

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 Graham Simmons, 4 St Aubyns Park, Tiverton, Devon, EX16 4JG**

Agent for: **Bioshred Ltd, Mounts Quarry Plantation, The Mounts, East Allington, Devon, TQ9 7QJ**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **16 August 2016**, and the plans and drawings attached thereto numbered: **Site Access 2014-11-02, Site Layout 2014-11-03 revision A and 'Planning Statement Greencrop, Mounts Quarry Plantation, East Allington Sept 2016'**.

brief particulars of which are as follows:

Retrospective application for the importation and processing of waste wood and uPVC and the continuation of importing and shredding of green waste at Mounts Quarry Plantation, A381 Fallapit Turn to Firs Cross, The Mounts, TQ9 7QJ

subject to the conditions set out in the attached sheets



on behalf of the Head of Planning, Transportation and Environment

Date: 13 December 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 - South Hams District Council Application No. 2666/16/DCC
Devon County Council Ref. DCC/3859/2016**

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered: Site Access 2014-11-02, Site Layout 2014-11-03 revision A and 'Planning Statement Greencrop, Mounts Quarry Plantation, East Allington Sept 2016' unless as varied by the conditions below.

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

2. Within two months of the date of this consent a dust management scheme shall be submitted to the Waste Planning Authority.

The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the operations.

Following the approval of the Waste Planning Authority all operations shall be carried out in accordance with the approved scheme.

REASON: To minimise pollution arising from the development in accordance with South Hams Local Development Framework policy DP3 (Residential Amenity) and Devon Waste Plan 2011-2031 Policy W18 (Quality of Life).

3. Within two months of the date of this consent a noise management scheme shall be submitted to the Waste Planning Authority.

The scheme shall include details of how noise pollution associated with the operations will be suppressed, mitigated and monitored.

Following the approval of the Waste Planning Authority all operations shall be carried out in accordance with the approved scheme.

REASON: To minimise the effect on the living conditions of local residents in accordance with South Hams Local Development Framework policy DP3 (Residential Amenity) and Devon Waste Plan 2011-2031 Policy W18 (Quality of Life).

OPERATIONAL

4. No waste other than green waste, waste wood and waste uPVC shall be imported, stored or processed at the site

REASON: To exclude wastes that are not acceptable at the site in accordance with South Hams Local Development Framework policy DP3 (Residential Amenity) and Devon Waste Plan 2011-2031 Policy W3 (Spatial Strategy).

*Note: green waste shall refer to any plant waste which has not previously been altered in any form. It does not include vegetable based kitchen waste.

5. No more than a total of 5000 tonnes of green waste, waste wood and waste uPVC shall be delivered to the site in any calendar year.

The operator shall maintain weekly records of each permitted waste stream entering the site and make these records available to the Waste Planning Authority at any time upon request.

The records shall contain details of all deliveries including delivery 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 the local residents and the local highway network in accordance with South Hams Local Development Framework policy DP3 (Residential Amenity) and Devon Waste Plan 2011-2031 Policy W17 (Transportation and Access).

6. No more than a total of 1250 tonnes of unprocessed and processed waste shall be stored on site at any one time.

REASON: To minimise the impact of the development on the local residents and the local highway network in accordance with South Hams Local Development Framework policy DP3 (Residential Amenity) and Devon Waste Plan 2011-2031 Policy W17 (Transportation and Access).

7. Stockpiles of both waste materials awaiting processing and processed waste materials shall not exceed a height of 6 metres (measured from the finished level of the yard area).

REASON: To ensure the protection of visual amenity of the site and in accordance with the Development Plan specifically policy W12 (Landscape and Visual Impact) of the adopted Devon Waste Plan.

8. Individual stockpiles of waste wood, processed wood, unprocessed waste UPVC, green waste and composting windrows shall be kept in discrete areas within the site, with sufficient distance between stockpiles to prevent cross contamination and reduce the risk of fire spreading.

REASON: To protect the living conditions of nearby residents in accordance with South Hams Local Development Framework policy DP3 (Residential Amenity) and Devon Waste Plan 2011-2031 Policy W18 (Quality of Life).

9. Unless otherwise agreed in writing by the Waste Planning Authority no operation of plant or machinery associated with the waste processing and storage operations shall take place on a Saturday, Sunday, bank holiday, other public holiday or outside of the following hours:

0800 and 1700 hours Monday to Friday

REASON: To protect the amenity of the area in accordance with South Hams Local Development Framework policy DP3 (Residential Amenity) and Devon Waste Plan 2011-2031 Policy W18 (Quality of Life).

10. Deliveries of waste materials shall be carried out between 0800 and 1700 hours Monday to Saturday. No deliveries shall take place on Sundays or Public Holidays.

REASON: To protect the amenity of the area in accordance with South Hams Local Development Framework policy DP3 (Residential Amenity) and Devon Waste Plan 2011-2031 Policy W18 (Quality of Life).

11. Any facilities for the storage of oils, fuels or chemicals shall be kept within a bunded compound that is impermeable to the oil, fuel, chemical and water. The minimum volume of the bunded compound shall be at least 110% capacity of the container. All filling points and container overflow pipe outlets shall discharge downwards within and into this bunded area.

REASON: To prevent pollution of the water environment in accordance with policy W16 (Natural Resources) of the Devon Waste Plan 2011-2031.

PUBLIC RIGHT OF WAY

12. All waste, plant and machinery and all other materials associated with the operations shall be kept clear from the public footpath that runs through the site.

REASON: To ensure that the development does not prevent members of the public from using the footpath.

LANDSCAPING/TREES

13. No existing trees in the woodland area of the Mounts Quarry Plantation, surrounding the operations area, shall be lopped or felled without the written consent of the Waste Planning Authority.

REASON: To conserve that landscape character of the area in accordance with South Hams Local Development Framework policy DP2 (Landscape Character) and to minimise the effect of the operations on the living conditions of local residents in accordance with South Hams Local Development Framework policy DP3 (Residential Amenity).

INFORMATIVE NOTE

Advice - Environmental Permitting

The applicant must ensure that all operations are kept within the limits of the relevant waste exemptions and that the correct paperwork is kept for all movements of the waste. The applicant can contact our (The Environment Agency) National Customer Call Centre (Tel: 03708 506 506) for advice on waste exemptions or to check whether someone is a registered waste carrier on the public register.

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.