

**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 Gerard Edwards, Gerard Edwards Limited, 4 High Street, Bradninch, Devon, , EX5 4NJ**

Agent for: **Kenbury Wood Limited, 1 Mulberry Court, Lustleigh Close, Matford Business Park, Exeter, Devon, EX2 8PW**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **17 November 2015**, and the plans and drawings attached thereto numbered: **15-1-001, P1 DWM-300-101 revision L, P2 DWM-300-101 revision L, P3 DWM-300-101 revision L, P4 DWM-300-101 revision L, Planning Support Statement (V1 Nov 2015) and Dust and Litter Working Plan (April 2013).**

brief particulars of which are as follows:

**Replacement trommel within the existing building, replacement fines screen and improved fines collection area at Kenbury Wood Resource Recovery Facility, Kennford, EX6 7XD**

subject to the conditions set out in the attached sheets



.....  
on behalf of the Head of Planning, Transportation and Environment

**Date: 24 February 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 an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.\*
- 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. 15/03329/DCC  
Devon County Council Ref. DCC/3815/2015**

**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.

- 2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered Planning Support Statement (V! Nov 2015), Dustand Litter Working Plan, April 2013, 15-1-001 (location plan), P1 DWM-300-101 Rev L (plan view), P2 DWM-300-101 Rev L (elevation), P3 DWM-300-101 Rev L (elevation) and P4 DWM-300-101 RevL (elevation) unless as varied by the conditions below.**

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

- 3. The trommel and the electrical cabinet shall be coloured Van Dyke brown.**

REASON: To ensure the development is in keeping with the character and appearance of the Haldon Hills AGLV in accordance with DWP policies W12 (Landscape) and W11 (Biodiversity) and TLP policies EN02A and EN11.

- 4. No development shall take place until a scheme to safeguard the ancient woodland during building operations including erection of the litter fence, has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations.' The development shall be carried out in accordance with the approved scheme.**

REASON: To ensure that the ancient woodland including the woodland floor is adequately protected from damage by the development, in accordance with WLP policy W11 (Biodiversity and Geodiversity)

- 5. Within one month of the date of this decision notice, the approved litter fencing, identified on plan P2 DWM-300-101-RevL (view A), shall be erected. The netting shall be coloured black or dark green.**

REASON: To protect wildlife and the ancient wood and the amenity of local people in accordance with DWP policies W11 (Biodiversity and Geodiversity) and W18 (Quality of Life).

- 6. There shall be no additional external lighting at the site.**

REASON: To minimise the visual impact of the site on the AGLV and to protect wildlife in accordance with DWP policies W12 (Landscape) and W11 (Biodiversity and Geodiversity).

- 7. Stockpiles of fines shall only be stored within the approved fines collection bays, identified on plan P2 DWM 300 101 RevL, and shall not exceed the height of the bays.**

REASON: To protect the ancient woodland and the AGLV in accordance with DWP policies W12 (landscape) and W11 (Biodiversity and Geodiversity).

**Schedule of Conditions - Teignbridge District Council Application No. 15/03329/DCC  
Devon County Council Ref. DCC/3815/2015**

8. **Waste processing operations permitted by this consent shall take place only between:**

**0730 hours - 1800 hours Mondays to Fridays**

**0730 hours - 1800 hours on Saturdays between 1st March and 31st October only**

**0730 hours - 1800 hours on Public Holidays**

**No waste processing operations shall take place on Saturdays between 1st November and 29th February or on Sundays throughout the year.**

REASON: To protect the living conditions of nearby residents and the AGLV in accordance with DWP policies W18 (Quality of life) and W12 (Landscape)

9. **All machinery used on the site shall be properly maintained in line with the manufacturer's specification and recommendations.**

REASON: To protect the living conditions of nearby residents and the amenity of the area in accordance with DWP policy W18 (Quality of Life).

10. **The waste processing operations shall be carried out in accordance with the approved 'Dust and Litter Working Plan' (April 2013)**

REASON; To protect the living conditions of nearby residents, the ancient woodland and AGLV in accordance with DWP policies W12 (Landscape), W11 (Biodiversity and Geodiversity) and W18 (Quality of Life).

**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.