

County Matter: Waste

Teignbridge District: Section 73 application to vary condition 10 of permission 16/01969/DCC (Consolidating application for the retention of the integrated waste management facility for the processing, transfer and recycling of waste and production of recycled aggregates, including offices, parking, hardstanding, associated plant and equipment and the extension in time (20 years) and area of the inert landfill) to raise throughput from 75,000 to 120,000 tonnes per annum.

Kenbury Wood Landfill Site, Old Dawlish Road, Kennford

Applicant: Kenbury Wood Ltd

Application No: DCC/4173/2020

Date application received by Devon County Council: 12 May 2020

Report of the Chief Planner

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that, subject to completion of a legal agreement providing for a financial contribution towards maintenance of the local highway network and the continued routing of delivery vehicles away from the village of Kennford, planning permission is granted subject to the conditions set out in Appendix I of this report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

1.1 The proposal seeks to increase the amount of waste materials brought into the waste management facility at Kenbury Wood for recycling and a proportion for landfill by 45,000 tonnes per year.

1.2 It is considered that the main material planning considerations in the determination of this application are waste planning policy, highways, impacts on neighbouring properties and climate change.

1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4173/2020 or by clicking on the following link:

<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4173/2020>

2. The Proposal/Background

2.1 Kenbury Wood Resource Recovery Facility is an established waste management site located to the south west of Exeter and immediately south of the A38, approximately 500 metres to the north east of Kennford. The site

lies within open countryside and within the Haldon Hills Area of Great Landscape Value. The closest properties to the site are Westfield Nursery, approximately 80 metres to the north, Southwest Splitz van repair business approximately 60 metres to the south and Kerswell Grange approximately 140 metres to the south. The facility covers an area of approximately 7.5 hectares.

2.2 The Resource Recovery Facility manages waste from local businesses and households through a range of operations:

- a materials recovery facility (MRF) processes dry recyclable materials such as plastics, card, paper and cans, which are compressed into bales to be transported for recycling elsewhere;
- construction, demolition and excavation waste from construction projects and builders' skips is processed in a separate MRF, with around 90% being recycled;
- green waste is shredded for composting;
- non-recyclable materials are stored for onward transport for energy recovery or to a landfill site appropriate for putrescible waste; and
- residual soil materials which cannot be reused or recycled are disposed of in the on-site inert landfill facility.

2.3 Vehicular access is from Old Dawlish Road, and an existing legal agreement prevents HGVs travelling through Kennford. Instead, these vehicles are required to take a route via the A379 and Exeter Road to Old Dawlish Road, and outbound HGVs must route west over the A38 flyover to the A379, turning around at the Devon Hotel at Matford in order to re-join the A38 southbound, or continuing on from the roundabout to travel around the edge of the city when heading north on the M5.

2.4 Following a number of separate planning permissions that had previously been granted as the site developed, a consolidating permission (DCC/3868/2016) was granted in April 2017, providing a comprehensive set of conditions for the facility. These included Condition 10 limiting the quantity of waste to be delivered to the site in any calendar year to 75,000 tonnes in order to minimise the impact of the site on local residents and the highway network.

2.5 This consolidating permission has subsequently been varied in February 2019 (DCC/4069/2018) and July 2019 (DCC/4111/2019) to reflect amended working arrangements, but with no change to the annual waste tonnage. Figures provided by the applicant indicate that 72,635 tonnes of waste were received in 2017, 73,373 tonnes in 2018 and 77,289 tonnes in 2019.

2.6 This application seeks to increase the throughput at the site for all wastes from 75,000 tonnes to 120,000 tonnes per calendar year by varying Condition

10 of permission DCC/3868/2016. The application does not propose any other changes to the facility as the applicant indicates that the proposed limit reflects the physical capacity of the site, and operating hours will remain the same as currently approved.

2.7 In support of the proposal, the applicant provides the following justification:

- the increased throughput to 120,000 tonnes per year is to protect the long-term ability to invest in efficiencies of the site to support growth and development in meeting the recycling needs of development in the greater Exeter area and beyond;
- the infrastructure to deliver the tonnage throughput has been approved;
- the road route to the primary road system does not involve passing residential properties, and the current road system has sufficient capacity and will not be adversely affected by the increased number of vehicles to and from the site;
- approved road infrastructure improvements will further increase highway capacity and coincidentally enable vehicles using the site to travel to and from the south of the site to shorten their journey which will reduce emissions; and
- without the increased delivery capacity materials will have to be transported to remote sites with significant costs in time, distance travelled and vehicle emissions.

2.8 The application has been screened as part of the Environmental Impact Appraisal process. It is considered that the proposed development is unlikely to result in significant environmental impacts and, therefore, does not amount to 'EIA Development'.

3. Consultation Responses

3.1 Teignbridge District Council (Planning): no comments received.

3.2 Teignbridge District Council (Environmental Health): no objection subject to a condition to restrict HGV movements to a total of 10 per hour and only during the normal hours of operation. This is to ensure and protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Section 11 of Teignbridge District Council's Local Planning Policy 2013-2033.

3.3 Exminster Parish Council: no comment.

3.4 Kenn Parish Council: objection to the environmental impact of this proposed increase due to additional noise, extra traffic, pollution, litter plus the additional movements of both staff and lorries to and from the site together

with more use of the road through Kennford Village which the Council find unacceptable.

- 3.5 Environment Agency: no objections to the increase in tonnage provided that the operator applies to increase the annual tonnage permitted within their environmental permit (which allows 100,000 tonnes annually) and complies with the conditions within that permit.
- 3.6 Natural England: no comment.
- 3.7 Highways England: no objection. The additional traffic movements arising from the proposed increase to permitted tonnage is unlikely to result in a severe impact on the safe and efficient operation of the A38, as defined by NPPF.
- 3.8 Exeter Airport: no objection. This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria. Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.
- 3.9 DCC Highways: no objection. The increase in vehicle movements created by the proposed increase to 120 tonnes per annum will not cause a severe impact on the existing highway network. Old Dawlish Road is in poor condition particularly at the junction with Exeter Road, and it is highly likely that the damage to the highway has been caused by heavy vehicles accessing the site. It may be that there is some scope to require a contribution for maintenance of the highway in this instance.
- 3.10 DCC Flood Risk Management: no objection.
- 3.11 DCC Public Health: no objection.
- 3.12 DCC Ecology: no comments as there is no vegetation clearance associated with the proposal.
- 3.13 DCC Historic Environment: no objection subject to current archaeological conditions being applied to any new permission as the required archaeological works have yet to be undertaken.

