

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	28 July 2010
Title:	Applicant: Raymond Brown Minerals and Recycling Ltd Consolidation application for continued use of site for mixed development at Lee Lane, Nursling. (Application No: 10/00926/CMAS) (Site ref: TV055)
Reference:	1898
Report From:	Head of Planning and Development

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1. Executive Summary

- 1.1. The proposal is for the mixed use of the site at Lee Lane, Nursling for an aggregates depot and construction waste recycling facility with ancillary offices, workshop storage and concrete mixing/block manufacture
- 1.2. The issues are whether the range and scale of uses proposed would be acceptable for this site, and the impact of these uses on the amenity of local residents. However, in considering this impact the extent of the uses already permitted by the Certificate of Lawful Use has to be taken into account. In particular recognising that there are no restrictions on hours of working or lorry movements, although there were such restrictions for waste recycling permitted under the previous temporary consents.
- 1.3. The planning application was on the agenda for the Committee meeting on 30 June 2010 and was deferred for a Committee site visit. The site visit took place on 12 July 2010.
- 1.4. It is considered that in principle the proposal would be in accordance with policy (S9); providing additional capacity for recycled and secondary aggregates; it is at an existing developed site (DC13) and the proposals at the site would not materially harm the character of the area or the amenity of local residents (DC8) and, subject to mitigation measures, the associated lorry traffic would be acceptable in terms of amenity (DC8) and highway safety and convenience (DC6).

2. Site

- 2.1. The site, as shown on the attached plan, comprises the existing Lee Lane yard, an area of 1.6 hectares which is occupied by the applicant. The site was originally the processing site for adjacent sand and gravel workings and for processing sand and gravel from extraction sites in Southampton as well as other uses. Sand and gravel extraction in the area has ceased and the processing plant has been demolished and removed.
- 2.2. The site is located north of the M27 near to Church Lane, Nursling. The nearest houses to the site are to the west, about 100 metres and on Church Lane, about 200 metres to the south of the site. Access is from Lee Lane/Station Road to the Nursling Industrial Estate then to the M271. There are nine houses fronting Station Road south of the M27 which are on the access route.
- 2.3. The site has a Certificate of Lawful Use and a number of permanent and temporary uses which expire shortly. The applicant proposes to amend their activities which would involve the renewal of temporary permissions, amendment to conditions and include a small concrete batching plant and associated block moulds using recycled aggregates. To achieve this the proposal is a 'consolidating application' to replace all previous consents and so incorporate changes in a new consolidated planning permission for mixed use. The applicant acquired the site in early 2000 and it is the operational base of the minerals and recycling arm of Raymond Brown Group.

3. Planning History

- 3.1. Certificate of Lawful Use (TVSCLE036) granted 21 October 2009:
 - (i) processing of sand and gravel;
 - (ii) importation, storage and distribution of land won aggregates, marine dredged aggregates, secondary aggregates and bagged cement;
 - (iii) ancillary offices and workshop and store buildings.
- 3.2. Recycling of construction and demolition wastes to produce secondary aggregates and soils (TVS01722/13). Granted 21 July 2000. Temporary consent to 31 July 2005.
- 3.3. Extension of time of recycling permission (TVS01722/20) granted 25 April 2005. Extended time to 31 July 2010.
- 3.4. Temporary relaxation of recycling conditions to allow working in conjunction with resurfacing of the M27 (TVS01722/14). Granted 4 September 2001. Implemented but now lapsed.
- 3.5. Replacement site offices (TVS01722/17). Granted 23 June 2003.

- 3.6. Additional temporary offices (07/01508). Granted 31 July 2007. Temporary consent to 11 August 2010.
- 3.7. Temporary Relaxation of recycling conditions to allow working in conjunction with widening of the M27 (08/00550/CMAS). Granted 24 April 2008. Not implemented now lapsed.
- 3.8. Additional site offices and alterations to access (08/01785/CMAS). Granted 14 October 2008.
- 3.9. Application to vary conditions of recycling consent to increase imports to 50,000 tonnes per annum (09/02515CMAS). Undetermined.

