



**Leicestershire
County Council**

DEVELOPMENT CONTROL AND REGULATORY BOARD

13th FEBRUARY 2020

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE:	2019/0638/06 (2019/CM/0112/LCC) – 09.05.2019.
PROPOSAL:	Use of land in connection with the manufacturing of animal feed from discarded foodstuffs and liquids, including the storage of plant and machinery, trailers, skips and materials (including waste packaging) in association with the business together with office use, vehicle parking, servicing areas with associated earthworks and drainage (part-retrospective).
LOCATION:	Greenfeeds Ltd., Church Farm, Normanton Lane, Normanton, NG13 0EP (Melton Borough).
APPLICANT:	Greenfeeds Ltd.
MAIN ISSUES:	Amenity, Landscaping, Visual Impact and Highways.
RECOMMENDATION:	PERMIT subject to planning obligations and subject to the conditions included in Appendix A.

Circulation the Under Local Issues Alert Procedure

Mr. J. B. Rhodes CC

Officer to Contact

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PART B – MAIN REPORT

Background

1. Church Farm (Greenfeeds Ltd.), Normanton is a former piggery which previously kept approximately 4,000 pigs on site. Following the cessation of livestock farming at the site in 2000, the applicant has continued to use the land and buildings for several years to manufacture animal feed as a saleable product. The operation involves the importation and processing of surplus and off-specification human foodstuffs (foodstuffs which were manufactured for human consumption which are no longer intended for human consumption for practical or logistical reasons or due to problems of manufacturing or packaging defects or other defects and which do not present any health risks when used as feed) from manufacturers and supermarkets to create a feed for livestock. Packaged and bulked waste foodstuffs are received from manufacturers and supermarkets across the country and processed at the site, before the final feed product is transferred by tanker to client farms.
2. Greenfeeds Ltd is subject to two existing Certificates of Lawful Use or Development (CLUED), planning references 2014/0350/06 & 2011/0893/06, which allows “Use of the site to manufacture a saleable animal feed product comprising the receipt of discarded packaged and bulked foodstuffs and liquids originally intended for human consumption and their subsequent storage, processing and onward distribution (off-site), together with ancillary storage of materials (including waste packaging), plant and equipment, vehicle parking and office use.” Other established uses associated with the site include a builder’s yard in the western corner of the site, and the use of one of the buildings for the manufacturing of pine goods which are Local Planning Authority matters. The site currently has no restrictions or conditions associated with the site under the CLUEDs.
3. Church Farm received two enforcement notices on 18th April 2012 for the unauthorised use of the land, being undertaken without the benefit of planning permission for the storage of plant and machinery, trailers and skips associated with and ancillary to the use of the wider site for the manufacture of animal feed at two separate locations: land south of the access road and an area west of the buildings on the main site. The requirements of the notices were to cease use of the land as a storage area ancillary to use of the wider site for the manufacture of animal feed and remove all plant, machinery, vehicles, skips and materials associated with the animal feed operations from the land. Both of the enforcement notices were subject to an appeal. In May 2013 the inspector deemed that for the area south of the access the appeal was allowed, and the enforcement notice quashed; for the area west of the buildings the appeal was dismissed, and the enforcement notice upheld.

4. Previously the site has complied with the enforcement notice, however over the past few years the site has started storing plant and machinery, trailers and skips associated with and ancillary to the use of the wider site for the manufacture of animal feed in the area to the west of the buildings. To date, the area west of the buildings remains unauthorised – and comprises non-compliance.

