



---

# Appeal Decision

Hearing held on 8 March 2022

Site visit made on 10 March 2022

**by Mark Harbottle BSc MRTPI**

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

**Decision date: 19 April 2022**

---

**Appeal Ref: APP/J2373/C/21/3280348**

**Land and buildings known as Unit 14 of the Squires Gate Industrial Estate, Squires Gate Lane, Blackpool FY4 3RN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). The appeal is made by Mr John Flood, Fox Brothers (Lancashire) Ltd against an enforcement notice issued by Blackpool Borough Council.
- The notice, numbered 19/8316, was issued on 28 June 2021.
- The breach of planning control as alleged in the notice is, without planning permission, the use of land as a contractor's depot, incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking, erection of workshop, concrete batching plant and aggregate bays.
- The requirements of the notice are: (1) Cease the use of the land as a contractor's depot; (2) Cease the use of the land for vehicle storage in connection with Fox Brothers; (3) Remove all buildings on site in their entirety; and (4) Remove the concrete batching plant in its entirety including the silos, bunding and aggregate bays.
- The period for compliance with the requirements is: 3 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

**Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.**

---

## Preliminary matters

1. The appellant does not seek planning permission for the erection of the concrete batching plant and the aggregate bays in the appeal on ground (a) and does not wish to use crushing and screening plant on the site. For ease of reference, I shall describe the part of the breach of planning control which he seeks planning permission for, namely the use of land as a contractor's depot, incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking and the erection of the workshop, as the requested deemed planning application (the RDPA).
2. The emerging Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (the SADMP) underwent Examination in Public in December 2021. At that time, the Council considered little weight could be attached to SADMP policies, but it suggested in the Hearing that greater weight should now be afforded. While I have considered the relevant policies, including those referred to by the appellant, I am mindful that the plan has yet to be found sound and therefore its policies cannot be afforded full weight.

### **The appeal on ground (b)**

3. Appeals on this ground must relate to matters of fact and may succeed if the breach of planning control alleged in the notice has not occurred or has been incorrectly described.
4. The appellant contends the notice is incorrect in referring to the concrete crushing plant, which ceased operating before the notice was issued. However, there is no such reference in section 3 of the notice, where the alleged breach of planning control is set out.
5. Accordingly, it has not been shown that the breach of planning control, as described in the notice, had not occurred as a matter of fact when the notice was issued. Consequently, the appeal on ground (b) must fail.

### **The appeal on ground (a)**

6. The main issues in this ground of appeal are:
  - The effect of the use on the living conditions of local residents and on nearby commercial premises, particularly in terms of air quality and noise.
  - The contribution of the use to the economic objective of sustainable development and consistency with development plan policies relating to economic development and employment and the Blackpool Airport Enterprise Zone.
  - The effects on flood risk and water quality.

### **Reasons**

#### *Living conditions and commercial premises*

7. Nearby residents have experienced significant noise arising from activity on the site, along with airborne dust and sand carried on the prevailing winds. The appellant recognised this in the decision to cease using the crushing, screening, and batching plant and to wind down aggregate storage, all of which are excluded from the RDPA. While reference was also made to diggers working on the eastern and southern boundaries, that was part of the operation to form the bunds on those boundaries rather than the use of the land.
8. There is a residual risk of noise and dust from wagon movements on the site. However, this would be kept within acceptable limits if those movements did not occur on the unsurfaced eastern area closest to the nearest housing.
9. It was indicated that adjacent commercial premises have experienced similar effects in terms of dust, sand, and noise but no representation from any business occupier was presented. Nevertheless, the reduced scope of activity of the RDPA would have a significantly lesser effect.
10. Noise from vehicle movements has been a matter of concern, particularly when HGVs leave the site early in the morning, and through their use of a poorly surfaced road within the Industrial Estate leading to Squires Gate Lane. This may also arise from other transport operations in the Industrial Estate, which use the same road. However, a proportion of the appellant's fleet leaves the site before 0600 and therefore has the potential to cause significant noise outside of normal working hours.

11. The operation of the concrete batching plant, the aggregate bays and the crushing and screening plant gave rise to significant dust, sand and noise that adversely and unacceptably affected the amenity of nearby residents. However, if those operations were excluded, and the plant associated with them removed, and if early morning movements of HGVs were controlled, the use would have a reduced effect on the amenity of residential occupiers. It would then accord with policy BH3 of the Blackpool Local Plan 2001-2016 (the BLP), policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (the CS) and Part 12 of the National Planning Policy Framework (the Framework).