4. Proposals

4.1. The proposals are:

- (i) to retain all of the existing buildings and structures, including offices, workshop, storage building and weighbridge etc;
- (ii) recycling of construction and demolition wastes and soils (recycling use);
- (iii) aggregates depot facility (depot use);
- (iv) operate the site with total throughput of 75,000 tonnes per year;
- (v) replace existing lorry movement limit for recycling use (60 per day) by limit for all activities on the site to 240 per day, of which 160 would be vehicles over 7.5 tonnes. The proposals include installing a loop profiler traffic counter across the site entrance to record the number and type of lorry entering and exiting the site;
- (vi) increase stockpile heights from four metres to six metres;
- (vii) small concrete mixing plant and concrete block making;
- (viii) skip storage;
- (ix) opening hours Monday to Friday 06.30 to 19.30, Saturday 0700 to 1300, within which recycling facility would operate Monday to Friday 0700 to 1800, Saturday 0700 to 1300. The original proposals included occasional use of the site out of these hours for use in connection with road schemes and for use on bank Holidays. These have now been withdrawn;
- (x) additional tree and shrub planting on the bank to the north of the site.

4.2. The concrete mixing plant would be designed to use recycled materials to produce concrete to be sold in small loads for customers to take away. In

addition the concrete can be used in handmade moulds for making blocks on site. The plant would have a footprint of 9.5 metres by 2.23 metres by 3.3 metres high located next to the workshop.

- 4.3. The proposal is not an EIA development and no Environmental Statement has been submitted. The application is accompanied by a Highway and Traffic Statement, Flood Risk Assessment, a Visual Appraisal and a Noise Report.
- 4.4. The Noise Report concluded that the background noise levels in the local area are dominated by noise from the M27, and also that the proposals would cause no significant noise impact in the residential communities.
- 4.5. The Highways and Traffic Statement provides a detailed breakdown of the amount and type of commercial traffic that is likely to result from the proposal, and includes a comparison with the vehicle traffic in 2009. The 2009 commercial vehicle movements were 118 per day (comprising 40 for recycling use and 78 for aggregate use), the proposals would increase commercial vehicle movements to 240 per day (comprising 60 for recycling use and 180 for aggregate use). However about 50% of the commercial vehicle movements associated with the aggregate use would be smaller commercial vehicles as they reflect the use of the site by builders collecting material. In 2009 about 66,000 tonnes of material (both aggregates and for recycling) were exported from the site. The Highways and Traffic Statement also comments that the width of the carriageway along Lee Lane is six metres, apart from the stretch between Church Lane and the site entrance which varies between 5.5 metres and 6.5 metres and that the road is on a reasonably straight alignment south from the M27 over the bridge along Station Road.
- 4.6. At the last meeting of the Committee specific questions were asked concerning the number of lorries based at the site, and the number of articulated bulkers (41 tonne) using the site. The operating licence with the Vehicle and Operator Service Agency (VOSA) allows for 21 Heavy Commercial Vehicles and three articulated trailers, normally about 18 lorries stay overnight. The articulated bulkers deliver sand and shingle to the site for sale as part of the depot use, delivering three to four loads per week.

5. Development plan

- 5.1. Hampshire Portsmouth Southampton and the New Forest National Park Minerals and Waste Core Strategy Policies S9 (Recycled and Secondary Aggregates), DC6 (Highways), DC8 (Pollution, health, quality of life and amenity) and DC13 (Waste Management and Recycling, including Aggregate Recycling Facilities) are relevant.