Location and Description of Site

5. Greenfeeds Ltd. is situated within the open countryside, to the north west of Normanton. It is located approximately 650 metres from the village centre. The site is bound by agricultural fields in all directions.
6. Access to the site is from an existing track off Normanton Lane. The site is located within the limits of the HGV 7.5 tonne weight restriction covering the Normanton and Bottesford area. Existing fragmented planting and hedgerows bound to the site to the north, east and south.
7. The site consists of an extensive range of eleven farm buildings running parallel with the eastern boundary. The uses include storage, office accommodation, workshop/garage, pine manufacturing, an ancillary biomass boiler used to heat and power the existing site operations, mixing shed and crushing (the drinks cans etc are being crushed, with the liquids collected and mixed on site with the other off-specification human foodstuffs to make the animal feed product) and a woodchip store. The site also includes areas of screen mounding to the west of the site and hard standing – predominantly surrounding the buildings, with an extended area behind the office on the southern boundary of the site. The largest building, located centrally within the row, contains the processing plant and machinery used to manufacture animal feed and is also used to store the finished product before it is taken off site by tankers. The southernmost building has a split use with its front used as offices associated with the animal feed business and its rear as a storage area. There is a car park in the south east of the site. The site also includes a site manager's dwelling which has been occupied permanently and independently as a dwelling since 2013 – and is currently occupied as such by an employee. The use of the building is subject to planning permission from Melton Borough Council.
8. The application also incorporates an area of land to the south of the access road and buildings which is currently used for storage of trailers, skips and spare parts, referred to as the builder's yard. This land has previously been used without planning permission as an ancillary storage area relating to the animal feed manufacturing use. The enforcement notice for this area was quashed and the use of the site is lawful.



Description of Proposal

9. The application is seeking permission for the retrospective use of land for the storage of plant and machinery, trailers and skips associated with the use of the wider site for the manufacture of saleable animal feed product comprising the receipt of discarded packaged and bulked foodstuffs and liquids originally intended for human consumption and their subsequent storage, processing and onward distribution (off-site), together with storage of materials (including waste packaging), plant and equipment, vehicle parking and office use).
10. The application is retrospective as the operations on site which are being undertaken outside of the CLUEDs are currently unlawful. The application seeks to make the current operations lawful. As part of the application, proposals for alterations to landscaping and stockpile height to improve amenity, the access track for highways safety and the ground level to improve drainage on site, were incorporated.
11. The application proposal includes alterations to the landscaping including: the re-profiling of the existing earth screen mounding; woodland, grassland and tree planting and the lowering of made ground, by approximately 1 metre to 1.2 metres, between the existing buildings and the earth mounding. The screening bund currently runs from north to south through the development site between the western boundary and the buildings on site. The proposal also includes the re-profiling of the bund in order to create a more natural feature. The existing hedgerow around the north, east and southern boundaries are proposed to be retained and enhanced. Additional hedgerow planting is proposed along the southern and western boundaries of the land, south of the access track. The lowering of the ground would coincide with the yard being resurfaced with clean crushed aggregate and the introduction of sustainable drainage.
12. In addition to the proposed landscaping the application also includes the relocation of skip storage (land to the south of the access track) to be replaced with staff parking on a grassed concrete paving system and the relocation of the established builder's yard by incorporating it within the northern extent of the main body of the site.
13. The application proposes the surfacing of the first 15 metres of the access track.
14. The proposal also incorporates the localised lowering of the levelled platform area between the existing buildings and the earth bund by approximately 1 metre to 1.2 metres. This area would be resurfaced and sustainable drained.



15. The application also mentions the inclusion of a condition relating to the limitation of existing storage of waste packaging to a maximum height of five metres.
16. A HGV routing scheme has been proposed as part of the application. The HGV routing plan shows vehicles turning left at the access road and proceeding north along Normanton Lane to access the A1. If the application were approved subject to this routing plan, the intention would be that this would prevent HGVs from passing through the village of Normanton to the south.
17. A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application. It concluded that the proposed development would result in both adverse and beneficial landscape and visual effects. It states that adverse effects will be temporary during the construction process, whilst upon completion of the development any notable effects will be beneficial in nature.
18. A Flood Risk and Runoff Assessment has been submitted with the application. It states that the site is located within Flood Zone 1 for all fluvial events and the site is noted to be safe from all other identified residual risks on the site. The assessment recommended that the site's surface water drainage features are formalised as a means of controlling long-term flood risk both on- and off-site. Furthermore, the assessment indicates how the site may be suitably and safely drained to manage runoff from the formalised areas, and by using Sustainable Drainage Systems, can positively contribute local flood risk management.

