



BiogenGreenfinch Ltd.
 The Business park, Coder Road
 Ludlow, Shropshire SY8 1XE
 Tel. No. 01584 877687 Fax No. 01584 878131
 info@biogengreenfinch.co.uk
 www.biogengreenfinch.co.uk



This drawing and design is the property of BiogenGreenfinch Ltd. and may not be copied in whole or in part or communicated to a third party or used for any purpose without the written consent of BiogenGreenfinch Ltd.

Rev.	Issue Details	Date	Scale @ A3	CLIENT:	BIOGEN	
-	PRELIMINARY	13.07.12	1:1000	PROJECT:	NORTH EAST HUB	
A	CHANGES AFTER DESIGN REVIEW MEETING	20.07.12	Drawn SB	TITLE	SITE PLAN	
			Checked DW	DRAWING NUMBER	WAEN-D-001	REVISION A
			Approved JG			

WARD : Tremeirchion

WARD MEMBER: Councillor Chris Evans

APPLICATION NO: 47/2023/0796/ PS

PROPOSAL: Variation of condition 3 of planning permission 47/2012/1120 to include ""the anaerobic digestion of food waste and/or non-waste crops""

LOCATION: Biogen Waen, Holywell Road, Rhualt, St Asaph

APPLICANT: Biogen (UK) Ltd - Katie Lister

CONSTRAINTS: Within 67m Of Trunk Road

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

TREMEIRCHION COMMUNITY COUNCIL – Objection as applicant has not complied with the landscaping condition associated with the original permission. Detriment to the local agricultural community due to noise and odours and this application will result in extra impact of large vehicles on small country roads.

NATURAL RESOURCES WALES – Advisory re consistency between Planning Permission and Environmental Permit should permission be granted

DENBIGHSHIRE HIGHWAY DEPARTMENT – No objection

DENBIGHSHIRE PUBLIC PROTECTION DEPARTMENT – No objection

RE-CONSULTATION RESPONSES (IF RELEVANT)

RESPONSE TO PUBLICITY:

In objection

Representations received from: 8 members of the public.

Summary of planning-based representations in objection:

- The proposal will further contribute to the odour issues emanating from site
- The proposal will increase noise emanating from site
- The applicant has not complied with the landscaping conditions requiring tree planting around the site

- Insufficient information has been submitted to fully assess the application
- Highway and noise issues associated with the movements of tractor and trailers carrying waste to and digestate from site
- The use of energy crops will increase production which will increase emissions and further increase air pollution; as a result, it will adversely affect health of people living locally.
- The production of energy crops rather than food crops will drive land and rental prices up locally which will negatively affect the local agricultural community, Welsh culture and language. It will also cause a risk to food security as land will not be used to produce food crops. This will also drive the price of food up.

In support

Representations received from: 0

No representations received.

EXPIRY DATE OF APPLICATION: 27/12/2023

EXTENSION OF TIME AGREE: 21/06/2024

REASONS FOR DELAY IN DECISION:

- Negotiation with applicant
- Awaiting consideration by Planning Committee

PLANNING ASSESSMENT:

1. DETAILS OF PLANNING HISTORY:

1.1 Summary of proposals

- 1.1.1 A variation of condition 3 on planning permission ref 47/2012/1120 is sought to allow for the Anaerobic Digestion of food waste and non-waste crops within the facility.

1.2 Description of site and surroundings

- 1.2.1 The application site lies along Holywell Road, St Asaph, 300m to the east of junction 28 of the A55.
- 1.2.2 The plant has capacity to deal with up to 22,500 tonnes annually of Local Authority collected food wastes from Conwy, Denbighshire and Flintshire and from businesses across the region. It produces 1MW of renewable electricity and approximately 18,000 cubic metres of digestate which is a bio-fertiliser used on farms in the local area.

1.3 Relevant planning constraints / considerations

- 1.3.1 The site is located within the open countryside.

1.4 Relevant planning history

- 1.4.1 47/2012/1120 - Construction of an anaerobic digestion facility, landscaping and associated infrastructure. Approved with conditions – 21/11/2012
- 1.4.2 47/2013/0433 - Details of construction environmental management plan, external lighting, landscaping, amphibian reasonable avoidance measures scheme, habitat creation and enhancement proposals for great crested newts submitted in accordance with condition numbers 10,14, 23, 24 and 25 of planning permission 47/2012/1120/PF. Discharged – 09/07/2013