#### *Economic development and employment*

12. While it was suggested the contractor's depot could be viewed as a general industrial use, the only industrial process apparent from the description of the breach of planning control is concrete batching. That, and the crushing, screening and bagging operations, might reasonably be described as industrial processes. Furthermore, vehicle repair and maintenance may, of itself, be an industrial process. However, the evidence indicates that all of these are or were ancillary to the operation of a fleet of vehicles from the site, which is the primary element of the use. While it was suggested the use could fall within Use Class B8, storage or distribution, the RDPA does not include the storage of any goods or materials at the site, or their distribution from it.

13. Consequently, the use to be assessed against relevant development plan policies, is *sui generis*. It does, however, provide jobs for approximately 100 people and it should therefore be considered as a form of employment development.

14. Under policy DE1 of the BLP, proposals for offices, research and development, light and general industry, and warehousing will be permitted at the Squires Gate Industrial Estate. Those uses are within Classes B1, B2 and B8, collectively known as Class B uses, of the Town and Country Planning (Use Classes) Order 1987 (as amended) (the Order). Policy DE2 of the BLP indicates that the Industrial Estate has potential for major redevelopment and enhancement as part of an expanded business park. While policy CS3 of the CS supports economic development throughout the Borough, policy CS24 is specific to South Blackpool, including the appeal site. It supports the redevelopment of employment sites to provide high quality modern business/ industrial facilities comprising Class B uses. These policies do not provide support for any *sui generis* use of the appeal site.

15. The Blackpool Airport Enterprise Zone (the EZ) was established shortly after the CS was adopted and includes the appeal site. While the EZ Masterplan is not adopted planning policy, it and policy DM8 of the emerging SADMP are indicators of the Council's strategy for economic development and employment in the area. The EZ Masterplan identifies target sectors for new employment development<sup>1</sup> that do not include a contractor's depot, but it also states that other sectors will be considered on their individual merits. Emerging policy DM8 identifies similar target sectors and indicates that other uses<sup>2</sup>, excluding *sui generis* uses, will be considered if they promote job creation and industry diversification and do not compromise the development of the target sectors.

---

<sup>1</sup> Energy, advanced manufacturing and engineering, food and drink manufacturing, digital and creative, aviation, and back office administration

<sup>2</sup> Use Classes B2, B8 and E(g) of the Order

16. It was suggested, having regard to *Gladman Developments Ltd. v Canterbury City Council*<sup>3</sup>, that the adopted policies have a corollary negative approach to other forms of employment development in South Blackpool. That case concerned conformity with a suite of development plan policies comprising a spatial strategy for where new housing should and should not be built. In contrast, the adopted and emerging development plan policies do not include an objective to restrain employment development in what might be considered less appropriate or less sustainable locations in the Borough. However, Blackpool has limited opportunities for further employment expansion and those sites that are promoted by the development plan for Class B uses, including high quality modern business/industrial facilities in South Blackpool, should not be permitted to be used for other purposes without good reason.
17. Emerging policy DM8 has a similar approach to policy CS24, prioritising the promotion of land in South Blackpool, including the appeal site, for the target sectors mentioned earlier. This comprehensive approach to meeting the Borough's future economic and employment needs would be compromised by permitting non-conforming business development. The exclusion of the main sources of noise and airborne dust and sand from the RDPA mean it would be less likely to adversely affect nearby sensitive employment uses. Nevertheless, it still does not accord with the adopted development plan's priority for Class B uses in South Blackpool.
18. There is, however, little evidence to suggest that any proposal for the major redevelopment envisaged by adopted and emerging development plan policies and the EZ Masterplan will come forward in the near future. Part of the appeal site had been marked 'available soon' on the EZ web site as of January 2020 but the Council acknowledged that statement was out of date. Other than the current owner's purchase of the freehold, no further progress was reported.
19. The EZ Manager had referred to past negotiations for a food manufacturing plant adjoining the appeal site but only limited details of those negotiations, with 2 potential operators, were provided. I was told an initial scheme had been drawn up, but no further information was available. Interest in data centre operations had been mentioned in the same comments, and it was confirmed that 7 confidential enquiries had been made, with one leading to negotiation. However, I was not told where those sites were or what progress had been made in negotiation. The EZ Manager had also referred to development then underway, apparently now complete, for a carbon fibre moulding manufacturing facility to the southwest of the appeal site. However, the concerns in all these matters had only been expressed in respect of the use of the crushing and screening plant that are excluded from the RDPA.
20. The use, either as described in the breach of planning control or as proposed in the RDPA, does not conform with adopted and emerging policies for economic development specific to South Blackpool, the Industrial Estate, and the site. It could therefore compromise the development plan's strategy for realisation of high quality modern business/industrial facilities. However, it has not been shown that it would compromise or be harmful to the development plan's aims in the short to medium term. Nor has it been shown that proposals for major employment redevelopment, which might be prejudiced by the continuation of the use, are likely to be forthcoming in the foreseeable future.