4. Advertisement/Representations

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of five neighbouring properties by letter. As a result of these procedures, no comments from any neighbours or other members of the public have been received.

5. Planning Policy Considerations

5.1 In considering this application the County Council, as Waste Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised below and the most relevant are referred to in more detail in Section 6.

5.2 Devon Waste Plan (adopted December 2014)

Policies W2 (Sustainable Waste Management); W3 (Spatial Strategy); W5 (Reuse, Recycling & Materials Recovery); W7 (Waste Disposal); W17 (Transportation and Access) and W18 (Quality of Life).

5.3 Teignbridge Local Plan (adopted May 2014)

Policies S7 (Carbon Emission Targets); S9 (Sustainable Transport) and S11 (Pollution).

5.4 Other material considerations include:

- National Planning Policy Framework [NPPF]
- National Planning Policy for Waste
- National Waste Management Plan for England

6. Comments/Issues

6.1 The main material planning considerations in the determination of the application are the waste policy implications; impacts from increased traffic movements on the highway network; indirect impacts as a result of highway movements in relation to air pollution and emissions; and impacts upon surrounding properties from any additional noise and litter.

Waste Planning Policy

6.2 The existing Kenbury Wood Resource Recovery Facility provides an integrated strategic waste management site, with its location consistent with the spatial strategy in Policy W3 of the Devon Waste Plan in that it is located close to Exeter and potential sources of waste. As an existing facility, the proposed increase in throughput would also make better use of a site that is previously developed, in line with that policy.

6.3 Over the last three years, the site has operated at or very close to its currently approved throughput limit, which is restricted to 75,000 tonnes per year. The need for the facility is likely to continue and grow, particularly in light of the planned development for Exeter and the surrounding area over the coming

years. Increasing the approved throughput of the facility would help to meet the area's ongoing waste management needs, specifically to re-use, sort, transfer, compost and recycle waste and help to meet the recycling and materials recovery target in Policy W5 of at least 64% by 2031.

- 6.4 Increasing the approved throughput would help to reduce the need for the waste to be transported greater distances to other facilities for management, consistent with the requirements of Policy W17.

Highways

- 6.5 The 'transport technical statement' submitted with the application sets out that the current inbound lorry movements associated with the resource recovery facility are 101 per day, whilst outbound trips are 11. Based on the current proportion of movements, it is anticipated that trips would rise to 156 per day inbound, and 18 outbound when the site operates at capacity. These additional 61 trips per day, would result in an average of 6 additional trips per hour based on the operational hours of 0700 to 1800 (with delivery and export of materials allowed between 0530 and 1800).
- 6.6 To ensure a robust analysis, the assessment has also calculated trips making an assumption that the number of laden Heavy Goods Vehicles (HGVs) is doubled, to account for unladen vehicles arriving and departing, as vehicles may be used twice. In this case existing operations would result in 224 daily HGV movements equating to 21 two-way per hour, over the same hours of use, and an increase to 348 with the development, resulting in 33 two-way movements per hour. In this case the development is anticipated to generate an additional 126 HGV movements per day.
- 6.7 In line with the NPPF, the trip generation associated with HGVs is not considered to result in severe impacts upon the local or strategic highway network, or have an adverse impact upon the capacity and functionality of the transportation network for all users. This is consistent with the conclusions of the Highway Authority and Highways England.
- 6.8 There is currently no requirement for additional staff as a consequence of the increase in throughput at the site and, consequently, there is not considered to be a change to traffic movements in association with staffing.
- 6.9 Concerns have been raised in the objection from Kenn Parish Council about HGVs visiting the site the using the road through this village, although a legal agreement is currently in place, which stipulates that vehicles should not travel through Kennford. A new legal agreement for this application will reiterate these routeing restrictions. It is recognised that the current routing agreement results in HGVs travelling longer distances, as they need to travel via the Matford roundabout on the A379, which may discourage waste vehicles using these routes. It is understood that a weight restriction will be in place in Kennford before the end of September 2020, further limiting opportunities for HGVs to travel through the village and deter satellite navigation systems directing the vehicles this way.

- 6.10 A new roundabout is proposed on the A379, near to the A38, in association with 5 ha of allocated employment land at Peamore (adjacent to the Frank Tucker site) and additional land behind the Frank Tucker site (planning applications 12/03079/MAJ & 17/03039/MAJ). Devon County Council is currently bidding for funding to deliver the roundabout through the Housing Infrastructure Fund and, if successful, this roundabout would be delivered before 2024 and is most likely to be delivered in the next two years. In the longer term this will help to reduce distances travelled for lorries visiting the site and the desire to travel through the village of Kennford.
- 6.11 The application does not raise concerns in terms of highway safety as a result of vehicle movements associated with the site.
- 6.12 It is noted that severe damage to the highway is evident at the entrance to the site, off Old Dawlish Road, and on the bridge over the A38. There are a significant number of potholes in these areas, and it is clear these have been caused by vehicles using the facility as they appear to follow the direction of the traffic. It is considered reasonable to ask for a contribution toward the ongoing repair of these sections of road, to adequately mitigate against the additional wear and tear that will result from the increase in HGVs.
- 6.13 Subject to the above mitigation, and a condition limiting throughput, it is considered that the development would align with Devon Waste Plan Policy W17 (Transportation and Access) and Teignbridge Local Plan Policy S9 (Sustainable Transport).

Impacts upon neighbouring properties

- 6.14 It is considered that the main material impacts upon any neighbours would be as a result of noise associated with the increased vehicles movements, and any possible changes in operations at the site, such as extended hours. There may also be potential for an increase in litter generated at the site.
- 6.15 The nearest sensitive neighbours are found at Westfield Nursery, approximately 360 metres to the north of the MRF building (and 80m north of the boundary by the landfill), and Kerswell Grange, approximately 140 metres to the south at the boundary of the site.
- 6.16 An assessment made as part of the application (using previous noise surveys for the site) which concludes that, as a result of noise generated at the site, the hourly site noise level would be increased by 0.1dB at Kerswell Grange and, at Westfield Nursery, the hourly site noise level would be increased by 2.7dB. The noise levels at these properties would stay below restrictions currently set by the Environmental Permit and the existing planning permission which allows for an increase of 5dB above background sound levels.
- 6.17 In terms of noise associated with HGVs and impacts from the additional vehicle flows on the A379 and A38, these are anticipated to result in road traffic noise that is significantly less than 0.01dB.