- 1.4.3 47/2013//0680 - Details of scheme for provision and implementation of surface water regulation system and management of overland flow submitted in accordance with condition numbers 18 and 19 of planning permission 47/2012/1120/PF. Discharged - 03/06/2013
- 1.4.4 47/2014/1154 - Details of loading, unloading, parking and turning of vehicles submitted in accordance with condition number 16 of planning permission 47/2012/1120/PF. Discharged - 20/11/2014
- 1.4.5 47/2016/0005 – Construction of ancillary office unit and associated replacement car parking. Approved with conditions – 12/10/2016

1.5 Development / changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 The development of an Anaerobic Digestion plant at the Biogen Waen site is a result of the monumental shift in the waste sector following the publication and adoption of the EU Landfill Directive specifying European targets for the diversion of biodegradable municipal waste from landfill. This resulted in the setting up of the North Wales Residual Waste Treatment Project to jointly manage the residual waste generated by the populations from the five local authorities of North Wales; namely Anglesey County Council, Conwy County Borough Council, Denbighshire County Council, Flintshire County Council, and Cyngor Gwynedd to move waste generated as high up the waste hierarchy as possible. Residual waste is the waste which is left over after recycling and composting as much as possible. Two Anaerobic digestion plants were set up in the North Wales region to deal with the residual food waste. The Gwyriad Anaerobic Digestion Plant in the North West of Wales to deal with food wastes derived from Gwynedd and Anglesey and the Waen Facility at Rhuallt, Llanellwly to recover food waste from Denbighshire, Conwy and Flintshire. This plant at Waen was granted planning permission on the 21st November 2012 and was subject to 30 planning conditions. The plant has been operational since 2014, and as previously noted has capacity to deal with up to 22,500 tonnes annually of Local Authority collected food wastes from Conwy, Denbighshire and Flintshire and from businesses across the region. It produces 1MW of renewable electricity and approximately 18,000 cubic metres of digestate which is a bio-fertiliser and used on farms in the local area.
- 1.6.2 The North Wales Minerals and Waste Planning Service has dealt with several planning applications associated with anaerobic digestion plants in the North Wales region since its inception. As such facilities and technologies were considered new circa 10 to 15 years ago, the Service has dealt with several applications on various sites to vary original permissions to change layout, technology and feedstock. In relation to anaerobic digestion plants developed for food waste recovery, it is noted that food wastes are considered a very inconsistent feedstock which results in peaks and lows in gas production. The introduction of a more consistent feedstock such as maize, rye and grasses are often used to balance the macro bacteria essential for the anaerobic digestion process to produce a stable rate of gas so the plant can operate more efficiently.
- 1.6.3 This application is to vary the feedstock to allow for the bio digestion of non-waste crops in addition to food waste within the facility.

2. DETAILS OF PLANNING HISTORY:

- 2.1 47/2012/1120 - Construction of an anaerobic digestion facility, landscaping and associated infrastructure. GRANTED – 21/11/2012

3. RELEVANT POLICIES AND GUIDANCE:

Local Policy/Guidance

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy RD5 – The Welsh language and the social and cultural fabric of communities

Policy VOE7 – Locations for waste management

Policy VOE8 – Waste management outside development boundaries

Policy VOE 10 – Renewable energy technologies

Policy PSE 5 – Rural Economy

Supplementary Planning Guidance

Supplementary Planning Guidance Note: [Renewable Energy](#)

Government Policy / Guidance

Planning Policy Wales Edition 12 (February 2024)

Future Wales – The National Plan 2040

Development Control Manual November 2016

National Waste Strategy: Towards Zero Waste (2010)

Collections, infrastructure and Markets Sector Plan (2012)

Technical Advice Notes (TAN)

TAN 6: Planning for Sustainable Rural Communities

TAN 20: Planning and the Welsh Language

TAN 21: Waste

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Waste management and Sustainability
- 4.1.3 Visual Impact
- 4.1.4 Residential Amenity
- 4.1.5 Highways (including access and parking)
- 4.1.6 Impact on Welsh Language and Social and Cultural Fabric

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
The application is made under Section 73 of the Town and County planning Act 1990 (the 1990 Act).

Section 73 allows applications to be made for planning permission without complying with conditions previously imposed on an extant planning permission. Where a Section 73 application is granted, its effect is to grant a new planning permission.

Section 73 applications can be broadly separated into three different application types, based on their intended purpose. These are to:

- extend the time limit of an existing permission (commonly referred to as a 'renewal' application)
- allow 'minor material amendments' to planning permissions
- allow the variation or removal of any other condition attached to a planning permission.

This application is sought to allow for the consented Anaerobic Digestion to import and process non-waste crops within the facility.

