

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: **Ms Nicola Strudwick, E4environment Ltd, Hilley Farm, Pentre, Shrewsbury, Shropshire, SY4 1BP**

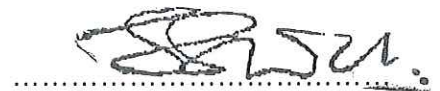
Agent for: **LM Property Holdings Ltd, Stafford House, Blackbrook Park A, Taunton, Somerset, TA1 2PX**

Devon County Council hereby grants planning permission to carry out the development described in the applications received on **6 January 2016 and 15 March 2016**, and the plans and drawings attached thereto numbered:

WIN01_Willand_SLa_002 (Figure 1a: Site Location); WIN01_Willand_SLb_001 (Figure 1b: Site Location); Plan 20160308 GFLE-Willand Phase 3 Planning v04-32- Site Plan); Figure 3a Elevations shown with existing buildings (WIN01_WIL4_EIEx_001) (Figure 3 - Elevation - Silage Clamps); WIN01_Willand_CSa_003 Figure 4 Cross Section (20160308 GFLE-Willand Phase 3 Planning v04-35-Cross Section A-A) (Figure 6 - Silage Clamp Cross Section - Overview); WIN01_Willand_CSb/c_002 (Figure 6 - Cross Sections B-B and C-C); WIN01_Willand_CSD-D_002 (Figure 8 - Planting Specification for a screening bund); WIN01_Willand_PP_01 (Figure 9 - Planting specification for Willand Anaerobic Digester); WIN01_Willand_Flg10_001 (Figure 3 - Individual Structures - site overview); WIN01_Willand_Flg10_001 Figure 10 Individual Structures (20160308 GFLE-Willand Phase 3 Planning v04 1-36 - Structures 1-6; 13854-SC001 (Access Track Long Section); A3-002 (indicative Road Transverse Sections A&B) brief particulars of which are as follows:

Variation of conditions 2 and 6 of application DCC/3725/2014 (Construction of 2MW Anaerobic Digestion Plant with new access road and weighbridge on land adjacent to existing Abattoir at Lloyd Maunder Road, Willand) to vary the amount and type of feedstock delivered by road at Lloyd Maunder Road, Willand, Devon, EX15 2PJ

subject to the conditions set out in the attached sheets



Jan Shadbolt - County Solicitor

Date: 9 June 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 – Mid Devon District Council Application No. 16/00049/DCC and 16/00456/DCC
Devon County Council Ref. DCC/3825/2015 and DCC/3850/2016

1. The development shall commence within 3 years of the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of commencement.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to enable the MPA to adequately monitor the development.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered: WIN01_Willand_SLa_002 (Figure 1a: Site Location); WIN01_Willand_SLb_001 (Figure 1b: Site Location); Plan 20160308 GFLE-Willand Phase 3 Planning v04-32- Site Plan); Figure 3a Elevations shown with existing buildings (WIN01_WIL4_ElEx_001) (Figure 3 - Elevation - Silage Clamps); WIN01_Willand_CSa_003 Figure 4 Cross Section (20160308 GFLE-Willand Phase 3 Planning v04-35-Cross Section A-A) (Figure 6 - Silage Clamp Cross Section - Overview); WIN01_Willand_CSb/c_002 (Figure 6 - Cross Sections B-B and C-C); WIN01_Willand_CSD-D_002 (Figure 8 - Planting Specification for a screening bund); WIN01_Willand_PP_01 (Figure 9 - Planting specification for Willand Anaerobic Digester); WIN01_Willand_Flg10_001 (Figure 3 - Individual Structures - site overview); WIN01_Willand_Flg10_001 Figure 10 Individual Structures (20160308 GFLE-Willand Phase 3 Planning v04 1-36 – Structures 1-6; 13854-SC001 (Access Track Long Section); A3-002 (indicative Road Transverse Sections A&B); except as varied by the conditions below.

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

3. The development hereby permitted shall be constructed in accordance with the construction traffic management plan required by Condition 3 of Permission DCC/3725/2014 and approved on 22 July 2015 under Article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

REASON: In the interest of highway safety and the efficient operation of the M5 motorway and its junctions

4. The development hereby permitted shall be constructed in accordance with the surface water management scheme required as Condition 4 of Permission DCC/3725/2014 and approved on 21 April 2016 under Article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

REASON: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

5. No material shall be imported for storage at the clamps at Burn Rew Farm until such time as the highway improvement shown on drawing DCC/01 shall have been carried out.

REASON: In the interests of highway safety.

6. The amount of feedstock delivered by road to this site shall not exceed 55,000 tonnes per annum and no poultry products shall be delivered to this site by road.

REASON: To ensure that the impacts on the public highway network and on odour management as set out in the supporting Transportation Statement and Planning

Supporting Statement are not exceeded in the interests of local amenity and highway safety.

7. The external materials for the cladding of the proposed buildings and digestate tanks shall be RAL 7038 (Goose wing grey) and the security fencing shall be RAL 6005 (Dark green) unless otherwise agreed in writing by the Waste Planning Authority

REASON: To ensure the chosen materials for this development minimise its impact on the character and appearance of the landscape in accordance with policy W12 of the Devon Waste Local Plan.

8. 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 and to comply with policies of the Development plan: in particular policies W02 of the Devon Waste Local Plan and Policy COR01 of the Mid Devon Local Plan.

9. The landscaping scheme shown on plans: WIN01_Willand_PP_002 (Figure 8 - Planting Specification for a screening bund) and WIN01_Willand_PP_01 (Figure 9 - Planting specification for Willand Anaerobic Digester) shall be carried out in the first planting and seeding seasons following completion 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 policy W12 of the Devon Waste Local Plan.

10. The applicant shall implement the habitat enhancement and ecological mitigation measures as set out in the report dated 26 March 2015 (Appendix 11).

REASON: To ensure that proposed development minimises the impact on species and habitats and delivers the proposed mitigation and enhancement proposed in support of the proposal in accordance with Policy W02 of the Devon Waste Local Plan.

11. Prior to the importation of any feedstock to this operation, the applicant shall submit to and have approval in writing from the Waste Planning Authority a Traffic Management Plan (TMP) including:
- (a) Official delivery routes;
 - (b) Actions to be taken against those in breach of the delivery instructions;
 - (c) Hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:30 am to 9.30 am and 3.00pm to 4.00pm Mondays to Fridays to safeguard school pick up and drop off;
 - (d) the number, sizes of vehicles, and origin and destination of vehicles visiting the site in connection with the development and the frequency of their visits should be logged for Planning Authority inspection;
 - (e) details of proposals to promote car sharing amongst staff in order to limit staff vehicles parking off-site.

On approval the applicant shall take all reasonable steps to implement the approved plan.

REASON: In the interests of highway safety.

12. The applicant shall keep records of the amount and nature of the deliveries to the site and such records shall be made available on written request to the Waste Planning Authority.

REASON: To ensure that the proposed vehicular movements are maintained within the levels set out in the Transportation Statement in the interests of highway safety and public amenity.

13. All waste feedstock delivered to this site and digestate leaving it by road shall be transported in sealed containers or tankers.

REASON: To prevent odours from the transportation of waste feedstock causing detriment to the amenity of residents along the delivery routes.

14. There shall be no external storage of waste materials or soiled containers.

REASON: To prevent odours from this site affecting the amenity of nearby property.

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.