

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: **Clive Ryall, Engineering Design Group, Matford Offices, Exeter, EX2 4QW**

Agent for: **Devon County Council, Devon County Council, Engineering Design Group, Matford Offices, Exeter, EX2 4QW**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **7 February 2017**, and the plans and drawings attached thereto numbered: B.M(14312)/09 Rev P1 (Location Plan); B.M(14312)/02 Rev P6 (Proposed general arrangement); B.M(14312)/10 Rev P1 (Section AA); B.M(14312)/14 Rev P0 (Surface water Assessment refined landform based on topographical survey); B.M(14312)/16 RevP3 (Ecological Mitigation); B.M(14312)/15 RevP1(Surface Water Mitigation).

brief particulars of which are as follows:

Improvement of agricultural land using inert fill arising from construction of the Holcombe section of the Teign Estuary Trail at Land off Hall Lane, Hall Lane, Dawlish, EX7 0JP

subject to the conditions set out in the attached sheets:



on behalf of the Head of Planning, Transportation and Environment

Date: 17 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 - Teignbridge District Council Application No: 17/00370/DCC
Devon County Council Ref. DCC/3947/2017**

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 B.M(14312)/09 Rev P1 (Location Plan); B.M(14312)/02 Rev P6 (Proposed general arrangement); B.M(14312)/10 Rev P1 (Section AA); B.M(14312)/14 Rev P0 (Surface water Assessment refined landform based on topographical survey); B.M(14312)/16 RevP3 (Ecological Mitigation); B.M(14312)/15 RevP1(Surface Water Mitigation) unless as varied by the conditions below.

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

3. There shall be no importation of materials into the site except for those arising from the construction of the A379 National Cycle Network between Dawlish and Teignmouth.

Reason: To ensure that materials are not imported from a wider area in the interests of sustainable construction and highway safety.

4. The development shall be carried out and managed in accordance with the provisions of the submitted Construction and Environment management Plan (CEMP).

Reason: To manage and mitigate the impacts of construction on neighbouring residential properties and in the interests of highway safety.

5. All trees and shrubs identified on approved drawings B.M.(14312)/02 P6 and shall be retained and protected during construction in accordance with the general recommendations in the submitted Construction Environment Management Plan (CEMP) and in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations.'

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period.

6. The development shall be carried out in accordance with the actions set out in accordance with Section 6 of the submitted Phase 2 Ecological Report (Acorn Ecology January 2017) and the submitted Summary Ecological Report/Statement (Acorn Ecology January 2017).

Reason: To ensure that the methodology and mitigation identified in the supporting documentation is implemented.

7. The hedgerow translocation shall be carried out in accordance with the methodology set out in the document "Methodology for hedgerow" translocation dated 14th March 2017.

Reason: The hedgerow translocation is set out as mitigation for the impacts of the development and therefore is required to offset the ecological impacts of the proposal.

8. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

Reason: To minimise impacts on nesting wild birds and ensure that no birds take up residence in the intervening period in accordance with paragraph 109 of the NPPF and the wildlife and Countryside Act 1981 (as amended).

9. No dust, mud, water or other debris shall be allowed to be carried onto the highway from the site.

Reason: In the interests of highway safety.

10. No external floodlighting shall be used on any part of the site unless it has previously been included in a Lighting Scheme that has been submitted to and agreed in writing by the Mineral Planning Authority.

Reason: In the interests of the amenities of the local environment and to minimise impacts on protected species.

11. The site shall be restored graded and seeded in accordance with the submitted drawings within 12 months of the completion of the importation of material.

Reason: In the interests of visual amenity.

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.