Condition No.3 currently states:

"The site shall be used only for the anaerobic digestion of food waste and for no other purpose (including any other purpose in Class 8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or reenacting that Order with or without modification)."

Should planning permission be granted, non-waste crops could be imported and processed in the facility.

4.2.2 Waste Management and Sustainability

This application has raised objections from some of the farming community relating to the use of crops for energy production rather than for food production – which the objectors contend may lead to issues relating to food security and over reliance on imported food.

Agriculture as described within the Oxford Dictionary is *"The practise of cultivating the soil, growing crops, or raising livestock for human use, including the production of food, feed, fibre, fuel, or for other useful products."* And it is beyond the remit of planning to control the crops farmers are allowed to cultivate or their end markets. It is therefore difficult to understand the reasoning for the objection raised on agricultural sustainability grounds especially as this facility if consented may offer an additional local market to the traditional food producing markets generally associated with agricultural production. It is therefore considered the proposal accords with planning policy PSE 5 – Rural Economy of the of the adopted Denbighshire County Council Local Development Plan 2006 - 2021

4.2.3 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (iv) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

The proposal will not affect the built form of the facility as no further infrastructure or building works will be required. Notwithstanding, objections have been received relating to the non-compliance of the development with condition 23 associated with the original permission and its landscaping scheme. Having undertaken a site visit, it is noted that the site is well screened. However, this objection does not relate to the materiality of the planning application to vary the feedstock, but the Service has passed the objection on to Denbighshire County Council's Planning Enforcement Section to investigate compliance issues further as the landscaping scheme originally approved shall be fully implemented and retained for the duration of the facility's operations.

4.2.4 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Objections were raised by nearby occupants relating to noise, odour and air pollution and its effects on the amenity of nearby residents. It is contended that the allowance of different feedstock to food waste will effectively heighten these issues.

It is acknowledged that historical waste sites had a perception of being odorous, especially plants processing putrescible food and non-food feedstock. However, there are design methods and Best Available Technologies associated with the plant to control odours emanating from site. There are also existing planning conditions in place relating to the requirements of effective biofilters, carbon filters and air extraction units within the plant and a further condition prohibiting wastes received and material produced on site to be stored in the open. It should be noted, there is a live environmental permit in place granted by Natural Resources Wales who regulate the site to control operations and protect the local environment in relation to the site also. One of the main reasons the applicant wishes to utilise non-waste crops as a feedstock is to reconcile the material to a consistent fuel. Based on experience, such methods can help regulate methane gas spikes without the need for flaring which again lessens emissions into the atmosphere. Having contacted the plant for comment in relation to odour, it is noted that they have received 3 odour complaints since 2021 and this was attributed to nutrient spreading on land rather than activities relating to the plant itself.

In relation to noise, there are planning conditions in place requiring the quietest available items of plant and machinery to be used, for noisy machinery (eg generators) to be housed indoors, and for machinery to be

operated and maintained in accordance with the manufacturer specifications and fitted with silencers. Notwithstanding, it appears that the objections received as part of the application process are related to tractor and trailer units carrying digestate from site bouncing along the local road network rather than noise directly associated with the plant itself. Although not material to this application for the variance in feedstock, in conjunction with the Environmental Permit regulated by Natural Resources Wales it is considered that sufficient conditions are in place within the original permission to adequately control pollution issues from site so not to impact upon the residential amenity of nearby properties and no objections were received from the Public Protection Department. The application therefore accords with criteria vi of Policy RD 1 – Sustainable development and good standard design and that of Policy VOE 10 Renewable energy technologies of the Denbighshire County Council Local Development Plan 2006 – 2021.

4.2.5 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require consideration of the impact of development on the local highway network.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments

These policies reflect general principles set out in Planning Policy Wales (Edition 12, 2024) and TAN 18 – Transport, in support of sustainable development.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

The anaerobic digestion plant has acceptable access to and from the site and sufficient parking spaces for users and visitors. The site is well located to both local and national road network being 300m from the B5429 roundabout and junction 28 of the A55. The application is to amend the composition of feedstock rather than to increase the annual amount above the 22,500 tonnes per annum limit and no objections were received from the Highway Department. Therefore, contrary to the objection received by the Community Council relating to “the extra impact of large vehicles on such small roads;” it should be noted there will be no increase in traffic. The Highway Authority does not raise an objection to the proposal.

Therefore, it is considered that the variance in feedstock will not adversely impact or compromise safety on the highway network and accords with that of Policy RD 1 – Sustainable development and good standard design of the Denbighshire County Council Local Development Plan 2006 - 2021.

