

Town & Country Planning Act 1990

**Notice of Planning Permission for Variation/Non-Compliance with a condition
imposed on an earlier permission**

Application Reference Number: 16/08074/WCM

Agent Land & Mineral Management Roundhouse Cottages Bridge Street Frome BA11 1BE United Kingdom	Applicant Hills Waste Solutions Ltd Wiltshire House County Park Business Centre Shrivenham Road Swindon SN1 2NR
Particulars of Development: Application for removal or variation of a condition: Development of Resource Recovery Facility including Mechanical Biological Treatment, a Household Recycling Centre, Vehicle Parking and Ancillary Development without compliance with Planning Condition 3 of Planning Permission W/07/09004 dated 31/03/2009 to treat 90,000 tonnes of waste per annum at the Mechanical Biological Treatment facility	
At: Northacre RRC, Stephenson Road, Westbury, BA13 4WD	

In pursuance of their powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for variation or non-compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to compliance with any condition(s) specified hereunder:-

- 1 Unless otherwise required by conditions attached to this permission, the development hereby permitted shall be carried out in accordance With Drawing Numbers:

1118-P1 - Floor Plans - submitted on 22 February 2007
1118-P2 - Elevations - submitted on 22 February 2007
1118-P3 - Sections - submitted on 22 February 2007
2157/SK102 Rev B - Site Layout Plan - submitted on 22 February 2007

REASON: For the avoidance of doubt and to control the form of the development in the interests of the planning of the area.

- 2 No waste other than those waste materials defined in the application and environmental statement shall enter the site. No more than 90,000 tonnes per annum shall be received at the Mechanical Biological Treatment facility.

REASON: Wastes outside of these categories require separate consideration by the Waste Planning Authority.

- 3 No development shall commence on site until full details of the external construction materials, finishes and colours of the MBT building have been submitted to and approved in writing by the Waste Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 4 No development shall commence on site until full details of the design of the enclosure system to the bio-filter and its associated ducting and emission point has been submitted to and approved in writing by the Waste Planning Authority, and following approval the development shall subsequently be implemented in accordance with the approved details prior to the commencement of the use of the site for the receipt of waste.

REASON: To maintain planning control over the development in order to minimise the impact of the development in the interests of local amenity and other land users.

- 5 No development shall commence on site (including any works of site clearance), until a Construction Method Statement has been submitted to, and approved in writing by, the Waste Planning Authority. The statement shall include the following:

- (i) The parking of vehicles of site operatives and visitors
- (ii) Loading and unloading of plant and materials
- (iii) Storage of plant and materials used in constructing the development
- (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) Wheel washing facilities
- (vi) Measures to control the emission of dust and dirt during construction
- (vii) A scheme for recycling/disposing of waste resulting from demolition and construction works, and
- (viii) Hours of construction.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Waste Planning Authority.

REASON: To minimize detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 6 No development shall commence until details of the proposed HRC office building have been submitted to and approved in writing by the Waste Planning Authority. The office building shall be constructed in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 7 No development shall commence on site until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Waste Planning Authority. The details shall include:

- Proposed finished levels or contours
- Means of enclosure
- Vehicle parking layouts
- Vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. refuse or other storage units, signs, lighting)

Soft landscape details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities
- Implementation timetables

REASON: To ensure the provision of amenity afforded by appropriate landscape design.

- 8 All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable approved in writing with the Waste Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Waste Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Waste Planning Authority gives its prior written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

- 9 No development shall commence on site until a detailed surface water drainage scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall provide further detail on the information outlined in the application, including the use of sustainable drainage systems, pollution prevention measures, surface water attenuation and rainwater harvesting/surface water collection measure and surface water run-off limitation. The scheme shall be completed in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding and prevent pollution of the water environment.

- 10 No development shall commence on site until a scheme for protection and/or mitigation of damage to populations of badger, a protected species under the Wildlife and Countryside Act 1981, and its associated habitat has been submitted to and approved in writing by the Waste Planning Authority (The Scheme). The Scheme shall provide further detail on the information contained in the additional ecological surveys report by Michael Woods Associates dated October 2007. The Scheme shall be carried out in accordance with a timetable for implementation as approved.

REASON: To protect the badger and its habitat within and adjacent to the development site.