- 6.18 With conditions already in place in the existing permissions which manage noise at the site, such as stipulating that plant and machinery are fitted with effective silencers, as well as the limits set by the Environmental Permit, it is considered that the consequent rises in noise levels would be acceptable and that noise can be managed to prevent any adverse impacts. In this context, the request from the Environmental Health Officer at Teignbridge District Council to restrict vehicle movements to/from the site to protect the amenity of neighbours is considered unnecessary. The noise impact assessment has been made using the worst-case scenario impacts from lorry movements, and concludes that these impacts would still fall within the 5db increases above background levels.
- 6.19 Kenn Parish Council have also raised concerns about the potential for the increased throughput to result in more litter, although it is not stated where this is considered to occur specifically. It is noted from the original consent and past complaints associated with the site that litter has been generated from the site's MRF building, and has blown into the adjacent ancient woodland, as well as from vehicles transporting waste. Conditions within the existing permissions manage litter blowing into the woodland through fencing, and all loaded vehicles carrying waste leaving the site are required to be either enclosed, netted or sheeted. It is considered that these conditions should satisfactorily manage any additional litter generated at the site and provide an effective mechanism for enforcement, if required.
- 6.20 The proposed development is considered to accord with Devon Waste Policy W18 (Quality of Life) and Teignbridge Local Plan Policies S9 (Sustainable Transport) and S11 (Pollution).

Other Environmental Considerations (Including Climate Change)

- 6.21 Paragraph 148 of the National Planning Policy Framework requires that "the planning system should support the transition to a low carbon future in a changing climate", while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon's carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 6.22 Although the proposal would result in an increase in traffic movements associated with this site, overall the development could result in a reduction in distances travelled, as waste materials could be managed nearer to their source, specifically for Exeter as demand increases through the planned expansion of the city. There are a number of other operators within and around the city that accept the same types of wastes that this site accepts, although these have limited capacities and do not operate as integrated mixed waste facilities, which provides advantage in terms of reducing distances travelled as wastes can be transported together. In this case the development is considered to align with Teignbridge Local Plan Policy S7

(Carbon Emission Targets) in helping to contribute toward a 42% reduction in carbon emissions from 2009 levels by 2030.

7. Reasons for Recommendation/Alternative Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 On balance, it is considered that the long term benefits of the development, to move waste up the waste hierarchy and provide further provision for local waste management, as the facility would be close to the sources of waste, outweigh the impacts upon the highway and the concerns raised by Kenn Parish Council. It is considered that these would be adequately managed through a new condition limiting throughput, the existing conditions and the Environmental Permit covering the site. A contribution toward road repairs, would adequately mitigate any harm to the local road network as a result of the increase in lorry movements.

Mike Deaton
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Electoral Division: Exminster & Haldon