---

<sup>3</sup> Gladman Developments Ltd. v Canterbury City Council [2019] EWCA Civ 669

21. This is relevant because the appellant seeks planning permission for a limited 3-year period. That period would allow him more time to find suitable alternative premises and so afford greater security for the jobs currently provided, which contribute to the local economy. On this basis, the continuation of the contractor's depot, without the concrete batching plant and aggregate storage and without crushing and screening operations, would cause no appreciable harm in economic development and employment terms. It is therefore acceptable as an exception to policy for the proposed 3-year period.

*Flood risk and water quality*

22. While the site is within Flood Zone 1, the area with the lowest risk of flooding, the use should not increase flood risk elsewhere. Land drainage runs south from the site, leading to Division Lane, and the most significant concern is in terms of surface water runoff.
23. The appellant's flood risk assessment (FRA) indicates that a combination of swales and over-sized pipes can manage and reduce surface water runoff at peak times. While the Council queries the estimated existing runoff and indicates that the Lead Local Flood Authority would like there to be no runoff, it does not identify any increase arising from the development. Nevertheless, if greater attenuation were found to be necessary, the exclusion of crushing, screening, batching and aggregate storage would provide greater capacity for on-site measures.
24. With the exclusion of the concrete batching plant, the FRA identifies the remaining potential source of contaminated water to be the fuel facility and oil from parked vehicles. Measures to manage these are identified.
25. Accordingly, and subject to approval of necessary details, it would be possible to incorporate appropriate sustainable drainage systems, reduce areas of existing impermeable surfaces, and not cause or increase pollution of water or a deterioration in water quality. The use would thereby accord with BLP policy BH4, CS policy CS9 and Part 14 of the Framework.

*Conditions*

26. The RDPA differs from the description of the breach of planning control and permission is sought for a limited period of 3 years. Condition 1 is therefore necessary to limit the scope of the permission to safeguard the living conditions of nearby residential occupiers. Condition 2 is necessary to limit the duration of the permission, so that the major employment redevelopment promoted by adopted and emerging development plan policies and the EZ Masterplan is not compromised, and to ensure the land is restored satisfactorily afterwards.
27. Conditions 3, 4, 5 and 6 are necessary to safeguard the living conditions of nearby residential occupiers in terms of noise, dust and light pollution. Condition 6 is also necessary to ensure that adequate parking provision is available to meet the needs of the use.
28. Conditions 7 and 8 are necessary to ensure a quality of design that enhances the character and appearance of the local area.
29. Conditions 9 and 10 are necessary to prevent land and water contamination resulting from the use, while conditions 11 and 12 are necessary to ensure the site is properly drained.

## Conclusion

30. For the reasons given, the crushing, screening, batching and bagging operations and aggregate storage have had an unacceptable effect on living conditions by reason of airborne sand and dust and noise. Early morning HGV movements may also cause unacceptable harm to living conditions by reason of noise. This is contrary to policy BH3 of the BLP, policy CS7 of the CS and Part 12 of the Framework.
31. However, and subject to the conditions described above, the use excluding crushing, screening, batching, bagging and aggregate storage, is acceptable in terms of living conditions, the effect on adjacent commercial premises, flood risk and water quality.
32. The *sui generis* nature of the use means it does not accord with adopted and emerging policies on economic development and employment. However, any compromising of the objectives of those policies, or of major redevelopment schemes they seek to encourage, would be minimal in the short to medium term. Therefore, and exceptionally, the use is acceptable in this regard, for the reasons given, for the proposed limited period of 3 years.
33. The appeal should therefore succeed insofar as it relates to the use of land as a contractor's depot comprising land levelling, vehicle storage for up to 67 wagons, staff and customer parking and erection of the workshop but excluding the erection and operation of the concrete batching plant and the aggregate bays. I shall grant planning permission accordingly, subject to conditions, for a limited period of 3 years. In these circumstances, the appeals on grounds (f) and (g) do not need to be considered.