Planning Policy

19. The relevant local development plan policies are contained within the Leicestershire Minerals and Waste Local Plan (adopted September 2019) and The Melton Local Plan 2011 - 2036 (adopted October 2018).

Development Plan

20. Leicestershire Minerals and Waste Local Plan (2019)
 - Policy W4 – Non-strategic Waste Facilities
 - Policy W5 – Locating Waste Facilities
 - Policy DM1 – Sustainable Development
 - Policy DM2 – Local Environment and Community Protection
 - Policy DM5 – Landscape Impact
 - Policy DM11 – Cumulative Impact
21. Melton Borough Council Local Plan (2011-2036)
 - Policy EN1 – Landscape
 - Policy EN2 – Biodiversity and Geodiversity
 - EN11 – Minimising the risk of flooding
 - EN12 – Sustainable Drainage Systems

National Policy

22. The National Planning Policy Framework (NPPF) states in paragraph 11 that at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking this means: approving development proposals that accord with the development plan without delay.
23. The National Planning Policy for Waste (2014) sets out detailed waste planning policies and advises that when determining waste planning applications, waste planning authorities should (inter alia): only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan; consider the likely impact on the local environment and on amenity; and concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

Consultations

24. **Melton Borough Council – Planning:** No objection, mentions that policies EN1 (Landscape) and EN2 (Biodiversity and Geodiversity) should be considered.
25. **Melton Borough Council – Environmental Health:** No response received.
26. **Leicestershire County Council – Landscape:** No objection. Comments made relating to the value of the hedgerow and hedgerow trees which border the proposed development and their retention; the protection of trees during construction works and the submission of a comprehensive landscape plan, which would include a specification for planting including earthworks, size, species, layout of planting including protection and aftercare.
27. **Leicestershire County Council - Highway Authority:** No objection subject to conditions relating to the access drive surfacing and parking provision.
28. **Leicestershire County Council – Lead Local Flood Authority:** No objection, subject to conditions relating to a surface water drainage scheme, a scheme to manage surface water drainage during construction, details of the long-term maintenance of the surface water drainage system and infiltration testing.
29. **Environment Agency:** No objection.
30. **Bottesford Parish Council:** Objection. Comments stated that: the councillors do not have confidence that the site is set up appropriately for business; councillors are concerned that landscaping to the rear of the site should not reduce the height of the bund - as a reduction in the height of the bund would allow wind to enter the

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site, and would increase visibility of the site from the west; councillors recommend that environmental and Health and Safety checks take place on the site; and councillors feel that such permissions should be sought in advance of any change of use, not retrospectively.

Publicity

31. The application was publicised by site notices dated 17th May 2019, and in the Melton Times dated 16th May 2019.

Representations Received

32. Four representations have been received as part of the proposal. Two representations objected to the proposal on the following grounds:

- Increase in traffic;
- Noise disturbance;
- HGV routing;
- Health and safety concerns;
- Loss of amenity;
- Non-compliance; and
- Highway safety.

33. One of the objections also included a comment supporting the application providing the undertakings are adhered to along with comments relating to the ability to monitor and enforce by the County Planning Authority.

34. The remaining two representations made comments relating to:

- Non-compliance issues;
- Noise nuisance;
- Speeding HGVs; and
- Site encroachment.

35. One of the representations included comments welcoming the improvements to the landscaping and access track.

Assessment of Proposal

36. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the main issues for consideration relate to amenity, landscaping, visual impact and highways.

Principle and Location of Development

37. The planning application seeks permission to continue use of the land for the storage of plant and machinery, trailers and skips associated with the use of the wider site for the manufacture of saleable animal feed product comprising the

receipt of discarded packaged and bulked foodstuffs and liquids originally intended for human consumption and their subsequent storage, processing and onward distribution (off-site), together with ancillary storage of materials (including waste packaging), plant and equipment, vehicle parking and office use) at Greenfeeds Ltd, which is situated within the open countryside, to the north west of Normanton.

