

Town & Country Planning Act 1990

Notification of Minerals and Waste Application

Application Reference Number: 17/10557/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: Change of Use of existing Materials Recycling and Waste Transfer Building to a Waste Transfer Building only	
At: Lower Compton Waste Management Facility, Compton Bassett, Wiltshire, 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 begin not later than 3 years from the date of this decision. 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.

- 2 The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the following approved plans and as stipulated in the conditions set out below together with those further details required to be submitted for approval:

Drawing No: 18769-10000-001 Location Plan dated Aug 2017

Drawing No: HILLS/1011-DWG-003 - Existing Site Layout - dated 11-08-2011

Drawing No: HILLS/1011-DWG-004 - Existing MRF Building Plans, Elevations and Section - dated 09-08-2011

Drawing No: HILLS/1011-DWG-010-REVE - Combined Landscape and Ecological Mitigation Plan - dated June 2011

Drawing No: HILLS/1011-DWG-012-REVF - Combined Landscape and Ecological Masterplan - dated June 2011
Drawing No: A094007-SK005 - Proposed Site Access Improvements and Footway Provision - dated 20.01.2017

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

- 3 The use shall not commence until the construction of the HGV Relief Road permitted under application reference 17/10550/WCM has been completed. No other access shall be used by traffic entering or leaving the site.

REASON: To ensure that the access is brought into use before any other part of the development proposals are commenced in the interests of highway safety and safeguarding local amenity and to ensure that the development that takes place substantially accords with the development that was the subject of Environmental Impact Assessment.

- 4 The use shall not commence until details of a sign[s], advising drivers of vehicle routes to be taken upon exiting the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details with the sign[s] being erected and thereafter maintained at the site exit for the duration of the development hereby permitted.

REASON: In the interests of highway safety and safeguarding local amenity.

- 5 The total tonnage of waste delivered to and processed at the Waste Transfer Station shall not exceed 75,000 tonnes in any twelve month period.

REASON: To ensure that the development that takes place substantially accords with the development that was the subject of Environmental Impact Assessment.

- 6 A record of the quantities (in tonnes) of waste materials delivered to the site and all waste / waste derived products despatched from the site shall be maintained by the applicant at all times 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.

- 7 Operations authorised by this permission shall be restricted to the following durations:
07:00 to 20:00 hours Monday to Friday
07:00 to 13:00 hours Saturday
and shall not take place on Sundays or Bank Holidays, other than as indicated below:
07:00 to 20:00 hours Bank Holidays (excluding Christmas Day and New Year's Day)
07:00 to 20:00 hours Saturdays following Bank Holidays
07:00 to 20:00 hours for the two consecutive Saturdays immediately following New Year's Day
13:00 to 20:00 hours Saturday receipt of wastes from household waste recycling centres
07:00 to 18:00 hours Sunday receipt of wastes from household waste recycling centres
No operations shall take place on Christmas Day, Boxing Day or New Year's Day.

REASON: In the interests of limiting the effects on local amenity and to control the impacts of the development.

- 8 Within 3 months of the Change of Use being commenced as notified under Condition 1 an Access Road Maintenance Plan (generally in accordance with the Access Road Maintenance Plan 2.1 dated 14/11/2016 previously provided in respect of application reference 14/09744/WCM) shall be submitted to the Local Planning Authority for approval. The Plan shall include details of wheel-cleaning facilities, road sweeping, dust management and surface maintenance measures to prevent the tracking out of dust and detritus onto the public highway. The access road shall be maintained at all times in accordance with the approved details.

REASON: In the interests of road safety for public users of the road network.

- 9 Within 3 months of the Change of Use being commenced as notified under Condition 1 a Travel Plan (generally in accordance with the Travel Plan prepared by Cole Easdon Consultants Issue 4 February 2015 previously provided in respect of application reference 14/09744/WCM) shall be submitted to the Local Planning Authority for approval. 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.

REASON: In the interests of reducing vehicular traffic to the development and to encourage sustainable travel to and from the site.

- 10 The improvement of the site access road and the provision of a footway into the site from the public highway as shown on Drawing No A094007-SK005 shall be implemented within 12 months of the Change of Use being commenced as notified under Condition 1.

REASON: In the interests of road safety for public users of the road.

- 11 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the building; 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.

REASON: To ensure a satisfactory landscaped setting for the development.

- 12 **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.