## Formal Decision

34. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the Act for the use of land as a contractor's depot incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking and erection of workshop on land and buildings known as Unit 14 of the Squires Gate Industrial Estate, Squires Gate Lane, Blackpool FY4 3RN as shown on the plan attached to the notice and subject to the conditions in the attached schedule.

*Mark Harbottle*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

John Flood BSc (Hons), Director, Fox Brothers (Lancashire) Ltd.  
Graham Parry FIOA, Managing Director, ACCON UK Ltd.  
Kirsten de Savary BSc (Hons) C.WEM CEnv, Managing Director, Amber Planning  
Graham Thorpe BA (Hons) Dip TP MRTPI, Associate, PWA Planning

### FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Easton of counsel  
Keith Allen BEng MSc CEng MICE MCMI, Development Control Officer (Highways),  
Blackpool Borough Council  
Pippa Greenway BSc (Hons) Dip EP MRTPI, Senior Planner, Blackpool Borough  
Council  
Nicola Todd BA Hons Town & Country Planning MSC Environmental Health, Senior  
Environmental Protection Officer, Blackpool Borough Council  
Greg Walker, Planning Enforcement Officer, Blackpool Borough Council

### INTERESTED PARTIES:

Councillor Graham Baker, Ward Councillor  
Ian Tracey, local resident

## **Schedule of Conditions**

- 1) The use hereby permitted is the use of land as a contractor's depot, incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking and the erection of a workshop. It does not include:
  - i) The erection of aggregate bays or the storage of aggregates, including sand, topsoil and gravel.
  - ii) The erection or operation of a concrete batching plant, or the crushing, screening, bagging or batching of any material or the operation of any plant or machinery for or in association with those activities.
  - iii) The erection of any building or structure other than the workshop.
- 2) The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. At the end of that period the use shall be discontinued and the land restored in accordance with a scheme of work, including a timetable for implementation, that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 3) Any crushing, screening, batching or bagging operation shall cease immediately, and all plant, equipment and materials brought onto the land for the purposes of any such operation shall be removed within 7 days of the date of failure to meet any one of the requirements set out in i) to v) below:
  - i) Within 6 weeks of the date of this decision a noise survey shall have been submitted for the written approval of the Local Planning Authority. If the noise survey identifies a need for mitigation, a scheme for the provision of noise attenuation to ensure that the following cumulative noise levels are not exceeded shall be submitted to and approved in writing by the Local Planning Authority:
    - a) 35dB LAeq (16hr) from 0700 to 2300 within living rooms.
    - b) 30dB LAeq (8hr) from 2300 to 0700 within bedrooms.
    - c) 45dB LAFmax from 2300 to 0700 for single sound events within bedrooms.
    - d) 55dB LAeq (16hr) from 0700 to 2300 for outdoor living areas.
    - e) The evening standard LAFmax will only apply where the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

Within 6 weeks of receiving the written approval of the Local Planning Authority, the noise attenuation scheme approved shall be implemented in full and in full accordance with the approved details.
  - ii) If within 5 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved timetable.



- v) Upon implementation of the approved noise attenuation scheme specified in this condition, that scheme shall thereafter be retained and maintained as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) The use hereby permitted shall cease immediately and all vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 7 days of the date of failure to meet any one of the requirements set out in i) to v) below:

- i) Within 3 months of the date of this decision a dust management plan shall have been submitted for the written approval of the Local Planning Authority. The plan shall include:
  - a) Identification of all fugitive dust sources at the site.
  - b) Details of the dust mitigation measures to be employed.
  - c) Details of all dust suppression measures.
  - d) Methods to monitor emissions of dust arising from the permitted use.

These approved measures and methods shall then be provided in full and in full accordance with the approved details within 3 months of being approved and the site shall be operated in accordance with the approved dust management plan thereafter.

