

## 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 Philip Byers , Philip Byers Project (SW) Ltd, Sundown, George Nympton Road, South Molton, , EX36 4ER**

Agent for: **SWM & Waste Recycling Ltd, Gratton Way, Roundswell Business Park, Barnstaple, EX31 3NL**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **4 August 2016**, and the plans and drawings attached thereto numbered: **14.12\_P25 revision A, 14.12.P21 revision B, 14.12\_P22 revision B, 14.12\_P24 revision A, 14.12\_P23 revision B, AZ 639 15.**

brief particulars of which are as follows:

**Retrospective application for waste materials recycling plant and storage bays at SWM Waste Recycling Transfer Station, Hacche Lane, Pathfields Industrial Estate, South Molton, EX36 3LH**

subject to the conditions set out in the attached sheets



on behalf of the Head of Planning, Transportation and Environment

**Date: 16 November 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.
- 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.

**STRICT ACCORDANCE WITH PLANS**

1. **The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered:  
14.12.P25 A (Location Plan) (Jan 2016); 14.12.P23 B (MRF Elevations) Jan 2016;  
14.12.P22 B (Proposed MRF Plant Plan ) Jan 2016; 14.12.P21 B (Site Plan ); 14.12.P24 A (Site Cross Sections Visual Assessment) and AZ 639 15 (Drainage) 10/2015.  
except as varied by the conditions below.**

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

2. **The area of woodland surrounding the site and identified on the approved plan numbered 14-12-P21 Rev B shall be retained for the life of the development.**

REASON: To ensure that the development is adequately screened and sympathetic to the landscape setting in accordance with DWP policy W12 (Landscape).

**LIGHTING**

3. **No additional external lighting shall be installed in the vicinity of the new MRF plant and storage bays.**

REASON: To protect wildlife and ensure the development is sympathetic to the qualities of the landscape setting in accordance with DWP policies W11 (Biodiversity and Geodiversity) and W12 (Landscape and Visual Impact) and NDLP policy ENV1 (Development in the Countryside).

**CONDITIONS (OPERATIONAL)**

**HOURS OF USE**

4. **Operations associated with the MRF plant and storage bays shall only take place between:**
  - **08.00 hours and 17.00 hours Monday to Friday.**
  - **08.00 hours and 16.30 hours Saturdays****No operations shall take place on Sundays or Public Holidays.**

REASON: To protect the amenity of the surrounding countryside in accordance with DWP policies W18 (Quality of Life) and W11 (Biodiversity and Geodiversity).

**WASTE RESTRICTIONS**

5. **No more than 25,000 tonnes of waste shall be delivered to the site in any calendar year.  
The operator shall maintain records of all waste entering the site and make them available to the Waste Planning Authority at any time upon request. The records shall contain details of all deliveries including date, vehicle registration, type of vehicle, type of waste, tonnage of waste and source of waste.**

REASON: To minimise the impact of the development on local people and the local highway network in accordance with policy DWP policies W17 (Transportation and Access) 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.