- 11 No operations shall commence on site until the applicant has submitted to the Waste Planning Authority and received written approval of a Transport Plan for the routing of HGV's to and from the site. The Transport Plan shall provide for a sign to be erected and thereafter maintained at the site exit advising drivers of vehicle routes agreed with the Waste Planning Authority and identify the arrangements for:
- monitoring of the approved arrangements;
 - ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements; and
 - the disciplinary steps that will be exercised in the event of default.

The approved Transport Plan shall be implemented as long as any part of the development is occupied.

REASON: To secure what was proposed in the application and to ensure that the scheme satisfactorily addresses potential traffic impacts identified in the submitted transport assessment.

- 12 The development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the Waste Planning Authority. Such Travel Plan shall include:
- Promotion of car sharing and practices and on-site facilities that reduce the need for travel
 - Measures to promote and facilitate public transport use
 - Measures to promote and facilitate walking and cycling
 - Consideration of and measures to mitigate any adverse impacts upon the local highway network
 - Targets and monitoring/review mechanisms
 - Together with a timetable for the implementation of each element.

No part of the development shall be occupied prior to the implementation of the approved Travel Plan (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation). Those parts of the approved Travel Plan that are identified as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

REASON: To secure what was proposed in the application and to ensure that the site is accessible by all modes of transport and the scheme satisfactorily addresses potential traffic impacts identified in the submitted transport assessment.

- 13 The uses hereby permitted shall only be operated between the following hours:

MBT Facility

Waste reception and removal of SRF and other products:

07.00 and 18.00 Mondays to Sunday

Operation: 24 hours per day

HRC

Operations, including the collection or delivery of refuse containers and operation of plant and machinery:

07.00 to 20.00 Mondays to Saturdays

08.00 to 17.00 Sundays and Public Holidays

Open to the public for the receipt of waste:

09.00 to 17.00 Friday to Tuesday

09.00 to 19.00 Wednesday and Thursday

Vehicle Depot

Waste collection or kerbside recycling vehicles to enter or leave:

06.30 and 18.00 Monday to Sunday

REASON: To reduce the potential for disturbance caused by vehicular movements.

- 14 No security or floodlighting shall be erected within the site without the submission of full details to and the written approval of the Waste Planning Authority. These details shall include the height of floodlighting, intensity of the lights (specified in LUX levels), spread of light including approximate light spillage to the rear of any floodlighting posts (in metres), any measures proposed to minimise the impact of the floodlighting or disturbance through glare (such as shrouding), and the times when such lights will be illuminated. The development shall be carried out and maintained in accordance with the approved details.

REASON: To enable the Waste Planning Authority to adequately control the development and to minimise the impact on the amenities of the local area.

- 15 There shall be no open stockpiling of waste or reclaimed materials within the RRC site.

REASON: In order to protect the visual amenities of the area and to regulate the use of the land.

- 16 All waste brought into the HRC site shall be stored in containers appropriate for such storage and the containers will be placed on an appropriate impermeable surface.

REASON: To prevent the increased risk of flooding and prevent pollution of the water environment.

- 17 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected

tanks, plus 10%; or 25% of the total volume that could be stored at anyone time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Such facilities shall be constructed and completed in strict accordance with plans approved by the Waste Planning Authority prior to the first use of the development.

REASON: To prevent pollution of the water environment.

INFORMATIVE TO APPLICANT:

The site operator is currently working under Environmental Permit no EPR/LP3491EE as regulated by the Environment Agency. The permit states the amount of waste that can be accepted to the Mechanical Biological Treatment Plant shall be less than 70,000 tonnes a year. If the operator wishes to work above this limit they will need to apply to the Environment Agency for a variation to their Permit.

Signed



Director for Economic Development & Planning

Dated: 15 November 2016

NOTES

1. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular the applicant is reminded of the following matters:-

- 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
 - 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge)
 - 1.3 The need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
 - 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).
2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal – www.planningportal.gov.uk/planning/appeals). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.
- If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.
3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council a purchase notice requiring 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.
4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
5. **Discharge of Conditions.** The Government introduced new fees for the discharge of planning conditions from 6th April 2008. The fee is payable per request and not per condition. The fees chargeable are set out on the Wiltshire Council website – www.wiltshire.gov.uk. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

You are advised that the as local planning authority has up to 12 weeks to consider the request that you apply well in advance of when you intend to start work