

Town & Country Planning Act 1990

Notification of Minerals and Waste Application

Application Reference Number: 17/10543/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 condition 3 of planning permission 13/05229/WCM (Extension of mineral and landfill operations) to extend the operational end date of the landfill until 31 August 2028 and complete subsequent restoration by 31 August 2029.	
At: Low Lane, 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 Written notification of the date of each of the following operations shall be sent to the Mineral Planning Authority within 7 days of such operations taking place:
 - a) implementation of this planning permission;
 - b) commencement of soil stripping in each phase;
 - c) completion of restoration of each phase; and
 - d) completion of final restoration under this planning permission;

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

- 2 Extraction of minerals shall cease by the 31st December 2018.

REASON: To comply with Schedule 5, Part I (1) (1) of the Town and Country Planning Act 1990 (as amended) and to ensure development is carried out in accordance with submitted application and approved details.

- 3 The deposition of waste at the site shall cease no later than 31st August 2028. Within 12 months of the completion of landfilling the site shall be restored in accordance with the approved development scheme submitted in application no. N/06/007009 dated 14 March 2006 and scheme approved under Condition 4 of this permission.

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

- 4 The development hereby permitted shall be carried out in accordance with the following approved working programme and restoration plans:
- Drawing No. 6774-001C dated February 2011
 - Drawing No. 6774-002C dated February 2011
 - Drawing No. 6774-003C dated February 2011
 - Drawing No. 6774-004 dated February 2011
 - Drawing No. 6774-005C dated February 2011
 - Drawing No. 6774-006C dated February 2011
 - Drawing No. 6774-007C dated February 2011

REASON: For the avoidance of doubt and to ensure development is carried out in accordance with the approved application details.

- 5 No later than 12 months from the cessation of tipping, all plant and machinery, foundations, hardstandings and access roads no longer required in connection with the workings, restoration or future agricultural use of the site shall be removed from the site.

REASON: In the interests of the visual amenity of the area.

- 6 All commercial mineral vehicles leaving the Lower Compton site with mineral shall be sheeted. Commercial waste vehicles leaving the Lower Compton site shall be checked to ensure they have been completely emptied of waste.

REASON: For the avoidance of windblown dust and litter.

- 7 No commercial vehicle shall enter the public highway unless its wheels and chassis have been cleaned to prevent mud, dust or other detritus being deposited on the highway.

REASON: In the interests of highway safety and to prevent mud being deposited on the highway.

- 8 Notwithstanding the provisions of Parts 19 and 21 of Schedule 2 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, structures or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission.

REASON: There is an important need to secure control over additional plant and machinery to safeguard the adjacent Area of Outstanding Natural Beauty designation.

- 9 Except in emergencies to maintain safe working (which shall be notified to the Mineral Planning Authority in writing within seven days), no mineral extraction operations, including vehicles entering and leaving the site, shall be carried out at the site except between the hours of:
07.00 hours – 18.00 hours Monday to Friday;
07.00 hours – 13.00 hours Saturday;
No operations shall be carried out at any time on Sunday, Bank and Public Holidays. 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 18.00 hours Monday to Friday; and
07.00 hours and 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 and 18.00 hours Good Friday, Easter Monday, Early May Bank Holiday, Spring Bank Holiday, Summer Bank Holiday, and any special bank holidays announced in a particular year by HM Government;
13.00 hours to 18.00 hours on Saturdays immediately following the Christmas Day and Boxing Day holidays; and
13.00 hours and 18.00 hours on two consecutive Saturdays that immediately follow New Year's Day.

REASON: To protect the amenities of local residents.

- 10 All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or beepers whose noise levels adjust automatically to surrounding noise levels.

REASON: To ensure the minimum disturbance from operations.

- 11 During the permitted working hours the freefield equivalent continuous noise level (LAeq 1 hour) for the period due to normal mineral extraction and processing and waste importing and processing operations, excluding temporary operations (see condition below), shall not exceed 55 dB(A) as recorded at any inhabited property.