6. Consultations

- 6.1. **Test Valley Borough Council** raise no objection subject to conditions and the completion of a legal agreement to revoke the old permissions.
- 6.2. The **Environmental Health Officer** raised concern that the application lacked noise impact information. Subsequently a Noise Assessment Report has been submitted and recommends conditions to cap HCV movements, to restrict hours for HCV movements to and from the site to between 0700 and 1900 hours, noise and dust control, and a note to the applicant that an Environmental Permit is likely to be required.
- 6.3. **Environment Agency** raises no objection.
- 6.4. **Highway Authority** comments that the site is accessed from Lee Lane to the north of the M27. Due to the width restriction on Lee Lane north of the site and a weight restriction of 7.5 tonnes on the railway bridge providing access to Church Lane, the only route to the site for large vehicles is from Junction 1 of the M271. A detailed assessment of the route to Junction 1 of the M271 has been provided in the Transport Statement. The assessment identifies that the route to Junction 1 of the M271 varies in width from 5.5 metres to six metres and there are nine houses that front onto the route and a footway along the frontage of these properties. There is also a signal controlled bridge across the railway line due to the restricted forward visibility. The Transport Statement provides a detailed breakdown of the amount and type of commercial traffic that is likely to result from this proposal, concluding that there will be an increase of 115 vehicles per day. No objection is raised subject to a legal agreement for a financial contribution to secure mitigation measures.
- 6.5. **Nursling and Rownhams Parish Council** raise objection on the following grounds:
- “1. Increasing the permitted volume of waste from the current level of 15,000 tonnes will considerably increase the traffic movements. The residents of Station Road already experience considerable problems with the current level of HCV movements passing their properties, to allow any further movements will add to their misery and seriously deteriorate the enjoyment of their properties. It must be remembered that this is a residential area in the countryside. Condition 3 of the current permission decision notice states 'Unless otherwise agreed in writing by the Waste Planning Authority the total number of lorry movements to and from the site shall not exceed 60 per day. A daily record of lorry movements shall be kept at the site and be made available to the Waste Planning Authority within seven days of a written request. 'Reason: To limit the volumes of traffic in the interest of local amenity.' My Council disagree with the planning statement (in the application) by planning consultant Stephen Bowley, that the 'highways concerns appear to relate principally to speed rather than volume'. All residents and my Council are very concerned

about both, but principally with the volume, as stated in the planning condition above.

2. Increasing the permitted volume of aggregates will also undoubtedly create more dust and mud on the roads network and more dust in vicinity of the residences, businesses and farm in Church Lane, Lee Lane, Upton Lane, Station Road and also all of the farmland and grazing fields adjacent. This will lead to loss of amenity and reduced property value for these residents.
3. Increasing the height of the stock piles. The waste stored currently, at times stands in excess of the four metre height allowance. To allow six metre high stock piles will undoubtedly have an adverse visual impact on the character of the surrounding area as well as an adverse environmental impact.
4. Extending opening hours to start at 6.30am. Residents of Station Road currently suffer from HCV movements earlier than the current start time of 7am and report that the road is very dangerous at or just after 7am with a flurry of HCVs all entering/exiting the yard at the same time and passing their properties. To extend the opening time to start at 6.30am will further shorten their day by increasing antisocial opening hours, meaning in some instances that residents will have to leave their properties even earlier to avoid the onslaught.
5. Opening on bank holidays and during the night on an adhoc basis. Should not be allowed within this application, due to the position of the site. There are other sites in the locality which could be used for this purpose which will not affect residents and their enjoyment of the their properties. The residents have enough to contend with on a daily basis, without losing the ability to spend time in their gardens on a bank holiday or to open windows at night in the summer.

My Council would like to see a limit on the number of concrete blocks that can be stored/stockpiled, either by limiting the quantity of output or by limiting an annual quantity of concrete sold or by limiting the number of loads in order to regulate the additional vehicle movements this will entail.

In conclusion, my Council are not convinced there is a need for the increase in through put of waste or for the earlier and adhoc opening hours and are certain that this will give rise to an unacceptable level of adverse environmental, traffic or other impact and for these reasons must object to this proposal on behalf of residents. Added to which it should be noted, that in the decision notice dated 1 March 2005 it states that *The development hereby permitted shall be for a limited period only, expiring on 31 July 2010. At the expiration of this period the recycling shall cease and the land shall be reinstated to its former condition as soon as possible.*

My Council therefore object to the further development of this site.”

