

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: **Sibelco, Nick Horsley, Brookside Hall, Congleton Road, Sandbach, Cheshire, CW11 4TF**

The Devon County Council hereby grants planning permission to carry out the development described in the application received on **1 July 2015**, and the plans and drawings attached thereto numbered: **D03/P15/001, D03/P15/002, 10875-250 Revision P4, NPA-10391-ER-302** and documents entitled '**Planning Statement**' dated **June 2015** and '**Appendix 1 Transport Statement**' dated **June 2015**.

brief particulars of which are as follows:

Planning Application for the reopening and upgrading of a former access to Clay Lane Quarry at Clay Lane Quarry, Clay Lane, Nr Chudleigh Knighton, Hennock Parish, Devon

subject to the conditions set out in the attached sheets

Mike Denton

on behalf of the Head of Planning, Transportation and Environment

Date: 26 November 2015

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. 15/01915/DCC
Devon County Council Ref. DCC/3792/2015**

STANDARD COMMENCEMENT

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.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings numbered D03/P15/001, D03/P15/002, 10875-250-RevP4 and NPA-10391-ER-302 and documents entitled 'Planning Statement' dated June 2015 and 'Appendix 1 Transport Statement' dated June 2015 except as varied by the conditions below.

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

CLOSURE OF EXISTING ACCESS

3. Within one month of the completion of the new vehicular access the existing access shall be closed in perpetuity to all traffic in accordance with drawing numbered D03/P15/002. Only one access shall be in use at any one time.

REASON: In the interest of highway safety in accordance with policy MP43 (Transport of Minerals) of the Devon Minerals Local Plan (2004) and M22 (Transportation and Access) of the Devon Minerals Plan (Pre-submission Consultation Draft August 2015).

CONSTRUCTION MANAGEMENT

4. Unless otherwise agreed in writing, within 2 months of the date of this permission a Construction Management Scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the following:-

- (a) A timetable/programme of works
- (b) Details of how access to the Public Right of Way will be maintained
- (c) Details of Safety measures to protect users of the Public Right of Way during the construction period.

The development shall be carried out in accordance with the approved scheme.

REASON: In the interest of highway safety and the safety of users of the Public Right of Way during the construction period in accordance with policy MP43 (Transport of Minerals) and MP49 (Rights of Way) of the Devon Minerals Local Plan (2004) and M22 (Transportation and Access) of the Devon Minerals Plan (Pre-submission Consultation Draft August 2015).

LANDSCAPING/TREES

5. All trees and shrubs not scheduled for removal in association with the construction of the access shall be protected during construction 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, in the interests of visual amenity and in accordance with policy M18 (Landscaping and Visual Impact) of the Devon Minerals Local Plan (2004) and EN02A (Landscape Protection and Enhancement) of Teignbridge Local Plan 2013-2033 (adopted May 2014).

6. Planting, as shown on drawing no NPA-10391-ER-302, shall be carried out in the first planting (01 November – 31 March) and seeding seasons following completion of the new access. The approved scheme shall be maintained for a period of five years. Any trees, plants or grassed areas, or replacement of it, that are removed, uprooted, destroyed or that die within 5 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 policy M18 (Landscaping and Visual Impact) of the Devon Minerals Local Plan (2004) and EN02A (Landscape Protection and Enhancement) of Teignbridge Local Plan 2013-2033 (adopted May 2014).

ECOLOGY

7. 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 and is made available on the request of the Mineral Planning Authority. 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).

EXTERNAL LIGHTING

8. No additional external lighting shall be used at the access.

REASON: In order to minimise the impact of the development upon the ecology of the area and upon the amenity of local residents in accordance with policy EN08 (Biodiversity Protection and Enhancement) and EN09 (Important Habitats and Features) of Teignbridge Local Plan 2013-2033 (adopted May 2014).

PUBLIC RIGHT OF WAY

9. The diversion of the Public Right of Way (Hennock Bridleway No.22) shall be implemented in full, in accordance with drawings numbered. D03/P15/002 and 10875-250-P4 before the new access is brought into use.

REASON: To ensure the implementation of the Public Right of Way diversion in the interest of highway safety and the safety of users of the Public Right of Way in accordance with policy MP49 (Rights of Way) of the Devon Minerals Local Plan (2004).

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.