

COUNTY OF DEVON

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992**

GRANT OF CONDITIONAL PLANNING PERMISSION

To: **Mr Jon Pettitt, Aardvark EM Ltd, Higher Ford, Wiveliscombe, Taunton, TA4 2RL**

Agent for: **South West Composting Ltd, Spriddlestone Farm, Spriddlestone, Brixton, Plymouth, PL9 0DW**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **11 July 2016**, and the plans and drawings attached thereto numbered: **1558/D001 revision V1, 1558/D002 revision V3, 1558/D004 revision V3, 1558/D005 revision V3, 1558/D007 revision V1, RLR/DRRO09, Surface Water Management Plan (September 2016), Planning Statement (June 2016) and Access Appraisal (April 2016).**

brief particulars of which are as follows:

Extension to the existing on-farm composting of green waste; installation of a new access, leachate pond and concrete pad; and other operational changes at South West Composting, Venn Farm, Brixton, Plymouth, Devon, PL8 2AX

subject to the conditions set out in the attached sheets



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on behalf of the Head of Planning, Transportation and Environment

Date: 8 November 2016

NOTE

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Schedule of Conditions - South Hams District Council Application No. 2296/16/DCC
Devon County Council Ref. DCC/3883/2016**

1. The development shall commence within three years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered **1558/D001 revision V1, 1558/D002 revision V3, 1558/D004 revision V3, 1558/D005 revision V3, 1558/D007 revision V1, RLR/DRRO09, Surface Water Management Plan (September 2016), Planning Statement (June 2016) and Access Appraisal (April 2016)**, unless as varied by the conditions below.

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

PRE-COMMENCEMENT

3. Prior to the commencement of the development, an operational document detailing the method of draining of the surface water lagoon shall be submitted to and approved in writing by the Waste Planning Authority. This document must demonstrate that there is sufficient capacity to drain the surface water lagoon.

REASON: To ensure that there is sufficient capacity for the drainage of the surface water lagoon in order to minimise flood risk, in accordance with policy W19 (Flooding) of the Devon Waste Plan 2011-2031.

4. Prior to commencement of any part of the development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Waste Planning Authority. This document shall include details of:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of wheel washing facilities and obligations
 - (k) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (l) Details of the amount and location of construction worker parking.
 - (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
 - (n) Details of how the access will be constructed including any necessary chapter 8 regulatory measures.

REASON: To ensure that the construction phase of the development does not have an unacceptable impact on the highway and road safety, in accordance with policy W17 (Transportation and Access) of the Devon Waste Plan 2011-2031

5. Visibility splays shall be completed prior to commencement of the use of the new access, laid out and maintained for that purpose at the site access in accordance with the attached diagram C161192/01/T02 where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway/access level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4m metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 63 metres in a northerly direction and 53.7 metres in the other direction.

REASON: To provide adequate visibility from and of emerging vehicles.

OPERATIONAL

6. The composting operation for the delivery and collection of compost by members of the public shall be for the use of residents of Brixton Parish only. A record of eligible residents shall be maintained and made available for inspection by the Waste Planning Authority at any time they request. A register of the subsequent deliveries and collections made by the eligible residents of Brixton Parish shall be maintained at all times, and shall be made available to the Waste Planning Authority for their inspection at any time that they request.

REASON: To ensure that the composting scheme is used only by Brixton Parish residents in accordance with policy W3 (Spatial Strategy) of the Devon Waste Plan 2011-2031. To protect the living conditions of nearby residents and the local environment. In accordance with South Hams Local Development Framework policy DP3 (Residential Amenity).

7. Deliveries and collection of green waste and compost by approved residents of Brixton Parish, shall be carried out between 0930 and 1445 hours Monday to Friday, and 0930 and 1600 hours on Saturday. No deliveries shall take place on Sundays or Public Holidays.

Deliveries of green waste, other than by approved residents of Brixton Parish, shall be carried out between 0800 and 1700 hours Monday to Friday, and 0800 and 1300 hours on Saturday. No deliveries shall take place on Sundays or Public Holidays.