6.6. **Romsey Extra Parish Council** raises no objection.

6.7. **The local Member, Councillor Perry** endorses the concerns of Nursling and Rownhams Parish Council.

7. Representations

7.1. Six letters have been received from local residents raising objection on the grounds that Lee Lane and Station Road are already unsuitable for large lorries, additional large lorries will make the situation worse, excessive noise dust and dirt from site traffic will be made worse and the early start is unacceptable with lorries having to pass houses.

8. Site visit

8.1. Eight Members of the Committee, Councillors Mrs Bailey, Beagley, Carter, Mrs McEvoy, Pearce, Mrs Porter, Price, with Councillor McIntosh in the Chair, undertook a site visit on Monday 12 July to view the site.

8.2. It was confirmed that a proposal had been received for the continued mixed use of the site at Lee Lane for an aggregates depot and construction waste recycling facility with ancillary offices, workshop storage and concrete mixing/block manufacture. The site visit was in response to the deferral of the item at the Regulatory Committee on 30 June.

8.3. Members were able to see the site and the current operations and also the impact of traffic movements on the local roads. Since the last Committee meeting, the applicant had offered to cap the number of daily vehicle movements to 240, rather than it be a daily average. The proposed throughput had also been reduced from 110,000 to 75,000. Although there are large lorries that use the site, including articulated lorries and bulkers, most of the vehicles were tipper lorries and customers vans/trucks. The largest vehicles brought in sand and gravel for the sale from the site.

8.4. It was confirmed that although the applicant had offered financial obligation towards highway mitigation, this should be proportionate as their vehicles were not the only ones using the roads.

8.5. Members then went to Station Road, to view the houses and their relationship to the road and impact of the traffic passing them.

8.6. Members requested that details of the lorries licensed to operate on the site be included in the final report.

9. Commentary

9.1. The proposal is for a mixed use of the site for an aggregates depot and construction waste recycling facility with ancillary offices, workshop storage

and concrete mixing/block manufacture. Other than the concrete mixing block use, the site has operated the other uses under the Certificate of Lawful Use and temporary planning permissions, which expire shortly. The principle of using a site for recycling and adding value to the recycled product alongside an aggregates depot use is in accordance with the Hampshire Minerals and Waste Core Strategy. The issues are whether the range and scale of uses proposed would be acceptable for this site, and the impact of these uses on the amenity of local residents. However in considering this impact the extent of the uses already permitted by the Certificate of Lawful Use has to be taken into account. In particular a recognition that there are no restrictions on hours of working or lorry movements, although there were such restrictions for waste recycling permitted under the previous temporary consents.

- 9.2. In considering the amenity impacts, there are two aspects, firstly the impacts of the site itself and secondly the off site impacts of the lorry traffic associated with the site.
- 9.3. In relation to the first aspect, the site itself, the main issues are potential for noise, dust, visual impact and suitability of the access. There is a Site Liaison Panel and the most recent meeting was on 28 May 2010 when the application was discussed. The Liaison Panel is chaired by the local Member, Councillor Perry and includes representatives of the operator, Test Valley Borough Council, Nursling and Rownhams Parish Council and local residents. The principal issue of concern raised at the meeting was the lorry traffic and in particular its impact for residents of Station Road. The operation of the site itself has not given rise to complaints about noise and dust, the site entrance has been improved.
- 9.4. Concern has been raised by the Parish Council about increasing stockpile heights from four to six metres, but provided machinery operates on the ground alongside the stockpiles, and not on the stockpiles, this increase would not be visually intrusive.
- 9.5. The main issue with this application is the impact of the associated lorry traffic for local residents, in particular those on Station Road. The concerns raised are the amenity impacts in terms of noise, dust and disturbance arising from the number of lorries, speed of lorries and the hours of operation. The main concerns were about the larger lorries, those over 7.5 tonnes.
- 9.6. In respect of lorry numbers the proposals do represent an increase in relation to the 2009 situation. The 2009 commercial vehicle movements were 118 per day (comprising 40 for recycling use and 78 for aggregate use), the proposals would increase commercial vehicle movements to 240 per day (comprising 60 for recycling use and 180 for aggregate use). However about 50% of the commercial vehicle movements associated with the aggregate use would be smaller commercial vehicles as they reflect the use of the site by builders collecting material. Consequently the proposals would restrict the number of HCVs, those over 7.5 tonnes, to 160.

