

Town & Country Planning Act 1990

Notification of Minerals and Waste Application

Application Reference Number: 18/03366/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: Waste Management Facility and Welfare, Office and Workshop Building with ancillary development	
At: Northacre Resource Recovery Centre, Stephenson Road, Northacre Industrial Estate, Westbury, BA13 4WD	

In pursuance of its powers under the above Act, the Council hereby grant **PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 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 the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

18616-500-02 (red edged site plan) dated 03/2018
site-extent_1734-planning.dwg dated 20/04/2018
site-planning_1734-planning.dwg dated 08/04/2018
WMB_1734-planning.dwg dated 09/04/2018
OWB_1734-planning.dwg dated 09/04/2018

REASON: For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the local planning authority within 7 days of such commencement.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 3 The Waste Management Building element of the development hereby approved shall be used for the unloading, storage and re-loading of recyclable waste materials (mainly paper, cans, plastics, cardboard, green waste and glass) and for the storage of material from the MBT facility only, and it shall not be used for the unloading, storage and re-loading of any other form of waste.

Un-loading, storage and re-loading of the above permitted waste shall take place inside the Waste Management Building only, and shall not take place at, on or over any other parts of the application site.

REASON: To comply with the terms of the planning application and its justification, and to ensure the amenities of the wider environment are safeguarded.

- 4 The total tonnage of waste material imported to the Waste Management Building shall not exceed 25,000 tonnes in any twelve month period.

REASON: To ensure that the development substantially accords with the terms of the Transport Statement and Noise Assessment which accompany the planning application, and there conclusions that this scale of operation would not cause harm to highway safety and/or amenity.

- 5 A record of the quantity (in tonnes) of waste materials delivered to the Waste Management Building and all the waste and waste-derived products despatched from the site shall be maintained by the operator of the site and made available to the local planning authority upon request. All records shall be kept for at least 36 months.

REASON: In order that the local planning authority can monitor the approved development.

- 6 The operational hours of the Waste Management Building shall be limited to the following:

Monday to Friday: 07:00 to 20:00

Saturday: 07:00 to 13:00 (extending to 20:00 after bank holidays)

Saturdays (waste from HRCs only): 13:00 to 20:00

Sundays (waste from HRCs only): 07:00 to 18:00

Bank Holidays: 07:00 to 20:00

The shall be no operation of the Waste Management Building on Christmas Day, Boxing Day or New Years Day.

REASON: To safeguard the amenities of the wider area.

- 7 Prior to first operation of the Waste Management Building a Transport Plan for the routing of HGVs to and from the site (broadly in line with the 'Existing Travel Plan' at Appendix 2 to the Transport Statement accompanying the planning application) shall be submitted to the submitted to the local planning authority for approval in writing. The Transport Plan shall include details of implementation and monitoring and shall be implemented in accordance with the approval thereafter. The results of the implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the Plan arising from these results.

REASON: To manage the routing of HGV traffic in the interests of protecting the amenities of the wider area.

8 The Waste Management Building shall not first operate until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- * location and current canopy spread of all existing trees and hedgerows on the land;
- * full details of any to be retained, together with measures for their protection in the course of development;
- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * finished levels and contours;
- * means of enclosure;
- * all hard and soft surfacing materials.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before the development becomes operational in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9 All soft and hard landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following approval of the landscaping scheme; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

10 No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces serving that part have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

11 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

12 There shall be no surface water discharge connection to the foul water network.

REASON: To safeguard the integrity of the foul water network and prevent flooding.

- 13 No development hereby approved shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during construction. The plan should include, but not be limited to:

- * Procedures for maintaining good public relations including complaint management, public consultation and liaison
- * Arrangements for liaison with the Council's Public Protection Team
- * All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- * Construction deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- * Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- * Procedures for emergency deviation of the agreed working hours.
- * Control measures for dust and other air-borne pollutants.
- * Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- * Construction traffic routes.

REASON: In the interests of the amenities of surrounding occupiers during the construction of the development.

- 14 No part of the development shall be brought into use until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

The Travel Plan shall include provision for car sharing and for ultra low energy vehicle infrastructure (electric vehicle charging points).

REASON: In the interests of air quality and reducing vehicular traffic to the development.

- 15 Prior to the waste management building hereby approved becoming first operational an odour management plan (for the management of odours, should they arise) and a pest management plan (for the management of flies, vermin, etc., should they arise) shall be submitted to the local planning authority for approval in writing. Thereafter, the approved plans shall be implemented as approved, if/as necessary.

REASON: To safeguard amenity.

- 16 Within 3 months of the waste management building hereby approved becoming first operational (including operation of the odour control plant) a noise assessment shall be carried out by an independent consultant to confirm compliance with the noise predictions set out in the 'Noise Assessment for Planning' by iON Acoustics Ltd dated

09/04/2018. The outcomes of the noise assessment shall be provided in writing to the local planning authority for agreement in writing no later than 1 month after the initial 3 month period. In the event that the noise assessment finds that the noise predictions have been exceeded then details of additional mitigation measures shall be provided as part of the noise assessment together with a timeframe for installation. The additional mitigation shall then be installed in accordance with the agreed noise assessment and retained and maintained thereafter.

REASON: To protect local amenity from the adverse effects of noise.

17 INFORMATIVE:

This activity will require a Permit under the Environmental Permitting Regulations 2010 (as amended) to operate. Should the applicant wish to apply for a permit they are advised to visit The Environment Agency's website at <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit> to help decide what sort of permit is required. Any successfully determined environmental permit application will not consider the following, which are all considered as part of the planning permission ;

- Alternative locations and sizes for this proposed facility
- Operational hours
- The transport of waste to and from the site or vehicles
- Traffic, access and road safety issues
- Visual impacts
- Construction materials used in building

Signed



Tim Martienssen
Director
Economic Development and Planning

Dated: 09 August 2018

Town and Country Planning Act 1990
PERMISSION FOR DEVELOPMENT
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 - <http://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.

Appeals where an enforcement notice has been issued. Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or

expiry of the specified period;

'Type B appeal', 28 days from the date on which the enforcement notice is served;

['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) was served no earlier than 2 years before the application is made;

(b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);

'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the

appeal, or (ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d) of the Order; and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]”

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 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.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council’s website. The fee is payable per request and not per condition. 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

6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at <http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming> or you can contact the Address Information Team on 01225 770508 or by email at streetnaming@wiltshire.gov.uk
7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.