4.2.6 Impact on Welsh Language and Social and Cultural Fabric

Objections were noted that the production of energy crops rather than food crops will drive land and rental prices up locally which will negatively affect the local agricultural community, Welsh culture and language. In line with guidance relating to Planning and the Welsh Language within TAN 20, it is very difficult to understand how a variance in feedstock to an existing anaerobic digestion Plant will cause significant harm to the character, language and cultural balance of the local community and the requirements of Policy RD 5 – The Welsh language and the social and cultural fabric of communities are not material to the determination of this planning application.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

5. SUMMARY AND CONCLUSIONS:

5.1 Based on the information contained within this committee report, it is considered that the proposal accords with planning policies adopted within The Denbighshire Local Development Plan, supplemented by Planning Policy Wales, The Waste Framework Directive and other National and European policies, targets and guidance in relation to the sustainable management of waste and the production of renewable energy and it is therefore recommended that planning permission be granted

RECOMMENDATION: APPROVE- subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority a minimum of 14 days prior to commencement.
2. Notwithstanding the provisions of Part 8 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order, with or without modifications) no fixed plant or machinery, buildings, structures and erections, or private roads shall be erected, extended, installed, or replaced within the site without the prior written approval of the Local Planning Authority.
3. The site shall be used only for the the anaerobic digestion of food waste and/or non-waste crops and for no other purpose (including any other purpose in Class 8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).
4. Nothing other than biodegradable material shall be deposited/treated at the site.
5. No waste, or any other material produced during the operation of this facility, shall be stored in the open air.
6. No Construction activities shall take place on the site outside the following times: 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 Saturday, nor at any time on Sundays or Public Holidays
7. Construction work which is audible beyond the site boundary shall only be carried out between 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 Saturday and not at all on Sundays or public holidays.
8. During the operational phase of the site the permitted hours of operation for the delivery of waste are permitted to be: 08:00 to 18:00 Monday to Friday and 08:00 to 16:00 Saturdays, and Public holidays except Christmas Day and Boxing Day, and no working on Sundays, except in emergency, or with the prior written agreement of the Local Planning Authority.
9. There shall be no burning on site.
10. **PRE-COMMENCEMENT CONDITION**
Prior to commencement of the development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the measures to mitigate dust as a result of the construction works and should be based upon the measures set out in the Air Quality and Odour Assessment submitted in support of this application and dated August 2012. The Construction Environmental Management Plan, as agreed by the Local Planning Authority, shall be implemented and complied with at all times during the construction phase of the development.
11. In the event that the abattoir buildings are demolished, measures to ensure that noise arising from the activities on site does not have a detrimental impact on neighbouring residential properties shall, as soon as reasonably practicable, or within a timescale to be agreed in writing with the Local Planning Authority, be submitted to, and approved in writing by, the Local Planning Authority. The measures proposed shall be implemented as approved and remain effective while the plant is operational.
12. The quietest available items of plant and machinery shall be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels

13. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.
14. Details of the location, height, design, sensors, and luminance of all external lighting (which shall be designed to minimise the potential nuisance of light spillage on adjoining properties and highways), shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced.
15. Any floodlights shall only be illuminated when essential for the safe and effective operation of the facility and should not cause nuisance or disturbance to neighbouring properties.
16. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and shall be completed prior to the proposed development being brought into use.
17. No loaded vehicles shall enter or leave the site un-sheeted except those only carrying material in closed containers.
18. **PRE-COMMENCEMENT CONDITION**
The development hereby permitted shall not be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS) and the results of the assessment provided to the Local Planning Authority.
19. **PRE-COMMENCEMENT CONDITION**
The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the site's surface water drainage system has been submitted to and approved in writing by the Local Planning Authority.
20. **PRE-COMMENCEMENT CONDITION**
No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risk associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority: a) A site investigation scheme, based upon the Phase 1 Contaminated Land Risk Assessment submitted in support of the application, to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site. b) The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages. Maintenance and arrangements for contingency action. Any changes to any of the components above require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.
21. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance arrangements for contingency action, as identified within the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
23. **PRE-COMMENCEMENT CONDITION**
Prior to commencement of the development, a landscape plan, based upon the Landscape and Ecological Mitigation Strategy, shall be submitted to and approved in writing by the Local Planning Authority. The landscape plan shall provide details of the native plant species to be used and the density of planting as well as details of reptile hibernacula to replace the brash and rubble piles to be lost. The landscaping scheme shall be fully implemented and retained for the duration of the operation of the facility. Any planting becoming severely damaged or seriously diseased, or which is in poor physiological condition and/or removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs within a timescale all to be submitted to and approved in writing by the Local Planning Authority.
24. **PRE-COMMENCEMENT CONDITION**
Prior to commencement of the development, a detailed amphibian Reasonable Avoidance Measures Scheme shall be submitted to and approved in writing by the Local Planning Authority.
25. **PRE-COMMENCEMENT CONDITION**
Prior to commencement of development, details of habitat creation and enhancement proposals for Great Crested Newt population, including long term site management and monitoring proposals, and long term site security proposals shall be submitted to and approved in writing by the Local Planning Authority. The proposals submitted shall be implemented as approved.
26. The clearance of vegetation shall be undertaken outside of the bird breeding season, March to September inclusively. Any clearance works to be undertaken during the bird season shall only be undertaken with the express permission of the Local Planning Authority, under the supervision of a suitably qualified Ecologist.
27. Prior to the removal of any trees within the site, a licensed bat ecologist shall survey any trees to be removed. A report detailing the outcome of the survey and any recommended mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved report.
28. The colour of all structures on site shall be olive green unless otherwise agreed in writing by the Local Planning Authority.
29. The reception building shall not operate at any time unless fitted with the appropriate and effective air extraction systems and biofilters and carbon filters.
30. In the event of the facility hereby approved being decommissioned, all plant, equipment, structures and hardstanding shall be removed and the site restored within 3 years, unless otherwise agreed in writing by the Local Planning Authority. An aftercare scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any restoration works, and the works undertaken in accordance with the approved scheme.
31. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
(i) Site elevations (Drawing No. WAEN-D-002 Rev. B) received 21 August 2012 (ii) Building floor plan and elevations (Drawing No. WAEN-D-003 Rev. A) received 21 August 2012 (iii) Building detail (Drawing No. WAEN-D-006) received 21 August 2012 (iv) Site sections with existing ground level (Drawing No. WAEN-D-007) received 21 August 2012 (v) Vehicle

movements (Drawing No. WAEN-D-005 Rev. B) received 21 August 2012 (vi) Site drainage scheme (Drawing No. WAEN-D-008) received 21 August 2012 (vii) Site detail (Drawing No. WAEN-D-004 Rev. B) received 21 August 2012 (viii) Landscape and ecological mitigation strategy (Drawing No. DR-00-XX-0003) received 21 August 2012 (ix) Existing topography with ad site (Drawing No. WAEN-D-009) received 21 August 2012 (x) Site plan (Drawing No. WAEN-D-001 Rev. B) received 21 August 2012 (xi) Location plan (Drawing No. DR-00-XX-0001) received 28 August 2012

The reasons for the condition are:

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. There is an exceptional need to secure control over additional plant and machinery, in the interests of the amenity of the area and bearing in mind the degree of discretion otherwise allowed by the GPDO
3. In order to protect the visual and residential amenity of the area and to regulate the use of land
4. Other waste materials raise environmental and amenity issues that would require consideration afresh
5. In the interests of residential and visual amenity
6. In the interests of residential amenity
7. In the interests of residential amenity
8. In the interests of residential amenity
9. In the interests of the amenity of the area and to prevent pollution
10. In the interests of residential amenity
11. In the interests of residential amenity
12. In the interests of residential amenity
13. To ensure minimum disturbance from operations and avoidance of nuisance to the local community
14. To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) and to minimise the impact of the development on protected species
15. To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety)
16. To provide for the loading, unloading, parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
17. In the interests of highway safety and safeguarding the local environment
18. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
19. To reduce the risk of flooding to the proposed development.

20. The site and the immediately adjacent land have been subject to potentially contaminative previous uses.
21. The site and the immediately adjacent land have been subject to potentially contaminative previous uses.
22. The site and the immediately adjacent land have been subject to potentially contaminative previous uses; and no investigation can fully quantify potential contamination on a site.
23. In the interests of visual amenity and to ensure that the development does not have a detrimental impact on protected species.
24. To ensure that the development is not detrimental to the maintenance of the population of the Great Crested Newt at a favourable conservation status in their natural range.
25. To ensure that the development is not detrimental to the maintenance of the population of the Great Crested Newt at a favourable conservation status in their natural range.
26. To ensure that the development does not have a detrimental impact on breeding birds, in accordance with the requirements of section 40 of the Natural Environment and Rural Communities (NERC) Act (2006).
27. To ensure that the development does not have a detrimental impact on bats
28. In the interests of visual amenity.
29. In the interest of residential amenity of the area
30. In the interests of the visual amenity of the area.
31. For the avoidance of doubt and to ensure a satisfactory standard of development.