- 9.7. In considering this issue it also has to be borne in mind the 2009 figure was during a downturn and that there is no limit under the Certificate of Lawful Use. Therefore whilst there is a proposed increase over the 2009 numbers, the proposals would provide a limit for all operations at the site and so cap lorry numbers for the site.
- 9.8. The speed of lorries has been raised as a concern, the applicant is prepared to consider this in the mitigation measures. The Highway Authority have considered the proposals and raise no objection subject to mitigation for the impact of the additional traffic. The applicant is willing to enter a legal agreement to provide a financial contribution for mitigation works. The details for this are still subject to negotiation.
- 9.9. Objection has been raised to the proposed hours of working, specifically the 0630 morning start, and the availability of the site out of hours for use at bank holidays, and overnight for road contracts. In response to these concerns the applicant has amended the proposals to exclude the out of hours proposals. However the early start for access is required for commercial reasons, although a later start is proposed for recycling activity at the site.
- 9.10. In conclusion the proposals are to continue the use of the site as an aggregates depot and recycling facility, which is in principle in accordance with policy. The proposed consolidation would have the benefit of covering all activities within a single consent, with conditions covering all the activities although the proposed changes will increase the throughput of the site above recent levels and increase lorry traffic above recent levels. The operations within the site would not be intrusive, the main issue is the amenity impact of the associated lorry traffic, particularly for the residents of Station Road. However, in considering this impact the site already benefits from a Certificate of Lawful Use, unrestricted in terms of lorry numbers or working hours. The proposals would enable the Certificate of Lawful Use to be replaced by a planning permission with conditions. On balance it is considered that, taking into account the replacement of the Certificate of Lawful Use and highway mitigation the proposals are acceptable and in accordance with policy.

10. Recommendation

- 10.1. That, subject to a legal agreement to replace the Certificate of Lawful Use and previous planning permissions at the site and a financial contribution to provide highway mitigation measures, planning permission for consolidation for continued use of site for mixed development at Lee Lane, Nursling (Application No. 10/00926/CMAS), be granted subject to the planning conditions in Integral Appendix B.

Links to the Corporate Strategy

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

Consolidation application for continued use of site for mixed development at Lee Lane, Nursling. (Application No: 10/00926/CMAS. (Site ref: TV055)

Planning and Development
Environment Department
Elizabeth II Court West
The Castle
Winchester

CONDITIONS

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990.

Site layout

2. The site layout shall be as shown on Proposed Site Layout drawing No ATT-01 unless otherwise agreed in writing by the Waste Planning Authority.

Reason: In the interests of local amenity.

Stockpiles

3. No stockpiles shall exceed six metres in height. No machinery shall operate on top of the stockpiles.

Reason: In the interests of visual amenity.

Hours of Working

4. Unless otherwise agreed in writing by the Waste Planning Authority no commercial vehicles shall enter or leave the site except between the following hours: 0630-1930 Monday to Friday and 0700-1300 Saturday and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. There shall be no working on Sundays or recognised public holidays.

Reason: In the interests of local amenity.

Tonnage

5. The throughput of the site shall not exceed 75,000 tonnes per year. A record of the tonnage of material handled shall be kept at the site and be made available to the Waste planning Authority on request.

Reason: In order to control the scale of the development.

Highways

6. No lorry shall leave the site unless its wheels and chassis have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

7. There shall be no more than 240 commercial vehicle movements per day to and from the site. No more than 160 of these movements shall be by vehicles exceeding 7.5 tonnes gross vehicle weight. Records of vehicle movements to and from the site shall be kept and made available for inspection at the request of the Waste Planning Authority.

