

Town & Country Planning Act 1990

**Notification of Minerals and Waste Application**

Application Reference Number: 15/00401/WCM

<p><b>Agent</b> Land &amp; Mineral Management Roundhouse Cottages Bridge Street Frome Somerset BA11 1BE</p>	<p><b>Applicant</b> Hills Waste Solutions Ltd Wiltshire House County Park Business Centre Shrivenham Road Swindon SN1 2NR</p>
<p><b>Particulars of Development: Retention of existing composting facility and associated access, and increase throughput</b></p>	
<p><b>At: Parkgate Farm Waste Management Facility, Purton, Swindon, SN5 4HG</b></p>	

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 to which this permission relates shall be begun not later than the expiration of 3 years beginning with 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 Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted relates to the following submitted plans:

No. 3141/1A dated 12/2014 (red-edged site plan)  
No. PGF/COMP/PP2/001 dated 10/06/13 ('Planning Boundary' plan)

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

- 3 The waste material to be processed (composted) at the site shall comprise 'green waste' only.

REASON: To comply with the terms of the application (which seeks to process green

waste at the site only, and not other waste categories, including tyres), and other waste materials raise environmental and amenity issues that would require consideration afresh.

INFORMATIVE: For the purposes of this condition 'green waste' is defined as any organic waste that can be composted, including refuse from gardens, parks and landscaped areas, such as grass clippings, leaves, branches, woodchips, bark, wood and weeds.

- 4 The total tonnage of green waste delivered to the site shall not exceed 50,000 tonnes in any twelve month period.

REASON: To comply with the terms of the application and to ensure that the development substantially accords with the terms of the Transport Assessment Update dated January 2019 which accompanies the planning application and its conclusion that this scale of operation would not pose highway safety or capacity issues in the locality.

- 5 A record of quantity (in tonnes) of waste materials delivered to the site and all the waste-derived products despatched from the site shall be maintained by the operator of the site and made available to the local planning authority on 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 No vehicle shall enter or leave the site and no working or operations shall take place at the site except between the hours of:

07:30 - 18:00 Monday to Friday  
07:30 - 12:00 Saturdays  
07:30 - 18:00 Bank Holidays

No working shall take place at any time on Sundays or on Christmas Day, Boxing Day or New Year's Day

REASON: For the avoidance of doubt and in the interests of local amenity

- 7 The plant associated with the development hereby approved shall be permanently sited and/or screened to ensure that noise emissions shall not exceed a Rating level of 40dB (over any 15 minute period) when measured free-field in any residential garden. Measurements and assessments shall be carried out in accordance with BS4142:1997.

REASON : To safeguard the amenity of the area and local residents

- 8 The haul roads, stockpiles, processing areas shall be watered down or treated with an approved dust laying agent at times as may be necessary to prevent dust nuisance arising from the site.

Reason: To safeguard the local environment

- 9 No floodlighting shall be erected at the site until a scheme of floodlighting has been submitted and approved in writing by the Waste Planning Authority. The scheme shall include details of the height of the lighting posts, intensity of the lights (specified in lux levels), spread of light, including approximate light spillage to the rear of the

lighting posts, any measures proposed to minimise the impact of floodlighting or disturbance through glare and the times when such lights will be illuminated. Any floodlighting/external lighting shall be used only in accordance with the Michael Woods Associates Bat Survey dated October 2007.

REASON: To safeguard the amenity of the area.

- 10 Any above ground storage tank(s) shall be sited on an impervious base and surrounded by a suitable liquid tight bund. No drainage outlet shall be provided. The bunded area shall be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gages shall be enclosed within its curtilage. The vent pipes shall be directed downwards into the bund.

REASON: To minimise the risk of pollution of groundwater.

- 11 All waste tipping, handling, sorting, storage and composting shall be carried out upon an impervious concrete base which shall drain to the surface water lagoon.

REASON: To minimise the risk of pollution of watercourses.

- 12 The height of any stockpile shall be restricted to a maximum of 4 metres.

REASON: In the interests of visual amenity.

- 13 In order to protect the existing habitats, all existing trees and hedges shall be permanently fenced off to prevent encroachment and damage from site operations in accordance with the details shown on Drawing number 3141/Hedges/16 02 09/V6 dated 16 February 2009. No placement of goods, fuel or chemicals, soils or other materials shall take place in the fenced area.

REASON: To ensure that the development does not encroach on existing planting causing root damage and to conserve the habitat at the woodland/hedge edge as a feeding/refuge corridor for wildlife.

- 14 Vehicular access to the application site shall be via Mopes Lane and the existing haul road and railway bridge only. There shall be no access to the site via any other routes.

REASON: To comply with the terms of the application and to ensure that the amenities of residents within the wider area are protected.

**Signed**

*Alistair Cunningham*

**Corporate Director**

**Growth, Investment, & Place**

**Dated: 24 April 2019**

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](mailto: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.