Local Government Act 1972: List of Background Papers

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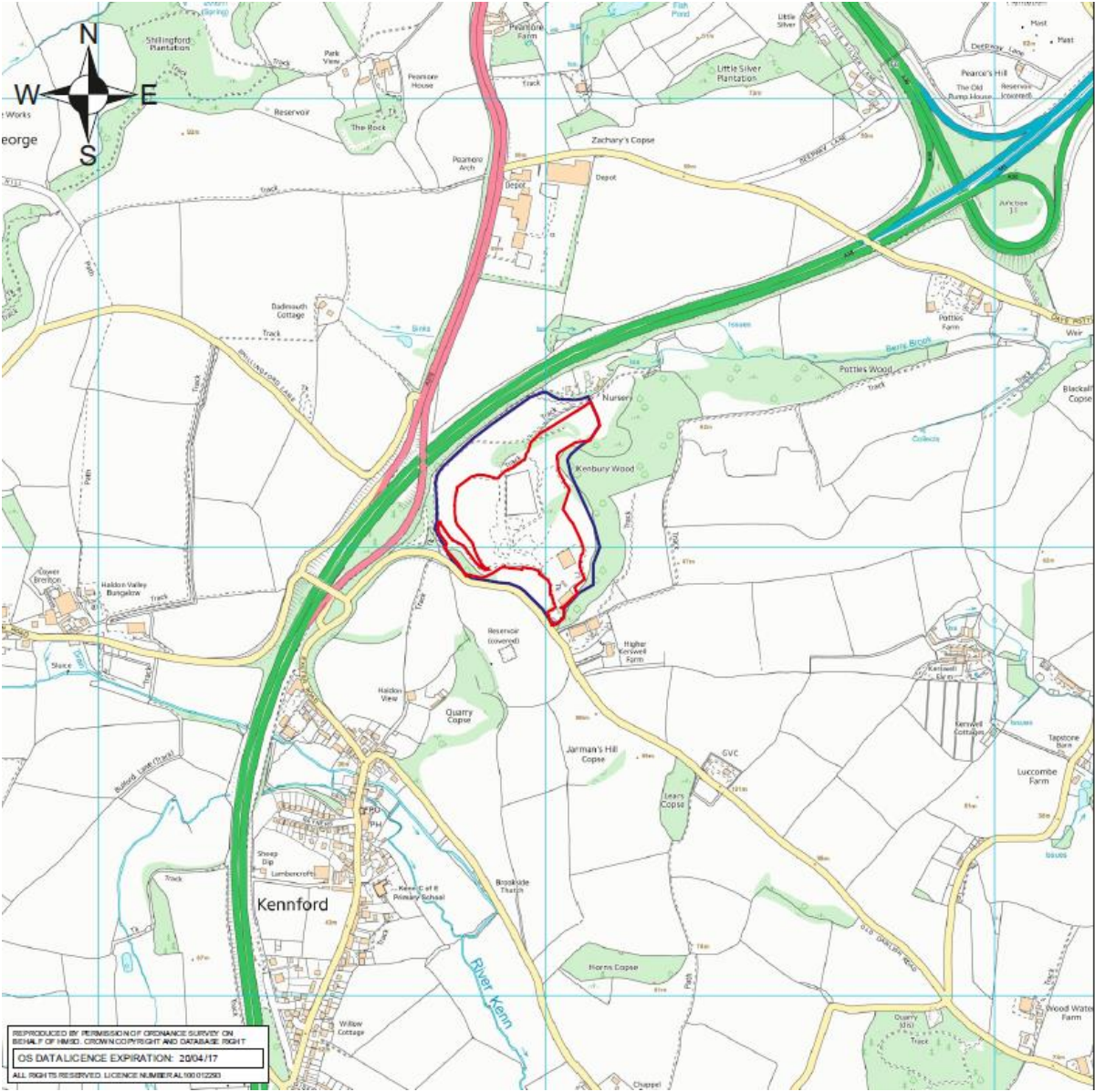
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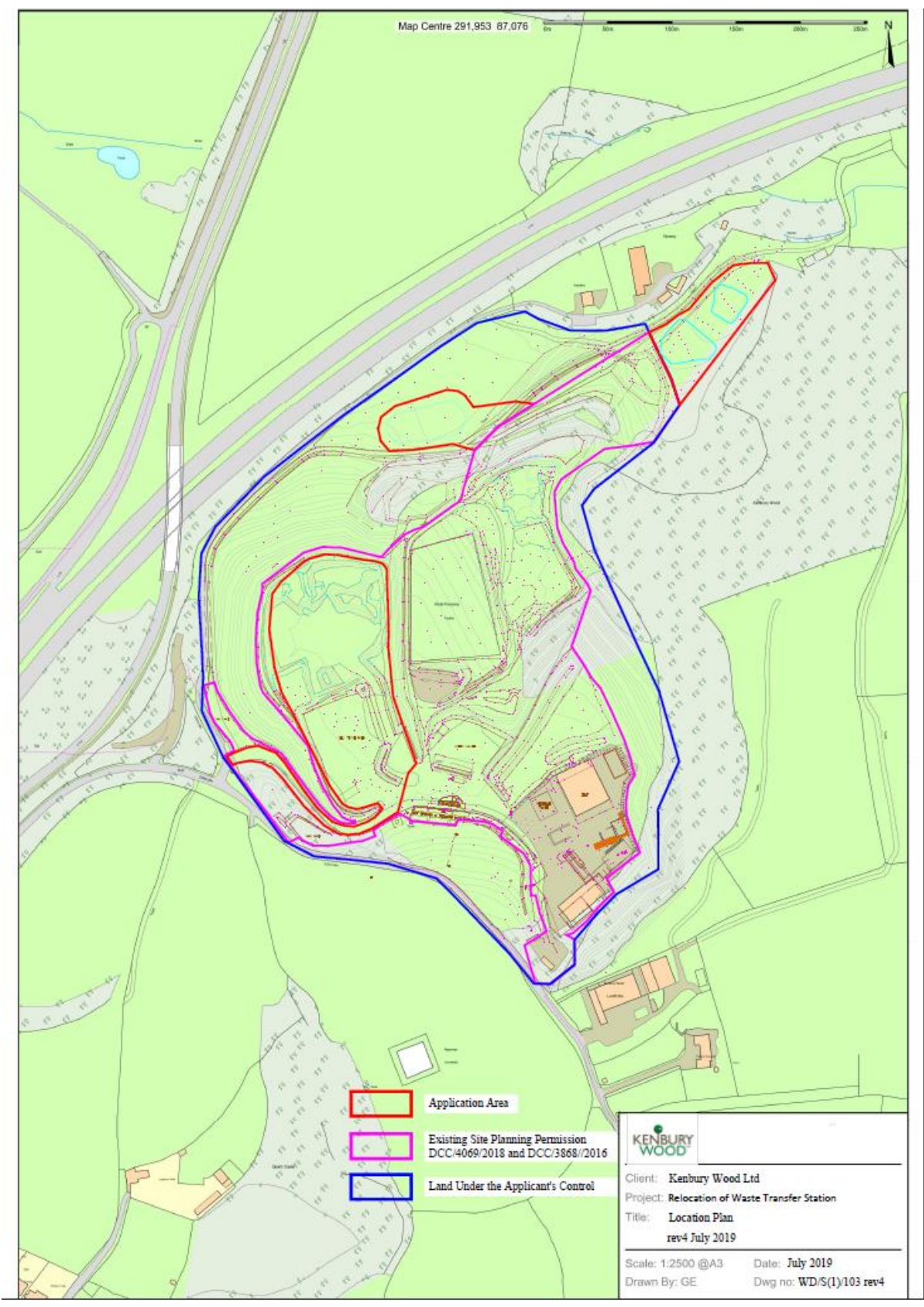
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sc/cr/Teignbridge Section 73 application to var condition 10 Kenbury Wood Landfill Site, Old Dawlish Road, Kennford

Location Plan



Site Plan To PTE/20/20



PLANNING CONDITIONS

VARIED CONDITIONS

STRICT ACCORDANCE WITH PLANS/DOCUMENTS

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered:
Site Location Plan WD/S(1)/139, (March 2020); KW CSL 2.5.1 Rev A(Final site layout - Jan 2017);

Landfill: KW CSL 2.13 Site sections (June 2016); KW CSL2.12 Site sections (June 2016); KW CSL/3 Sight line location (June 2016); KWCSL-2.14 Rev1.1Overall phasing (Feb 2017); KWCSL-2.8 Phase 2 (June 2016); KWCSL-2.9 Phase 3 (June); KW AD 4.1 Final landfill landform (Oct 2016); KW AD 2.1Sightline sections (Oct 2016); KW AD 3.1 Site sections (Oct 2016); KW AD 3.2 Site sections (Oct 2016); 29(1)B (Location of Datum Control Point)

Buildings: PL/EX&PRO Elevations 01 (Transfer building - July 2012); PL/EX&PRO Roof plan/01 (Transfer building - July 2012); DWM-460-10 Rev A (MRF building - 05-01-2016); DWM-450-010 Rev A (TV tent elevations - 04-01-2016); DWM-440-010 Rev A (Reception tent 04-01-2016); P1 DWM-300-101-Rev L (Trommel - Plan View); P2 DWM-300-101-Rev M(Trommel View A and litter fencing); P3 DWM-300-101-RevL (Trommel View B) P4 DWM-300-101-RevL (Trommel View C); DWM-470-010 Rev A (Supervisors cabin); 001 Rev2 Office elevations (April 2015); 002 Rev 1 Mess and WC elevations (April 2015); 003 Rev 1 Changing rooms elevations (April 2015); 004 Rev 1 New office and transport office elevations (April 2015); 005 Rev 2 Electrical switch gear cabin (July 2015); 006 Rev2 electrical switch gear cabin (July 2015); KW CZ 1.2 Cabin Zone (July 2015); KW CZ-2 Cabin zone (April 2015); KW CZ-3 Cabin zone utilities (July 2015); C12240-1-GA Bunded storage tank (16/9/15); 29A(1) Site Plan - Baled material storage (Oct 2016); PO1W 16-2-001 New weighbridge layout (Feb 2016); PO2W 16-2-001 Revised office section (25 Feb 2016); PO3W 16-2-001 Cross section new layout (25 Feb 2016).