- ii) If within 6 months of the date of this decision the Local Planning Authority refuses to approve the plan or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved timetable.
- v) Upon implementation of the approved dust management plan specified in this condition, that scheme shall thereafter be retained and maintained as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) There shall be no HCV/HGV access to or egress from the site outside of the hours of 0600 to 1900 Monday to Friday and 0600 to 1300 on Saturdays. All external lighting shall be switched off outside these hours. There shall be no access to or egress from the site and the use hereby permitted shall not take place on Sundays or Public Holidays.
- 6) Within 2 months of the date of this permission, the parking and manoeuvring areas shown on drawing FB/04694/004 Rev C shall be provided and shall thereafter be retained as such. No wagons shall be stored, and there shall be

no HCV/HGV access to, the area to the east of the parking spaces numbered 1 to 26 on that drawing, also hatched on the Plan attached to this Decision.

- 7) The use hereby permitted shall cease immediately and all vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 14 days of the date of failure to meet any one of the requirements set out in i) to v) below:
- i) Within 6 weeks of the date of this decision a scheme for the provision of boundary treatments to include their position, height, materials and design, shall have been submitted for the written approval of the Local Planning Authority. The scheme shall include a timetable for its implementation.
  - ii) If within 4 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved timetable.
  - v) Upon implementation of the approved boundary treatment scheme specified in this condition, that scheme shall thereafter be retained and maintained as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 8) The use hereby permitted shall cease immediately and all vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 7 days of the date of failure to meet any one of the requirements set out in i) to v) below:
- i) Within 3 months of the date of this decision a landscaping scheme shall have been submitted for the written approval of the Local Planning Authority. This scheme shall include a full planting schedule detailing plant species and initial plant sizes, numbers and densities, and shall include a timetable for its implementation.
  - ii) If within 10 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved timetable.

- v) Upon implementation of the approved landscaping scheme specified in this condition, that scheme shall thereafter be retained and managed in accordance with the approved details. Any trees or plants planted in accordance with this condition that are removed, uprooted, destroyed, die or become severely damaged or seriously diseased within 3 years of planting shall be replaced within the next planting season with trees or plants of similar size and species to those originally required unless otherwise first submitted to and approved in writing by the Local Planning Authority.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 9) The use hereby permitted shall cease immediately and all vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 7 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
  - i) Within 4 months of the date of this decision:
    - a) A methodology for a phase 2 geo-technical site investigation into potential land contamination, as identified in the draft Phase 1 Desk Study report (ref. 20-01-03 Revision 1, dated September 2020, Demeter Environmental Ltd.), shall have been submitted for the written approval of the Local Planning Authority.
    - b) The phase 2 investigation approved pursuant to a) shall be carried out in full and the results of this investigation shall be submitted for the written approval of the Local Planning Authority.
    - c) Any scheme of remediation shown to be required by the investigation undertaken pursuant to b) shall have been submitted for the written approval of the Local Planning Authority.
    - d) The remediation approved pursuant to c) shall be carried out in full and a validation report confirming the works shall be submitted for the written approval of the Local Planning Authority.
  - ii) If within 10 months of the date of this decision the Local Planning Authority refuses to approve the submitted material or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted material shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved details.
  - v) Upon implementation of any scheme specified in this condition, that scheme shall thereafter remain in use as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 10) The use hereby permitted shall cease immediately and all vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 7 days of the date of failure to meet any one of the requirements set out in i) to v) below:
- i) Within 10 weeks of the date of this decision a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted shall have been submitted for the written approval of the Local Planning Authority. This strategy shall include the following components:
    - a) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
    - b) A site investigation scheme, based on a), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
    - c) The results of the site investigation and the detailed risk assessment referred to in b) 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.
    - d) A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
    - e) A timetable for the implementation of any remediation strategy.
  - ii) If within 10 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved timetable.
  - v) Upon implementation of the approved remediation strategy in this condition, that scheme shall thereafter be retained as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 11) Foul and surface water shall be drained on separate systems.
- 12) The use hereby permitted shall cease immediately and all vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 7 days of the date of failure to meet any one of the requirements set out in i) to v) below:

- i) Within 3 months of the date of this decision a sustainable drainage management and maintenance scheme for the 3-year lifetime of the development shall have been submitted for the written approval of the Local Planning Authority. The sustainable drainage management and maintenance scheme shall include as a minimum:
  - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or for management and maintenance by another body.
  - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
  - c) A timetable for its implementation.

The development shall subsequently be completed in full accordance with the approved scheme.

- ii) If within 10 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved timetable.
- v) Upon implementation of the approved scheme, it shall thereafter be maintained and managed as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

## Plan

This is the plan referred to in condition 6):