38. The application seeks to regularise the current non-compliance operations at the site by incorporating the operations associated with the site that lie outside of what has been deemed lawful under the CLUED permission. The application also proposes engineering works to site levels and bunding to provide operational and amenity benefits. There are no changes proposed to the throughput of the site. Although the application does not fully accord with policy W5 of the Leicestershire Minerals and Waste Local Plan (adopted September 2019), it states that planning permission will be granted where there is a clear link between the proposed location, and the waste managed would result in transport, operational and environmental benefits. Despite the expansion of the site not being located within an existing waste management site it is located adjacent to land with an existing waste management use, in the form of a re-use facility and therefore the application is considered acceptable in accordance with Policy W5 of the Leicestershire Minerals and Waste Local Plan.

Landscaping

39. The site has existing landscaping in the form of fragmented planting and hedgerows which bound to the site to the north, east and south. In addition, in between the buildings and western boundary is an earth screen mound.
40. A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application. It concluded that the proposed development would result in both adverse and beneficial landscape and visual effects. Adverse effects will be temporary during the construction process, whilst upon completion of the development any notable effects will be beneficial in nature. The landscape officer at Leicestershire County Council concludes that the LVIA has been used to produce a scheme for the site which minimises the impact on the surrounding landscape, proposes effective mitigation and achieves a net gain in biodiversity across the site.
41. As part of the development, it is proposed that the existing earth screen mound is re-profiled to create a more natural feature. No trees are proposed to be removed as part of the development and the existing hedgerow on the northern, eastern and southern boundaries of the site are to be retained and enhanced. The proposal also incorporates additional hedgerow planting on the southern and western boundary of the area to the south of the building and the access road which is currently used for storage of trailers, skips and spare parts; the existing hedgerow on the eastern boundary of this area will be retained. The incorporation of lowering the levelled platform area between the existing buildings and the earth bund is also proposed to allow the height of the bund to be reduced whilst still

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remaining effective. The remodelling of the bund and the lowering of the ground will be achieved by using existing material, no material will be exported from the site. The purpose of the remodelling and lowering of the ground is principally for organisational purposes and to ensure the resultant bund better assimilates into the landscape and can be planted upon. The existing earth screen mound is too steep to accommodate planting. A landscaping scheme would help improve the visual amenity of the site by enabling planting to be implemented on the bund, provide a valuable screen for the development and have biodiversity benefits. Subject to a condition relating to the submission and implementation of a landscaping scheme the development would be acceptable in accordance with policies EN1 and EN2 of the Melton Borough Council Local Plan (2011-2036) and policies DM2 and DM5 of the Leicestershire Minerals and Waste Local Plan (2019).

Highways and Parking

42. The current Certificates of Lawful Use or Development (planning references 2014/0350/06 & 2011/0893/06) which exist for the site do not have any highway restrictions in terms of numbers, frequency or hours with regard to HGV deliveries to and from the site. The proposal is to accommodate current operations at the site, rather than to expand or intensify the existing operations.
43. The access to the site is located approximately 1.6km south of the Leicestershire/Nottinghamshire county boundary on Main Street, Normanton, a Class III road subject to the national speed limit and a 7.5 tonne weight restriction.
44. The application incorporates the surfacing of the first 15 metres of the access track in concrete which is intended to prevent deleterious material spilling out onto the public highway. In order to limit the impact from the HGVs on the highway a condition is recommended that, for the first 15 metres, the access road is hard surfaced. Subject to this, the highway safety impacts of the development are considered acceptable.
45. The application also includes proposals the relocation of skip storage from the land to the south of the access track to be replaced with staff parking on grassed concrete paving system and the relocation of the established builder's yard.
46. In order to mitigate against the amenity impacts of the development from HGVs visiting and leaving the site, the applicant has suggested the implementation of a HGV routing agreement, with vehicles turning left at the access road and proceeding north along Normanton Lane to access the A1. The HGV routing agreement would need to be secured by planning obligation.
47. Representations raised concerns relating to an increase in traffic, HGV routing, speeding HGVs and highway safety. The Highway Authority considers that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road

network would not be severe. In addition, it is important to note that there are currently no controls relating to HGV movements or direction under the current CLUED permissions. It is considered that the impact of the application would not be unacceptable in terms of highway safety as the application does not result in any additional trips above those already generated by the existing lawful use of the site. Therefore, subject to the conditions outlined above and the HGV routing agreement controlled by a planning obligation the application is considered acceptable.

