

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: **Miss Emilie Savary, Devon Waste Management, Unit 1 Lustleigh Close, Mulberry Court, Marsh Barton Business Park, Exeter, EX2 8PW**

Agent for: **Devon Waste Management, Unit 1 Lustleigh Close, Mulberry Court, Marsh Barton Business Park, Exeter, EX2 8PW**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **7 November 2016**, and the plans and drawings attached thereto numbered: **WD/N(16)/725, WD/N(16)/725(1)A, WD/N(16)/725B revision B, WD/N(16)/725(1)B revision B.**

brief particulars of which are as follows:

Permanent consent to relocate the green waste composting operation at Deep Moor Landfill Site, Road From Belle View Cross to High Bullen, HIGH BULLEN, EX38 7JA

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: 29 March 2017

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 - Torridge District Council Application No. 1/1118/2016/CPO
Devon County Council Ref. DCC/3910/2016**

1. The use hereby permitted shall be discontinued and the land restored to heathland on or before 31st December 2025.

REASON: To enable future review of the suitability of the composting operation as a permanent facility on completion of the landfill operations on the site .

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered WD/N(16)/725(1)B, WD/ND(16)725B and WD/N(16)725(1)a except as varied by the conditions below.

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

3. Prior to construction, the grassland and low-lying vegetation within the footprint of the proposal is to be cut to just above ground level (circa 5cm) between November and February; and subsequently maintained at this height until the development commences.

REASON: to minimise the risks to protected species of reptile from the development.

4. No operation of machinery or deliveries in connection with the composting operation shall take place other than between 06.30 and 18.00 on Mondays to Saturdays. .

REASON: To protect the living conditions of nearby residents in accordance with policy W18 of the Devon Waste Local Plan.

5. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times and shall be fitted with and use effective silencers.

REASON: To minimise the adverse impact of noise generated by the operations on the local environment and communities and to comply with policies of the Development Plan: in particular policies W18 of the Devon Waste Local Plan.

6. Windrows and stockpiles of green waste shall not exceed 4metres in height.

REASON: To protect the character and appearance of the local landscape in accordance with policy W12 of the Devon Waste Local Plan.

7. There shall be no selling of composted materials to the public from the site and no delivery by the public of green waste to the site.

REASON: To prevent additional vehicle movements to the site.

8. All contaminated surface water and/or other liquids leaching from the composting area shall be collected by a contained drainage and storage system, constructed in accordance with the approved scheme ref WD/N(16)725((1) A. No collected liquid shall be discharged to the groundwater, surface water, ditch or drain.

REASON: To minimise the risk of polluting water sources and aquifers.

9. No vehicle or mobile plant used (other than visiting road lorries) shall be operated within the permission area unless they have been fitted with and use "white noise" alarms.

REASON: In the interest of protecting the local environment and community from adverse impact of noise generated at the site.

10. The floodlighting shall be designed, located, installed and operated in such a way that the lateral and upwards light overspill is minimised. No light fitting shall be located or installed so that its light source is in the direct line of sight from any window of any residential property. All floodlighting shall be switched off outside of operational hours

REASON: To protect the amenity of local residents in accordance with policy W18 of the Devon Waste Local Plan.

INFORMATIVE NOTE

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.