

## 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**

To: **Mr Graham Simmons, 4 St Aubyns Park, Tiverton, EX16 4JG**

Agent for: **Mr G A Hurford, Firwood Barton Farm, Northleigh, Colyton, EX24 6DZ**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **4 May 2016**, and the plans and drawings attached thereto numbered: **2011/04/02 Rev A, 2016-01-02, 2016-01-03, 2011/04/03 Rev A and 2011/04/04 Rev A**, and document entitled **Planning Statement**.

brief particulars of which are as follows:

**Variation of condition 1 of planning permission 13/2178/CM to allow importation of subsoil and topsoil to restore former clay workings for a further 2 years at Lickey's Field, Farwood Barton, Lane to Farwood Barton, Colyton, EX24 6DZ**

subject to the conditions set out in the attached sheets



on behalf of the Head of Planning, Transportation and Environment

**Date: 20 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.
- 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 - East Devon District Council Application No. 16/1134/CM  
Devon County Council Ref. DCC/3862/2016**

**TEMPORARY PERMISSION**

1. The tipping operations at the site shall be limited to a period of 2 years from the date of this permission. The site shall be restored in accordance with document entitled 'Validation Checklist' (sections entitled 'Subsoil' and 'Topsoil' - including subheadings) (dated 16th April 2016) and DWG NO. 2011/04/01a (dated September 2013) within three months of the completion of the tipping operations and shall be the subject of aftercare for a period of 5 years. For the avoidance of doubt, the restoration requirements also apply to the restoration of the temporary access track and temporary parking area.

REASON: To ensure restoration within a reasonable and acceptable timescale in the interest of the AONB designation and to limit the impact of the site on the local highway network.

**STRICT ACCORDANCE WITH PLANS**

2. The development shall be carried out in strict accordance with the details shown on the approved drawings numbered 2011/04/01a, 2011/04/03a and 2011/04/04 and documents entitled 'Planning Statement' (dated 15th April 2016) and 'Validation Checklist' (dated 16th April 2016) unless as varied by the conditions below.

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

**CONDITIONS (OPERATIONAL)**

3. Nothing other than uncontaminated inert waste material shall be imported into the site. Waste Transfer Notes detailing quantities and types of waste imported to the site shall be made available for inspection to the Waste Planning Authority within 7 days of a request being made.

REASON: To limit opportunities for land contamination in accordance with Policy EN14 of the East Devon Local Plan 2013-2031 and Policy W7 of the Devon Waste Plan.

4. The access, parking facilities, turning area, access drive, access drainage, road edge markers and vehicle route information signage shall be maintained and retained for the duration of the life of the tipping operations.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site, in the interest of public safety and to avoid damage to the highway in accordance with Policy TC7 of the East Devon Local Plan 2013-2031 and Policy W17 of the Devon Waste Plan.

5. Landfill operations authorised by this permission, including the use of any plant or machinery shall be restricted to between 0800hrs and 1700hrs Mondays to Fridays, except for the months of November, December, January and February when the hours of operation shall be between 0800hrs and 1630hrs Mondays to Fridays.  
No operations shall take place on Saturdays, Sundays or Public Holidays.

REASON: To protect the living conditions of nearby residents in accordance with Policy W18 of the Devon Waste Plan.

6. The total number of vehicle movements bringing waste into the site shall not exceed 40 movements (20 in and 20 out) per day Mondays to Fridays. No movements shall take place at Weekends or Public holidays.

REASON: In the interests of highway safety and to protect the living conditions of nearby residents in accordance with Policy W17 and Policy W7 of the Devon Waste Plan.

7. At all times when the site is not in operation the access gate shall be kept closed and locked.

REASON: To prevent unauthorised access into the site in order to prevent fly tipping.

### **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.