Amenity

48. The application proposes the localised lowering of the levelled platform area between the existing buildings and the earth bund. This area would be resurfaced and sustainably drained. The resurfacing of this area would enable the site to be laid out in a more organised format, creating a more efficient and workable layout. The Proposed Site Layout highlights specific locations for staff parking, ancillary trailer parking, ancillary skip storage, pallet storage and Industrial Liquid Containers storage. In order to keep the site layout in a more organised format it is recommended that a condition is included relating to the areas of storage being kept free from obstruction, so that they are kept available for their intended use, at all times.
49. The supporting statement with the application offers limiting the storage of waste packaging to a maximum height of five metres and that easy-to-reference height markers. It is recommended that a condition is incorporated for controlling the stock pile height to a maximum of five metres to help control the visual impact from the operations on the surrounding environment.
50. Subject to conditions relating to the height of stockpiles of existing waste packaging and the layout of the site, the proposal is considered acceptable in accordance with Policy DM2 of the Leicestershire Minerals and Waste Local Plan (2019).

Flooding

51. The site is located within Flood Zone 1, which means the site has less than 1 in 1,000 annual probability of river flooding. However, the site is at medium risk of surface water flooding. The Flood Risk and Runoff Assessment recommends that the site's surface water drainage features are formalised as a means of controlling long-term flood risk both on and off-site. Furthermore, the assessment indicates how the site may be suitably and safely drained to manage run-off from the formalised areas, and by using Sustainable Drainage Systems, can positively contribute local flood risk management.
52. In order to prevent any potential flooding and to reduce the flood risk the Lead Local Flood Authority recommend planning conditions relating to the submission of a surface water drainage scheme; management of surface water on site; a

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scheme relating to the long-term maintenance of the surface water drainage system; and infiltration testing.

53. Subject to the controls outlined above the proposal is considered acceptable in accordance with Policy DM1 and DM2 of the Leicestershire Minerals and Waste Local Plan (2019) and EN11 and EN12 of the Melton Local Plan 2011-2036.

Non-Compliance

54. Church Farm received two enforcement notices on 18th April 2012 for the unauthorised use of the land, being undertaken without the benefit of planning permission for the storage of plant and machinery, trailers and skips associated with and ancillary to the use of the wider site for the manufacture of animal feed at two separate locations: land south of the access road and an area west of the buildings on the main site. The requirements of the notices were to cease use of the land as a storage area ancillary to use of the wider site for the manufacture of animal feed and remove all plant, machinery, vehicles, skips and materials associated with the animal feed operations from the land. Both of the enforcement notices were subject to an appeal. In May 2013 the inspector deemed that for the area south of the access the appeal was allowed, and the enforcement notice quashed; for the area west of the buildings the appeal was dismissed, and the enforcement notice upheld. To date, the use of the area to the west of the buildings is in non-compliance with the enforcement notice as the storage of plant, machinery, vehicles, skips and materials associated with the animal feed operations remain present.
55. Greenfeeds Ltd is subject to two existing CLUED permissions (references 2014/0350/06 & 2011/0893/06). It is recommended that the applicant enters into a Section 106 Agreement whereby the site agrees to operate under the terms of this planning permission only.
56. The grant of planning permission would regularise the current non-compliance matter at the site. Previously the site has complied with the enforcement notice, however over the past few years the site has started storing plant and machinery, trailers and skips associated with and ancillary to the use of the wider site for the manufacture of animal feed in the area to the west of the buildings. Due to the current CLUED permissions on the site there are currently no controls for the operations at the site, the application allows for controls relating to HGV routing, stockpile heights and surfacing the access road, as well as providing additional benefits through the landscaping.

