

Town & Country Planning Act 1990

Notification of Minerals and Waste Application

Application Reference Number: 17/10539/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: Variation of conditions 3 & 4 of Planning Permission N/09/01497/WCM (Extension to a Sand Quarry and Infilling with Waste) to extend the end date of mineral extraction until 17 October 2029 and to extend the end date of restoration by landfill until 31 December 2042.	
At: Lower Compton Waste Management Facility, Lower Compton, Calne, SN11 8RB	

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 begun before the expiration of three years from the date of this permission.

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.

- 2 Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.

REASON: To enable the Mineral Planning Authority to monitor the operations and to ensure compliance with this permission.

3 The extraction of sand shall cease on or before 24th May 2029.

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

4 The tipping/deposit of waste material and restoration operations shall cease on or before 24 May 2042.

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

5 The working, restoration and aftercare of the site shall be carried out only in accordance with Drawings Nos. 6304-5000-001 RRC Landfill Restoration Pre Settlement and 6304-5000-002 RRC Landfill Restoration Post Settlement.

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings and structures shall be erected, extended, installed, re-arranged, replaced, repaired or altered at the site without planning permission from the Mineral Planning Authority.

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

7 No topsoil, subsoil or overburden shall be exported from the site.

REASON: To ensure the satisfactory restoration of the site.

8 Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority in writing within seven days) no mineral extraction operations, including vehicles entering or leaving the site, shall be carried out at the site except between the times:-

07.00 hours and 20.00 hours Monday to Friday;

And

07.00 hours to 13.00 hours Saturday;

No operations shall be carried out at any time on Sundays or Bank or Public Holidays.

REASON: In the interests of local amenity.

- 9 Except in emergencies to maintain safe landfill working (which shall be notified to the Waste Planning Authority in writing within seven days) there shall be no tipping of waste or associated activities, including vehicles entering or leaving the site, other than during the following hours:-
07.00 hours and 20.00 hours Monday to Friday; and
07.00 hours to 13.00 hours Saturday;
and shall not take place on Sundays or Bank or Public Holidays other than as indicated below:-
The site may in addition be open solely for the receipt of waste from household recycling centres and the Wiltshire Council municipal waste collection service between the following hours:-
07.00 hours to 20.00 hours Good Friday, Easter Monday, Early May Bank Holiday, Spring Bank Holiday and Summer Bank Holiday;
13.00 hours to 20.00 hours on Saturdays immediately following, Good Friday, Easter Monday, Early May Bank Holiday, Spring Bank Holiday, Summer Bank Holiday and Christmas Day/Boxing Day Holidays; and
13.00 hours to 20.00 hours on the two consecutive Saturdays that immediately follows New Year's Day.
Operations shall not take place on Sundays or on Christmas Day, Boxing Day, or New Year's Day.

REASON: In the interests of local amenity.

- 10 No minerals except sand shall be removed from the site.

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

- 11 No waste other than that defined as inert shall be tipped within the area shaded blue on Drawing No. COM/2500/G/21A dated February 2001 of planning permission N.01.2803 and this area shall be restored in accordance with Condition 20 below.

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

- 12 Topsoil and subsoil and soil making material shall only be stripped when they are in a dry and friable condition and no movement, spreading or levelling of soils shall occur:
(a) During the months October to March (inclusive)
(b) When the full depth of soil to be stripped has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1975 - 'British Standard Method Test for Soils for Civil Engineering Purposes' or
(c) There are pools of water on the soil surface.

REASON: To prevent damage to soils.

- 13 All topsoil, subsoil and soil making materials shall be stored separately and in separate mounds which shall:
- (a) Not exceed 3 metres in height in the case of topsoil, or 5 metres in height in the case of subsoils.
 - (b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations.
 - (c) Not be subsequently moved or added to until required for restoration.
 - (d) Have a minimum 3 metre stand-off, undisturbed around each storage mound.
 - (e) Comprise topsoils on like texture topsoils and subsoils on like texture subsoils

REASON: To prevent the loss of soil for restoration and minimise damage to soil structure during storage.

- 14 All undisturbed areas of the site and all topsoil, subsoil and overburden storage mounds shall be kept free of agricultural weeds such as thistle, dock and ragwort. Cutting, grazing and spraying shall be undertaken as necessary to control plant growth and prevent the production of seed and the spread of weeds to adjoining agricultural land.

REASON: To prevent the spread of agricultural weeds.