Plant and machinery associated with the shredding and screening of green waste shall only be operated between 0800 and 1700 hours Monday to Friday inclusive. No plant or machinery associated with the shredding and screening process, shall be operated on Saturdays, Sundays or Public Holidays.

REASON: To protect the living conditions of nearby residents and the local environment. In accordance with South Hams Local Development Framework policy DP3 (Residential Amenity).

8. There shall be a maximum of 6 deliveries of green waste to the site in any one day, other than by approved residents of Brixton Parish.

REASON: To protect the living conditions of nearby residents and the local environment. In accordance with South Hams Local Development Framework policy DP3 (Residential Amenity).

9. Plant and machinery associated with the shredding and screening of green waste shall only be used for a maximum of 34 days per calendar year, and shall not be carried out in any more than 5 consecutive days.

REASON: To protect the living conditions of nearby residents. In accordance with South Hams Local Development Framework policy DP3 (Residential Amenity).

10. No more than 6000 tonnes of green waste shall be processed at the site in any calendar year.

REASON: To protect the character and appearance of the local landscape and to protect the living conditions of local residents. In accordance with South Hams Local Development Framework policy DP3 (Residential Amenity).

11. The amount of green waste processed on the site shall not exceed 1500 tonnes at any one time.

REASON: To protect the character and appearance of the local landscape and to protect the living conditions of local residents. In accordance with South Hams Local Development Framework policy DP3 (Residential Amenity).

12. Compost created at the site shall be used solely for incorporation into land within the applicants control (see landholding plan ref: RLR/DRRO09) and for use by the residents of Brixton Parish only.

REASON: In accordance with policy W3 (Spatial Strategy) of the Devon Waste Plan 2011-2031.

13. No mud, stones, water or debris shall be deposited on the public highway at any time.

REASON: To ensure that the development does not have an unacceptable impact on the highway and road safety, in accordance with policy W17 (Transportation and Access) of the Devon Waste Plan 2011-2031.

14. The settled height of the windrows of green waste shall not exceed 3 metres.

REASON: To protect the character and appearance of the local landscape. In accordance with South Hams Local Development Framework policy DP2 (Landscape Character).

OTHER

15. No external lighting will be implemented in relation to this development.

REASON: To protect the character and appearance of the local landscape. In accordance with South Hams Local Development Framework policy DP2 (Landscape Character). To ensure that the development will not have a negative impact on wildlife and biodiversity in accordance with policy W11 (Biodiversity and Geodiversity) of the Devon Waste Plan 2011-2031.

16. The landscaping scheme shown on plan ref 1558/D007 Revision V1 shall be carried out in the first planting (1 November to 31 March) and seeding seasons following commencement of the development. The approved scheme shall be maintained for a period of five years. Any trees, plants or grassed areas, or replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

REASON: To protect the character and appearance of the local landscape in accordance with South Hams Local Development Framework policy DP2 (Landscape Character).

INFORMATIVE NOTE

Advice – General

- It is advised that the realignment and any new planting of the hedge bank at the north-east of the proposal should be undertaken in accordance with guidance set out by Devon Hedge Group. The associated documents can be located here:

http://devonhedges.org/wp-content/uploads/2015/11/13_development-1-Moving-hedges.pdf

http://devonhedges.org/wp-content/uploads/2015/11/8_Hedge-Creation.pdf

- In accordance with the recommendations set out in Section 5 of the Ecological Appraisal Report (May 2016) steps should be taken to ensure the control of invasive species at the site including Three-Cornered Garlic.

Advice – Environmental Permitting

- The site currently holds a standard rules permit (SR2011No.1_500t). The information submitted with this application indicates that they are seeking a new permit (SR2012No.7). This permit would allow the increased quantities they require. However, we consider that the operator may, in fact, require a Bespoke Permit. We recommend that they contact our National Permitting Service (03708 506506) to discuss this before submitting a permit application.'

Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.