Landscaping: KW-01 Phase 1 Bund details (Oct 2016); Proposed Landscape Scheme 00113.00041 Version 2 Oct 2016; KWPLS 1.0 Proposed Landscape Scheme (November 2016); WD/S(1)/34 Proposed fencing northern boundary of landfill area (Nov 2016). Planning Statement (Vol 1) SLR 402.00113.00041 April 2016; Ecology Appraisal and Management Plan. BlueSky Ecology. June 2015; Conservation Action Statement. BlueSky Ecology July 2015; Bat and Reptile Survey Report (Sept 2015) BlueSky Ecology; Bluesky Ecology letter dated 22 sept 2016 Dormice and Cirl Bunting; Written Scheme of Investigation for Archaeological Excavation, Wessex Archaeology (ref T20065.01 dated 7/04/2017).

Additional plans (18/01566/DCC): WD/S/(1)/81 Proposed storage areas layout plan; WD/S(1)/68 Rev1 Proposed wood/plasterboard storage; WD/S(1)/68CS Rev2 Proposed wood/plasterboard store visibility sections; WD/S(1)/72 Relocation of building – proposed layout; WD/S(1)/83 Proposed plastic storage area layout plan; WD/S(1)/91 trommel fines storage bays; WD/S(1)/76C Drainage arrangements; CE-KB1139-DW04 RevA Plastic storage area screen planting proposals; WD/S(1)/68A Detail Rev 1 Proposed wood/plasterboard storage layout details; WD/S(1)/78 Rev1 Sweepings de-watering bay; WD/S(1)/82 Rev1 Firewater storage lagoon; WD/S(1)/82CS Firewater storage lagoon section and detail; WD/S(1)/83CS Rev3 Plastic storage area visibility cross section; WD/S(1)/84CS Rev1 Proposed storage area and screen bund; WD/S(1)/88A Layout of plateau; DWM-500 00Rev B Site utilities; WD/S(1)/72 Detail Relocation of building TV tent; CE-KB1139-DW06 Rev B Bale storage area – landscaping proposals eastern bund; KW PLS 1.0 (CEL extract 2) Rev A Revised landscaping scheme; BPA Kenbury Wood Stability Assessment Report Ref 44823/3501, Orbis ecology Response to Proposed Amendments 27/04/2018; Crestwood environmental Landscape and Visual Appraisal ref CE-KB1139-RP04a Final; Infra Design Maintenance Schedule ref 17008 second issue, Infra Design Drainage Statement Ref 17008 1st issue and Grassland Protection Scheme Feb 2019.

Additional plans and documents

Orbis Ecology letter Kenbury Wood Jan 16 2019; Curload Consultant Ltd Acoustic Assessment Ref 1175 Feb 2019; Planning Support Statement DWM March 2019 and Gerard Edwards letter (lighting assessment) dated 22 March 2019

Unless as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

10. No more than 120,000 tonnes of waste shall be delivered to the site in any calendar year.

The operator shall maintain records of all waste entering the site and make them available to the Waste Planning Authority at any time upon request. The records shall contain details of all deliveries including date, vehicle registration, type of vehicle, type of waste, tonnage of waste, source of waste.

REASON: To minimise the impact of the development on the local residents and the local highway network and to comply with policies in the Development Plan, in particular DWP policies W18 and W17.

RETAINED CONDITIONS (Permissions 18/01566/DCC & DCC/4111/2019)

TEMPORARY LANDFILL PERMISSION

2. The deposit of inert waste within the area of landfill shall cease no later than 31st December 2036. The site shall be restored in accordance with conditions 27 to 29 by 31st December 2037.

REASON: To minimise the impact of the development and to secure effective restoration of the site and to comply with policies in the Development Plan, in particular DWP policies W12 and W20.

3. The inert landfill operation shall be carried out in accordance with the approved phasing plans KW CSL 2.14 Rev 1.1, KW CSL 2.7 Rev1.1, KW CSL 2.8, and KW CSL 2.9. No waste shall tipped in any new phase of landfill (as identified on plan KW CSL 2.14 Rev1.1 as phase 1, 2a,2b,2c,3a,3b and 3c until all tipping has been completed in the previous phase and restoration has been completed in the phase before that.

REASON: To limit the area of land disturbed by landfill and thereby limit the impact on the AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 and W20.

COMMENCEMENT AND CESSATION OF LANDFILL

4. *Varied by permission 18/01566/DCC
Written notification shall be sent to the Waste Planning Authority no later than 21 days prior to the following dates:
 - a) commencement of the construction of the plateau storage area and eastern bund identified on plans WD/S (1)/88A and CE-KB1139-DW06 Rev B;
 - b) completion of the bund to the east of the plateau storage area as identified on plan CE-KB1139-DW06 Rev B;
 - c) commencement of woodland planting on the eastern bund as identified on plan CE-KB1139-DW06 Rev B;
 - d) commencement of screen planting identified on plan CE-KB1139-DW04 Rev A
 - e) commencement of the archaeological work;
 - f) commencement of each new phase of landfill as identified on approved plan KW CSL 2.14 Rev 1.1 i.e. phases 2a, 2b, 2c, 3a, 3b and 3c;
 - g) completion of each landfill phase;
 - h) completion of restoration of each landfill phase;
 - i) completion of final restoration of the inert landfill under this planning permission.

REASON: To enable the Waste Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission and to comply with policies in the Development Plan, in particular DWP policies W12 and W20.

5. In the event that the inert landfill operations are terminated or suspended for longer than 12 months in the opinion of the Waste Planning Authority, the Authority shall give written notification that a revised restoration scheme must be submitted to the WPA, no later than 6 months after notification date. The written notification shall include the specifications for the restoration.

The revised restoration scheme shall be approved in writing by the Waste Planning Authority and shall be fully implemented within 12 months after approval.

REASON: To ensure effective restoration of the site, to minimise the impact on the AGLV and to improve the biodiversity of the site and to comply with policies in the Development Plan, in particular with DWP policies W11, W12 and W20.

6. *Varied by DCC/4111/2019 – scheme approved
The control datum point identified on approved plan 29(1)B (Location of Datum Control Point) shall be retained for the life of the development.