Conclusion

57. A retrospective planning application is sought for the use of land for the storage of plant and machinery, trailers and skips associated with the use of the wider site for the manufacture of animal feed product comprising the receipt of discarded packaged and bulked foodstuffs and liquids originally intended for human

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consumption and their subsequent storage, processing and onward distribution (off-site), together with ancillary storage of materials (including waste packaging), plant and equipment, vehicle parking and office use.

58. By reason of the above assessment it is considered that the proposal is in general accordance with development plan policies and it is considered that the development would not have a significant detrimental effect on amenity, landscaping, visual impact and the highway. As such the proposal is acceptable and is recommended for approval subject to the conditions, as set out in the appendix and the prior completion of a legal agreement agreeing to revoke the CLUEDs referenced 2014/0350/06 & 2011/0893/06 and to secure HGV routing.

Recommendation

1. PERMIT subject to the conditions, as set out in the appendix and the prior completion of a legal agreement agreeing to revoke the CLUEDs referenced 2014/0350/06 & 2011/0893/06 and to secure HGV routing.
2. To endorse as required by the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) a summary of how Leicestershire County Council worked with the applicant in a positive and proactive manner:
In dealing with the application and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework.

Appendix**Conditions**

1. The development shall be carried out in accordance with the following plans and documents; unless otherwise specified by other conditions attached to this permission.
 - Site Location Plan, reference 1895 (PA) 01 dated May 2019;
 - Proposed Site Layout, reference 1895(PA) 03, dated May 2019;
 - Letter from Nick Baseley, reference GreenfeedsPreApp/1, dated 3 May 2019;

Highways

2. Within the first three months of the planning permission date the access drive will be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Surface Water

3. Within six months from the date of the planning permission and prior to any construction or engineering works allowed under this permission, a surface water drainage scheme, including construction drainage and long-term maintenance, shall be submitted to the Waste Planning Authority, for its approval in writing. The scheme shall include details of infiltration testing carried out (or suitable evidence to preclude testing) to confirm the suitability or otherwise of the site for the use of infiltration as a drainage element. The surface water drainage shall thereafter be constructed in accordance with the approved details within nine months of the date of approval of the scheme.

Landscaping

4. Within six months from the date of the permission and prior to any construction or engineering works allowed by this permission, a detailed landscaping scheme in line with the proposed site layout plan Ref: 1895 (PA) 03, dated May 2019, shall be submitted to the Waste Planning Authority for its approval in writing. The scheme shall include specification for planting including earthworks, size, species, layout of planting, protection and aftercare. The approved landscaping scheme shall be implemented during the 2020-21 planting season. All planting shall be suitably maintained and replaced where failed or failing for a period of not less than 5 years from the date of planting.

Amenity

6. Stockpiles of waste packaging shall not exceed a height of 5 metres.

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7. Within 3 months from the date of this permission level-marker posts clearly showing a maximum height of 5 metres will be implemented at locations where waste packaging is stored.
8. The areas indicated on the Proposed Site Layout, reference 1895(PA)03, dated May 2019, for staff parking, ancillary trailer parking, ancillary skip storage, pallet storage and industrial liquid container storage shall be kept free from obstruction and remain available for such use at all times.

Reasons

1. For the avoidance of doubt as to the commencement of the planning permission.
 2. To ensure a satisfactory form of development.
 3. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety.
 4. To prevent flooding by maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase and ensuring the satisfactory storage and disposal of surface water from the site; and to establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.
 5. To ensure that the landscaping scheme is implemented as soon as possible, that the planting becomes established and is replaced if it fails.
- 6-8. In the interests of the amenity of the area.

Note to the Applicant

1. The applicant should ensure that legislation relating to the use, and storage of waste materials at the site, or the removal of waste from the site is adhered to. The applicant should consult the Environment Agency regarding the possible need for a variation to their Environmental Permit waste at the site before operations begin.