- 15 Noise levels from operations on the site shall not exceed 55 dB(A) LAeq (1 hour) at any residential or noise sensitive property, the measurement to be taken at not less than 3.5 metres from the façade and at a height of 1.5 metres above ground level except during temporary operations when the limit shall be 70 dB(A) LAeq (1 hour) measured in the same manner.

REASON: To safeguard the amenity of local residents and adjacent properties and land users.

- 16 Steps shall be taken to minimise the generation and emission of noise, dust and fumes from any use or operation authorised or required by this planning permission. Such steps shall include:
- (a) The spraying of water to lay dust on the surface of the site, access and haul roads as appropriate.
 - (b) The spraying of water to lay dust on the surface of stockpiles within the site as appropriate.
 - (c) The proper use of wheel cleaning facilities by vehicles leaving the site.
 - (d) Fitting all plant, machinery and vehicles with effective silencers maintained in accordance with the manufacturers specifications.

REASON: To safeguard the amenity of local residents and adjacent properties and land users.

- 17 The scheme for controlling scavenging birds, approved pursuant to Condition 14 of planning permission N.01.2803 shall apply for the duration of all operations hereby permitted.

REASON: To prevent increased aviation hazard through potential for birdstrike.

- 18 Within six months of the date of this permission being implemented, a detailed scheme to accommodate surface water run-off from the restored site shall be submitted to the Mineral Planning Authority for approval. Development shall be carried out in accordance with the approved scheme.

REASON: To ensure the adequate drainage of the site.

- 19 The site access and hard surfaced areas used by vehicles shall be watered or treated with approved dust laying agent at times as may be necessary to prevent dust nuisance arising from the site.

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

- 20 Within a period not exceeding 12 months of a phase being tipped and sealed to its pre final level, it shall be covered with a layer of subsoil at least 300 mm in depth and topsoil 150 mm in depth.

REASON: To ensure the productive afteruse of the land.

- 21 Within 12 months of the date of this permission, a landscaping scheme shall be submitted to and approved by the Mineral Planning Authority. The scheme shall include the following:
- (a) The position, species and sizes of all existing trees, shrubs and hedgerows to be retained and the proposal for protection throughout the operations.
 - (b) The position, species, spacing and initial sizes of all new trees, hedges and shrubs.
 - (c) The programme of implementation of the scheme.
 - (d) The arrangements for subsequent maintenance.
 - (e) Any tree or shrub which dies within five years of being planted shall be replaced with new stock to the satisfaction of the Mineral Planning Authority and be maintained for a period of five years.

REASON: To improve the appearance of the site in the interests of visual amenity and to assist in absorbing the site back into the local landscape.

- 22 On completion of the importation of all landfill material, all machinery, plant, buildings, structures and any other site facility not essential for restoration/aftercare or for continuing landfill gas/leachate monitoring and control shall be removed or demolished and removed from the site. Any hardcore or material likely to interfere with the restoration of the land shall be removed prior to the final seeding and cultivation of the land.

REASON: To ensure the satisfactory restoration of the site.

- 23 All internal haul roads shall be removed when no longer required or during the course of site restoration, whichever is the sooner.

REASON: To ensure the satisfactory restoration of the site.

- 24 Prior to the commencement of the development hereby permitted, an aftercare scheme showing the steps to be taken to restore the physical characteristics of the land to a condition suitable for agriculture shall be submitted to and agreed in writing by the Mineral Planning Authority. The submitted scheme shall specify the steps to be taken and the periods during which they are to be taken and related to the restoration of the site in accordance with the conditions of this permission. The steps to be taken shall cover a period of five years from the completion and reinstatement of topsoils over the site.

REASON: In the interests of safeguarding and enhancing the visual amenities of the site.

- 25 Within 6 months of the date of this decision a Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority for written approval. The content of the LEMP shall include, but not be limited to, the following:
- (a) Description and evaluation of features to be managed.
 - (b) Ecological trends and constraints on site that might influence management.
 - (c) Aims and objectives of management.
 - (d) Appropriate management options for achieving aims and objectives.
 - (e) Prescriptions for management actions.
 - (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward on an annual basis).
 - (g) Details of the persons, body or organisation responsible for implementation of the plan.
 - (h) Ongoing monitoring and remedial measures.
 - (i) Details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery.

The plan shall also set out how contingencies and remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be carried out in accordance with the approved LEMP.

REASON: To ensure appropriate on-going management of the land to ensure fully functioning landscape and biodiversity objectives of the originally approved scheme and in order to protect and enhance biodiversity and landscape features within the subject site.

INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 3rd August 2018.

Signed



Tim Martienssen

Director

Economic Development and Planning

Dated: 06 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.