REASON: To enable the Waste Planning Authority to control the development and to ensure that the approved restoration scheme is achieved and to comply with policies in the Development Plan, in particular DWP policy W20.

7. *Varied by DCC/4111/2019 – to specify date of 1st survey
A survey of levels of the landfill area shall be carried out before 19 April 2022 and then every 5 years until the inert landfill is finally restored. A copy of the survey shall be submitted to the Waste Planning Authority within 14 days of being undertaken.

REASON: To ensure effective management of the site to minimise the impact upon the Haldon Hills AGLV and to comply with policies in the Development Plan, in particular DWP policy W12 (Landscape) and TLP policy EN02A (Landscape)

8. *Varied by DCC/4111/2019 – scheme approved
The development shall be carried out in strict accordance with the approved Written Scheme of Investigation for Archaeological Excavation, Wessex Archaeology (ref T20065.01 dated 7/04/2017). The 'archaeological field' shall remain fenced until the programme of archaeological work as set out in the Written Scheme of Investigation is implemented.

REASON: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and to comply with policies in the Development Plan, in particular DWP policy W13 and para 199 of the NPPF.

9. *Varied by DCC/4111/2019 – scheme approved
Maintenance of the surface water drainage system shall be carried out in accordance with the approved surface water maintenance plan: Infra Design, Maintenance Schedule, Kenbury Wood (Report reference 17008 2nd issue Nov 2017) including the maintenance schedules in appendix A.

REASON: To prevent pollution of the water environment and flooding and to comply with policies in the Development Plan, in particular DWP policies W16 and W19.

HOURS OF USE

11. *Condition varied by DCC/4111/2019

The site shall operate only between the following hours:

- From 07.00 hours to 18.00 hours Mondays to Saturdays;
- the site shall not operate on Sundays, Christmas Day, Boxing Day or New Year's Day.

Except as varied by subsections (a) to (f) below:

a) Operations within the MRF building can take place at all times EXCEPT between the following times:

- between 18.00 hours Saturdays to 07.00 hours Sundays;
- between 18.00 hours Sundays and 07.00 hours Mondays;
- no operations shall take place in the MRF on Christmas Day, Boxing Day and New Year's Day.

b) Delivery and export of materials shall only take place:

- between 0530 hours and 1800 hours on any day;
- no delivery or export of materials shall take place on Christmas Day, Boxing Day or New Year's Day.

For the avoidance of doubt no vehicles shall enter or exit the site between 18.00 hours and 05.30 hours and the loading and unloading of vehicles shall only take place between 07.00 hours and 18.00 hours.

c) The inert landfill shall only operate:

- between 07.00 hours and 18.00 hours Monday to Saturday;
- no landfill operations shall take place on Sundays or public holidays.

d) The use of the offices shall be restricted to:

- between 05.30 hours and 18.00 hours on any day.
- the offices shall not be used on, Christmas Day, Boxing Day or New Year's Day.

e) The mess room and welfare facilities shall only be used:

- between 05.30 hours and 18.00 on any day and when the MRF is operating.

- The mess room and welfare facilities shall not be used on Christmas day, Boxing Day or New Year's Day.

f) Use of the external lighting shall only take place between:

- 07.00 hours and 18.00 hours Mondays to Saturday, except for lighting at the weighbridge that shall be restricted to between 05.30 hours and 18.30 hours on any day and pedestrian lighting that shall be only be used between 05.30 hours and 18.30 hours and when the MRF is operating.
- No lighting shall be used on the site on Christmas Day, Boxing Day or New Year's Day.

For the avoidance of doubt no operations shall take place on the site on Sundays except within the MRF building.

REASON: To minimise the impact of the development on the local residents, wildlife and the Haldon Hills AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape) and W18 and TLP policy EN02A (Landscape).

WASTE RESTRICTIONS

12. *Varied by permission 18/01566/DCC

The external walls of all buildings and fixed plant on the site, including all office/welfare/storage cabins, waste storage/handling buildings, tanks, MRF, trommel, picking line and cover for the plasterboard storage shall be coloured Van Dyke Brown RAL 8014/BS08B29. Roofs of all buildings shall be a dark recessive colour and non-reflective material. The flexible covering of the storage building to the east of the MRF building (identified on plan WD/S(1)/72DETAIL) and the waste storage containers within area C (plan WD/S(1)/81) shall be non-reflective and coloured dark green/brown or Van Dyke Brown, for the life of the development.

REASON: To ensure that the colour of the buildings/plant/containers enables them to recede into the background landscape and thereby protect the character and appearance of the Haldon Hills AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape) and TLP policies EN02A and EN11.

Lighting

*Varied - Scheme approved by permission DCC/4111/2019

13. The lighting on the site shall only be installed and operated in accordance with the following approved scheme:- 'Light Plan Update Aug 2019 WD/S(1)/33H & Kenbury Wood Lighting Scheme Document'.

REASON: To protect wildlife including bats, the Ancient Woodland and the AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape) and W11 (Biodiversity and Geodiversity) and TLP policy EN02A (Landscape)

NOISE

14. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant, equipment and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

REASON: To protect the amenity of nearby residents and the tranquil nature of the rural environment and to comply with policies in the Development Plan, in particular DWP policies W12 and W18.

STOCKPILES/STORAGE

15. *Varied by permission 18/01566/DCC

The height of stockpiles, skip storage, baled waste and the storage of plant and machinery shall be restricted as follows:

- (a) No mobile or fixed plant, equipment, empty skips or containers shall be retained on the active landfill site.
- (b) The height of aggregate stockpiles within the aggregate processing and inert material storage area, identified as B on plan KW CSL 2.5.1 Rev A, shall remain below the height of the surrounding earth bund (not including the height of the vegetation). Processing plant shall be located on the floor of the processing area. Stockpiles of wood and plasterboard shall not exceed a height of 4 metres and remain below the height of the surrounding bund (not including vegetation).
- (c) The height of stored skips and containers within the storage area identified as A on approved plan KW CSL 2.5.1 Rev A, shall remain below the height of the surrounding earth bund (not including the height of the vegetation).
- (d) Stockpiles of processed and unprocessed green waste in area C on approved plan KW CSL 2.5.1 Rev A shall not exceed the height of 3 metres.
- (e) The waste storage containers in area C on approved plan KW CSL 2.5.1 Rev A shall not exceed a height of 3 metres
- (f) Stockpiles of fines stored within the approved fines collection bays, identified on approved plan P2 DWM 300 101 Rev M, and stockpiles of fines and sweepings in area C on approved plan KW CSL 2.5.1 Rev A (Jan 2017) shall not exceed the height of 2 metres.
- (g) Baled waste shall only be stored outside in area identified as 'materials storage area' on approved plan 29A (1) (Oct 2016) and within the plateau storage area (identified as area E on plan WD/S(1)/81). The height of the stored bales shall not exceed 5 metres and within the plateau storage area shall not be higher than any part of the surrounding bunds (not including the height of the vegetation).