Reason: In the interests of highway safety.

8. All lorries shall be sheeted to prevent material being spilt onto the road.

Reason: In the interest of highway safety

Noise and Dust

9. Within one month of the date of this consent the approved dust suppression measures shall be amended to take account of the concrete plant. The measures shall be implemented as approved for the duration of the development.

Reason: In the interests of local amenities.

10. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times, and shall be fitted with and use effective silencers and white noise, or similar, reversing alarms.

Reason: To minimise noise disturbance from operations at the site.

Concrete plant

11. Unless otherwise agreed in writing by the Waste Planning Authority a maximum of 30m³ (60 tonnes) of concrete shall be available for sale from the site, and no more than 20 concrete blocks (one lorry load) shall be produced at the site.

Reason: To prevent intensification of activities at the site in the interests of local amenity.

Landscape

12. Within three months of date of this consent a detailed scheme of landscaping for the northern bund and for strengthening the southern hedgerow shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall specify the types, size and species of all trees and shrubs to be planted; details of all trees to be retained; and details of fencing/enclosure of the site, and provision for future maintenance. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The scheme shall be implemented within the first planting following approval.

Reason: In the interests of visual amenity.

Protection of Water Environment

13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment.

Note to applicant

An Environmental permit is likely to be required for some of the activities.

*Annexe to Reasons for Conditions
(as required by Article 22 of the Town and Country Planning
(General Procedure) Order 1995 – as amended)*

**HAMPSHIRE PORTSMOUTH SOUTHAMPTON AND NEW FOREST
NATIONAL PARK MINERALS AND WASTE CORE STRATEGY**

S9 - Recycled and Secondary Aggregates

By 2016, production capacity will be provided for the supply of recycled and secondary aggregates at a rate of 1.7 million tonnes a year, including provision for the reprocessing of 100,000 tonnes of incinerator bottom ash.

DC6 – Highways

Major mineral extractions, landfills and ‘strategic’ recycling, aggregate processing and recovery and treatment facilities, will be permitted provided they have a suitable access to and/or route to the minerals and waste lorry route as illustrated on the Key Diagram.

In all cases, minerals and waste development will only be permitted if it pays due regard to the likely volume and nature of traffic that would be generated by the proposal and the suitability of the proposed access to the site and of the road network that would be affected. Consideration should be given to highway capacity, road and pedestrian safety, congestion and environmental impact, and whether any highway improvements are required and whether these could be carried out satisfactorily without causing unacceptable environmental impact.

DC8 - Pollution, health, quality of life and amenity

Minerals and waste development will only be permitted if due regard is given to the pollution and amenity impacts on the residents and users of the locality and there is unlikely to be an unacceptable impact on health and/or the quality of life of occupants of nearby dwellings and other sensitive properties. Where necessary minerals and waste developments should include mitigation measures, such as buffer zones between the site and such properties.

DC13 - Waste Management and Recycling (including Aggregate Recycling Facilities)

Waste management developments (excluding landfill) will be permitted provided that the site:

- a. Is identified as a site, or within an area suitable for waste management uses, in the Hampshire Waste Management Plan or Minerals Plans, or
- b. Re-uses/redevelops previously developed land and/or redundant agricultural and forestry buildings (including their curtilages), or
- c. Is within a planned area of large-scale development, or

- d. Is on employment land, preferably co-located with complementary activities, and
- e. Has good access to, the minerals and waste lorry route as shown on the Key Diagram, and where possible, the site enables the use of water-borne and rail freight, and
- f. In the case of recovery and treatment sites, incoming waste shall be subject to pre-treatment, either on or off site to maximise the potential for recycling, and where technically possible, energy will be generated and used and the by-products, including heat, will be reused or recycled, and
- g. In the case of sites providing public access, the site shall be accessible for use by disabled people.