

## 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 Malcolm Gigg, ARA Architecture, 39 Rolle Street, Exmouth, Devon, EX8 2SN**

Agent for: **Stuart Partners Ltd, Hill Barton Business Park, Clyst St Mary, Devon, EX5 1DR**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **24 June 2016**, and the plans and drawings attached thereto numbered:

**Plans:** 7271-06 REV B (Location Plan); 7271-02 REV J (Proposed Site Plan); 7271-03 REV D (Office Building Plans & Elevations); 7271-04 REV F (Main Building Plans); 7271-05 REV F (Main Building Elevation); 7271-07 REV A (Site Elevations); and Appendix A.5 of the Noise Impact Assessment dated January 2016 (5086581.074);

**Supporting Documents:** Noise Impact Assessment (REV 01, January 2016, 5086581.074); Waste Transfer Station at Hill Barton Business Park, Nr. Exeter Design & Access Statement and Flood Risk Assessment Hill Barton Business Park, Proposed Waste Transfer Station (File no:7271); RELUX Light Simulation Tools, Waste Transfer Station (Project Number 20160919-01-DG, Dated 21.09.2016); Hill Barton Waste Transfer Station, Flood Risk Assessment and Drainage Strategy (Report Ref. 5086581.074, Rev.01, dated 6th October 2016); and Preliminary Ecological Appraisal Report Version 001, Dated May 2016.

brief particulars of which are as follows:

**Proposed waste transfer building and office building at Hill Barton Business Park, Clyst St Mary**

subject to the conditions set out in the attached sheets



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Jan Shadbolt – County Solicitor

**Date: 24 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.
- 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.

### **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/DOCUMENTS**

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and details and recommendations contained within the supporting documents as listed below:

#### **Plans:**

- 7271-06 REV B (Location Plan);
- 7271-02 REV J (Proposed Site Plan);
- 7271-03 REV D (Office Building Plans & Elevations);
- 7271-04 REV F (Main Building Plans);
- 7271-05 REV F (Main Building Elevation);
- 7271-07 REV A (Site Elevations); and
- Appendix A.5 of the Noise Impact Assessment dated January 2016 (5086581.074);

#### **Supporting Documents:**

- Noise Impact Assessment (REV 01, January 2016, 5086581.074);
- Waste Transfer Station at Hill Barton Business Park, Nr. Exeter Design & Access Statement and Flood Risk Assessment Hill Barton Business Park, Proposed Waste Transfer Station (File no:7271);
- RELUX Light Simulation Tools, Waste Transfer Station (Project Number 20160919-01-DG, Dated 21.09.2016);
- Hill Barton Waste Transfer Station, Flood Risk Assessment and Drainage Strategy (Report Ref. 5086581.074, Rev.01, dated 6th October 2016); and
- Preliminary Ecological Appraisal Report Version 001, Dated May 2016.

unless as varied by the conditions below.

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

### **ECOLOGY**

3. As per Appendix 4, Conservation Action Statement, of the submitted Preliminary Ecological Appraisal Report (Version 001) the following measures and enhancements shall be undertaken:

(a) In order to prevent harm to foraging badgers during construction works any trenches left exposed overnight shall have a means of escape for badgers and other wildlife. This will comprise of at least one shallow graded edge or have an escape plank (width of at least 30 cm) situated at an angle no steeper than 30° to allow a badger to escape.

(b) In order to provide new purpose designed nesting opportunities for house sparrows and other hole nesting species associated with buildings, the applicant shall, within 4 weeks of the new facility being operational, or at the most practicable time during construction, install a total of two Schwegler 1SP Sparrow terraces within new properties on site. Sparrow nest boxes should be sited within a north or east facing elevation at a height of at least 3 m.

**REASON:** In order to protect foraging badgers during construction works and enhance bird nesting facilities in accordance with policy EN5 of the East Devon Local Plan (2013-2031 – Adopted January 2016).

## **NOISE MITIGATION MEASURES**

4. The site shall not become operational until the physical mitigations measures as outlined on page 35 of the approved Noise Impact Assessment, dated January 2016, are implemented to the satisfaction of the Waste Planning Authority.

**REASON:** To protect the living conditions of nearby residents in accordance with policy EN14 of the East Devon Local Plan (2013-2031 – Adopted January 2016) and Policy W18 of the Devon Waste Plan (Adopted December 2014).

## **PRE-COMMENCEMENT**

### **CONTAMINATION STRATEGY**

5. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Waste Planning Authority:

a) A preliminary risk assessment which has identified:

- (i) All previous uses
- (ii) Potential contaminants associated with those uses
- (iii) A conceptual model of the site indicating sources, pathways and receptors
- (iv) Potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and detailed risk assessment referred to in (b) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. Reason National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

**REASON:** To minimise the risks associated with ground contamination in accordance with policy EN16 of the East Devon Local Plan (2013-2031 – Adopted January 2016).

### **REMEDATION STRATEGY**

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written

approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

**REASON:** To minimise the risks associated with ground contamination in accordance with policy EN16 of the East Devon Local Plan (2013-2031 – Adopted January 2016).

## **OPERATIONAL**

### **HOURS OF OPERATION**

7. The following hours of operation shall apply to activities at the application site:

(i) No waste processing operations shall take place outside of the building during the night time hours defined as 1800 to 0600.

(ii) Vehicles shall leave the site only between the hours of 0630 to 1700 Mondays to Fridays and 0630 to 1300 hours on Saturdays.

(iii) Deliveries of waste to the site shall only take place during the hours of 0730 to 1700 Mondays to Fridays and 0730 to 1300 hours on Saturdays.

(iv) Except as may be required in the case of an emergency there shall be no waste activities taking place at the site (including the processing of waste, deliveries of waste and waste collection vehicles leaving the site) on Saturday afternoons after 1300 hours and on Sundays or public holidays.

**REASON:** To protect the living conditions of nearby residents in accordance with policy EN14 of the East Devon Local Plan (2013-2031 – Adopted January 2016).

8. The site shall be operated in strict accordance with the accordance with the Operational Mitigation Measures recommendations set out on page 35 of the submitted Noise Impact Assessment dated January 2016.

The scheme shall be reviewed from the date of this permission every year or when additional plant is installed or any change in process occurs. A copy of any revised scheme produced shall be submitted to the Waste Planning Authority for approval within 14 days of being completed.

**REASON:** To minimise the effect on the living conditions of local residents in accordance with policy EN14 of the East Devon Local Plan (2013-2031 – Adopted January 2016) and Policy W18 of the Devon Waste Plan (Adopted December 2014).

## **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.