REASON: To protect the Ancient Woodland and the AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape) and W11 (Biodiversity and geodiversity) and TLP policy EN02A (Landscape).

16. The proposed litter fencing identified on approved plan KW CSL 2.5.1 (Jan 2017) shall be fully installed within 2 months of the date of this permission in accordance with the approved details identified on drawing P2 DWM-300-101-Rev M (view A) and shall be retained and maintained for the life of the development. The size of the net mesh shall be 50mm unless otherwise agreed in writing by the Waste Planning Authority.

REASON: To protect wildlife and the Ancient Woodland and the AGLV and to comply with policies in the Development Plan, in particular DWP policies W11 (Biodiversity and Geodiversity) and W12 (Landscape).

ECOLOGY

17. No vegetation clearance shall take place during the bird nesting season (1 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

REASON: To protect wildlife and to comply with policies in the Development Plan, in particular DWP policy W11.

18. Unimproved species rich grassland within the site as identified as EZ1, EZ2 and EZ3 on approved plan KW PLS-1.0 (Nov 2016) shall be managed for the life of the site in accordance with the recommendations set out in section 6 of the approved 'Kenbury Wood Ecology Appraisal and Management Plan (June 2015).

REASON: To enhance the biodiversity of the site and to comply with policies in the Development Plan, in particular DWP policy W11.

19. Soil stripping of the archaeological field shall be carried out in accordance with the recommendations in section 5.2 (Reptile Mitigation) of the Bat and Reptile Survey Report (Sept 2015), relating to protection and translocation of reptiles. A suitably qualified ecologist shall be present during the soil stripping operation.

REASON: To ensure that reptiles are protected and to comply with policies in the Development Plan, in particular DWP policy W11.

20. No scrub vegetation, including the vegetation on the northern boundary of the Plateau area, shall be removed until a scrub clearance scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:

- details of how any dormice and cirl bunting would be protected.
- Clearance only to take place in the presence of a suitably licenced ecologist and use of hand tools.

Scrub clearance on the site shall only be carried out in accordance with the approved scheme.

REASON: To ensure that dormice and cirl bunting are protected and to comply with policies in the Development Plan, in particular DWP policy W11.

21. The steel gate at the entrance to the Plateau Area, as identified on approved plan KW CSL 2.5.1 (Jan 2017) shall remain locked closed except for occasions when access is needed to construct the bunds identified on the Plateau Area or to carry out maintenance.

REASON: To protect the unimproved species rich grassland on the plateau area and to comply with policies in the Development Plan, in particular DWP policy W11.

SOILS

22. No topsoil, subsoil or soil making material naturally occurring on the site, shall be removed from the site and shall only be used in the final restoration of the site.

REASON: To ensure suitable soils are available to reinstate the site during restoration and to comply with policies in the Development Plan, in particular DWP policy W11.

23. All soil stripping, regrading, subsoiling operations and the spreading of soils and their cultivation shall be carried out only when there is sufficient soil moisture deficit so as to prevent any degradation of soil structure.

REASON: To prevent degradation of soils and to comply with policies in the Development Plan, in particular DWP policy W16.

24. All topsoil, subsoil and soil making material naturally occurring on the site, shall be stripped, handled, transported and stored separately to each other and kept free from contamination. All soil and soil making heaps shall be no higher than 3 metres. When topsoil and subsoil heaps are to remain in situ for more than 2 months they shall be graded and seeded with grass and wildflower seed until reused in restoration.

REASON: to prevent the degradation of existing soils and to comply with policies in the Development Plan, in particular DWP policies W16.

WATER PROTECTION AND POLLUTION CONTROL

25. *Varied by permission 18/01566/DCC
All surface water shall be kept separate from foul water and managed in accordance with the approved drainage plan WD/S (1)/76C and the approved

Surface Water Maintenance Plan: Infra Design, Maintenance Schedule, Kenbury Wood (Report 17008 2nd issue Nov 2017).

REASON: To prevent pollution of the water environment and flooding and to comply with policies in the Development Plan, in particular DWP policies W16 and W19.

LANDSCAPING, RESTORATION AND AFTERCARE

26. The proposed fencing on the northern boundary of the inert landfill site shall be erected in accordance with the approved details identified on plan WD/S(1)/34 (Nov 2016). The fencing shall be retained and maintained for the life of the inert landfill site.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage by the development, in the interests of protecting the AGLV and to comply with policies in the Development Plan, in particular DWP policy W12.

27. *Varied by permission 18/01566/DCC

The landscaping and restoration of the site shall be carried out in accordance with the approved landscaping scheme ' Proposed Landscape Scheme 00113.00041 Version 2 (October 2016) and approved plans 'Proposed Landscape Scheme KWPLS.1.0 (CEL Extract 2) Rev A, CE-KB1139-DW06 Rev B and CE-KB1139-DW04 Rev A.

For the avoidance of doubt:

- 1) The landscape bund and willow planting in area C, as identified on plan CE-KB1139-DW04 Rev A will be constructed and planted in the first planting season coinciding with or after the date of this permission. The bund and willow planting shall be retained and maintained for the life of the waste management facility. The willow planting will be maintained at a height of 3 metres or above.
- 2) The landscaped bund identified on plan CE-KE-1139-DW06 Rev B shall be constructed and seeded before the proposed bale storage area comes into use. Before the area is seeded, soil analysis shall be submitted to and approved in writing by the Waste Planning Authority. The native woodland planting identified on plan CE-KB1139-DW06 Rev B, shall be planted in the first planting season coinciding with or after the completion of the bale storage area and bund. The species rich grassland and woodland planting shall be retained and maintained for the life of the waste management facility.
- 3) The inert landfill shall be fully restored by 31 December 2037.
- 4) All areas of existing woodland and scrub identified as Tree Management Zones (1 to 4) on approved plan KWPLS.1.0(CEL Extract 2) Rev A and all proposed tree/ hedge planting, identified as WBA, WBB, WBC, WBE, HRA

and HRB on approved plan KWPLS.1.0 (CEL Extract 2) Rev A shall be retained and maintained for the life of the waste management facility.