REASON: To ensure the minimum disturbance from operations and avoidance of nuisance to the local community.

- 12 During the permitted working hours the freefield equivalent continuous noise level (LAeq 1 hour) for the period due to temporary operations, including topsoil and subsoil stripping, cell construction and capping and other works in connection with landscaping, shall not exceed 70 dB LAeq 1 hour as recorded at any inhabited property. Temporary operations which exceed the normal day-to-day criterion shall be limited to a total of sixteen weeks in any twelve month period.

REASON: To ensure the minimum disturbance from operations and avoidance of nuisance to the local community.

- 13 The approved Dust Suppression and Minimising Measures scheme prepared by Land and Mineral Management Ltd dated 8 August 2007 shall be implemented in full and shall be complied with at all times.

REASON: To protect the amenities of the locality from the effects of any dust arising from the development.

- 14 No movement of soil shall be carried out except when the full depth of soil to be stripped or otherwise transported is in a suitably dry condition such that the topsoil can be separated from the subsoil without difficulty. All available topsoil and subsoil must be stripped, handled and stored separately and all stripping, handling, and restoration shall take place under dry conditions to minimise structural damage.

REASON: In the interests of the satisfactory restoration of the site.

- 15 All topsoil and subsoil stripped prior to mineral extraction shall be stored separately and retained on-site for use in site restoration. No indigenous topsoil or subsoil shall be used for daily cover during operations. No overburden shall be exported from the site until the soil screening bund to the east of the working areas has been completed.

REASON: To ensure that the site is satisfactorily restored.

- 16 The development hereby permitted shall be implemented in accordance with the approved Landscaping Planting and Management Plan set out in prepared by Peter Swann & Associates dated 8 August 2007 in all respects.

REASON: In the interest of the visual amenity of the local area and to safeguard the adjacent Area of Outstanding Natural Beauty.

- 17 The development hereby permitted shall be implemented in accordance with the approved Aftercare Scheme prepared by Land and Mineral Management Ltd dated 8 August 2007 in all respects.

REASON: To ensure the productive afteruse of the land and to ensure the success of the newly created habitats.

- 18 The stand-off zone between the boundary of the development and existing hedges and woodland shall be clearly defined by a fence with driven posts and shall be maintained for the life of operations on site. The stand-off distances shall be as follows:
Hedges - 4.0 metres stand-off from the drip line of the hedge to the foot of the bund
Hedges with trees - 5.0 metres stand-off from the drip line of the tree to the foot of the bund
No placement of goods, fuels or chemicals, soils or other materials shall take place inside 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.

- 19 The capped landfill site shall be covered with a minimum 0.8 metres even depth of subsoil and 0.2 metres even depth of topsoil in the correct sequence. The quality of soil shall be appropriate for the site and its proposed restoration. The finished surface shall be left free from rubble and stones.

REASON: To ensure that the site is satisfactorily restored.

- 20 The clearance of woodland and felling of trees shall only take place between the end of August and the beginning of March, or following a search by a qualified person for active birds nest.

REASON: To avoid the nominal bird nesting season.

- 21 The development hereby permitted shall be implemented in accordance with the approved Surface Water Management Plan prepared by Atkins Ltd dated 13 July 2007 and additional details provided in the letter from Atkins to Land and Mineral Management Ltd dated 9 November 2007 in all respects.

REASON: To prevent the increased risk of flooding, to prevent pollution of the water environment and to ensure that surface water drainage facility functions for the lifetime of the development.

- 22 Any chemical, oil or fuel storage on the site shall be sited on an impervious surface with bund walls. The bunded areas shall be capable of containing 110% of the container(s) total volume and shall enclose within their cartilage all fill and draw pipes, vents and gauges. There shall be no drain through the bund floor or walls.

REASON: To minimise the risk of pollution of watercourses.

- 23 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

A handwritten signature in black ink, appearing to read 'T. Martienssen', with a horizontal line extending to the right.

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.