufacturer's instructions on all vehicles, plant and machinery used on the site. No machinery shall be operated with the covers open or removed.

10) Only broadband sound reversing alarms shall be employed on plant, including dump trucks on the site.

11) Within any 12-month period no more than 10,000 tonnes of inert waste shall be imported into the site.

12) A record of the amount of waste imported and processed within the site shall be kept and produced on request at any time for the Waste Planning Authority.

13) Nothing other than non-hazardous inert waste shall be deposited, stored and processed within the site. No waste is to be burnt onsite.

14) No external lighting shall erected on the site unless details of the external lighting has first been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be carried out in accordance with the approved details.

15) Stockpiles on the site shall not exceed a maximum of 5 metres in height.

16) In the event of the importation of inert materials and/or their crushing being discontinued for any continuous 12-month period, the site shall be restored to its original condition and all waste, temporary structures, stockpiles, plant and machinery associated with this use shall be removed from the site.