REASON: To ensure effective restoration and landscaping of the site to minimise the impact on AGLV and improve biodiversity and comply with policies in the Development Plan, in particular DWP policies W12, W11 and W20.

28. Each phase of restoration/landscaping shall be retained and maintained for the life of the waste management facility. Any trees, plants or grassed areas, or replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

REASON: To ensure effective restoration and landscaping of the site to minimise the impact on AGLV and improve biodiversity and comply with policies in the Development Plan, in particular DWP policies W12, W11 and W20

29. *Varied by permission 18/01566/DCC

On or before 31 December each year, during the duration of the planning permission, an annual 'landscape, ecology and surface water management report' shall be submitted to the WPA, for approval in writing. The report shall include inter alia:

- the date when each aftercare period commenced on each area of restored land, identified on a plan;
- a record of aftercare operations carried out on the site during the previous 12 months;
- a record of ecological management operations, specifically the management of unimproved grassland areas identified on approved plan KWPLS 1.0 (CEL Extract 2) Rev A as EZ-1, EZ-2 and EZ-3;
- a record of woodland and scrub management operations specifically associated with zones 1,2,3 and 4 and tree/hedge planting areas WBA, WBB, WBC, WBE, HRA and HRB identified on approved plan KW PLS 1.0 (CEL Extract 2) Rev A, the willow planted bund identified on plan CE-KB1139-DW04 rev A and the woodland planting identified on plan CE-KB1139-DW06 Rev B;
- a record of surface water management;
- a review of performance;
- aftercare/management steps for the following 12 months based on Table 6 'Annual Aftercare/ Management Activities' of the Proposed Landscape Scheme 00113.00041 Version 2 Oct 2016. The management steps shall include provision for a site meeting between the WPA and the operator/landowner at the commencement of each growing season to consider the aftercare management for the following year.

REASON: To ensure effective restoration and landscaping of the site and provide effective screening of buildings to minimise the impact on AGLV, improve biodiversity and protect the water environment and comply with

policies in the Development Plan, in particular DWP policies W12, W11, W16 and W20.

HIGHWAYS

30. No dust, mud, water or other debris shall be carried onto the highway from the site.

REASON: In the interests of highway safety and to comply with policies in the Development plan in particular DWP policy W17.

31. All loaded vehicles carrying waste leaving the site shall have their loads either enclosed, netted or sheeted as appropriate for the type of waste being transported.

REASON: In the interests of highway safety and to protect the local environment from litter in accordance with DWP policy W12, W17 and W18.

32. There shall be no public access to the site for the delivery of waste or sale of goods relating to the development.

REASON: In the interests of highway safety and to comply with policies in the Development plan in particular DWP policy W17 (Transportation and Access).

33. The weighbridge shall not be used as a public weighbridge.

REASON: In the interests of highway safety and to comply with policies in the Development Plan, in particular DWP policy W17 (Transportation and Access).

34. *Added by permission 18/01566/DCC

The plateau development and the construction of the eastern bund identified on plan CE-KB1139-DW06 Rev B shall be carried in accordance with the recommendations of the PBA Kenbury Wood Landfill Site Stability Assessment report (44823/3501/Dec2018). The construction of the bund shall be supervised by a suitably qualified geotechnical engineer.

REASON: To ensure the stability of the eastern bund and to protect the environment in accordance with policies in the Development Plan in particular DWP policies W11, W12 and W14.

35. *Added by permission 18/01566/DCC

The species rich grassland EZ2 identified on plan CE-KB1139-DW06 rev B, shall be protected during the construction of the eastern bund in accordance with the approved Grassland Protection Scheme (Feb 2019).

REASON: To ensure that the species rich grassland is protected during the construction period and to comply with policies in the Development Plan, in particular DWP policy W11.

36. *Added by permission 18/01566/DCC
Prior to the storage of bales in the plateau storage area the concrete surface identified on plan WD/S(1)/88A shall be provided.

REASON: To prevent muddy conditions and to comply with policies in the Development Plan, in particular DWP policy W17.

*Added by permission DCC/4111/2019

34. Prior to the commencement of any operations/working in the MRF building between 18.00hours and 07.00 hours, all windows and skylights in the MRF building, the mess building and the welfare facilities shall be provided with blackout blinds or completely obscured to ensure that no light can be viewed externally to the buildings. The blinds or the equivalent means of obscuring the windows shall be used between the hours of 18.00 hours and 07.00 hours when the MRF building is in operation.

REASON: To minimise the impact of the night time working in the MRF on wildlife and the Haldon Hills AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape) and W11 (Biodiversity and Geodiversity) and TLP policy EN02A (Landscape).

*Added by permission DCC/4111/2019

35. Prior to the commencement of any operations/working in the MRF building between 18.00 hours and 07.00 hours, a scheme for the use of timers on pedestrian lighting shall be submitted to the Waste Planning Authority for approval in writing. The approved scheme shall be implemented in full before working commences in the MRF building between 18.00 hours and 07.00 hours. The timers on the pedestrian lights shall be used whenever operations are being carried out in the MRF building between 18.00 hours and 07.00 hours.

REASON: To minimise the impact of the night time working in the MRF on wildlife and the Haldon Hills AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape) and W11 (Biodiversity and Geodiversity) and TLP policy EN02A (Landscape).

*Added by permission DCC/4111/2019

36. All forklift trucks operating on the site shall only use white noise reverse warning systems or an equivalent non-audible reversing system at all times.

REASON: To minimise the impact of the development on local residents and the Haldon Hills AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape) and W18 (Quality of life) and TLP policy EN02A (Landscape).

*Added by permission DCC/4111/2019

37. All of the doors of the MRF building (including the main access roller doors) shall remain completely closed between 18.00 hours and 07.00 hours, except when access for a fork lift truck is required. Only one roller door shall be half opened to allow access for a fork lift truck for a maximum of 10 minutes in any 1 hour period between 18.00 hours and 07.00 hours. For the avoidance of doubt the pedestrian doors can be used for access/egress.

REASON: To minimise the impact of the night time working in the MRF, in terms of noise and light, on the local residents, wildlife and the Haldon Hills AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape), W18 (Quality of Life) and W11 (Biodiversity and Geodiversity) and TLP policy EN02A (Landscape).