

Town & Country Planning Act 1990

Notification of Planning Decision

Application Reference Number: 14/12003/WCM

Agent Amberley Consulting Ltd PO Box 567 Dorking Surrey RH4 9GN	Applicant Mr Michael Webster Northacre Renewable Energy Ltd Wiltshire House County Park Business Centre Shrivenham Road Swindon Wiltshire SN1 2NR
Parish: WESTBURY	
Particulars of Development: Advanced thermal treatment facility	
At: Stephenson Road, Northacre Trading 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 187 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 no later than five years from the date of this permission.

Reason: In accordance with Section 51(1) of the Planning and Compulsory Purchase Act 2004.

- 2 Unless otherwise required by conditions attached to this permission, the development hereby permitted shall be carried out in accordance with Drawing Numbers:

040_A05 Revision B - Site Plan, Dated 24.11.2014
040_A07 Revision C, Sheet 1 of 4 - Site Elevations, dated 02.12.14
040_A07 Revision C, Sheet 2 of 4 - Site Elevations, dated 02.12.14
040_A07 Revision C, Sheet 3 of 4 - Site Elevations, dated 02.12.14
040_A07 Revision C, Sheet 4 of 4 - Site Elevations, dated 02.12.14
040_A08 Revision B - Proposed Floor Plan, dated 10.12.14
040_A09 Revision B - Site Section Levels, dated 02.12.14
040_A10 Revision B - Site Traffic Route Plan, dated 09.12.14
NOR-LP01REVA - Landscape Plan

Reason: To secure what was proposed and in the interests of proper planning.

- 3 The external surfaces of the building hereby approved shall be finished using the following colour specifications:

Southwest elevation - Wedgwood Blue (BS5252: 18C37)
All other elevations - Mushroom (BS5252: 10B19)
Roof surfaces - Svelte Grey (BS5252: 10B23)

Reason: In the interests of visual amenity.

- 4 No waste other than those waste materials defined in the application and environmental statement shall enter the site.

Reason: Other waste materials raise environmental and amenity issues that would require consideration afresh and to ensure that the development that takes place substantially accords with the development that was the subject of Environmental Impact Assessment.

- 5 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Waste Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved Construction Method Statement.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 6 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 have been submitted to and approved in writing by the Waste Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

- 7 No development shall commence on site until the following details have been submitted to, and approved in writing by, the Waste Planning Authority:
- a) The precise location of the development, including GPS co-ordinates;
 - b) The date of commencement of construction;
 - c) Due date of completion of the development;
 - d) The height above ground level of the tallest structure on site;
 - e) The maximum extension height of any construction equipment;
 - f) Full details of aviation warning lighting to be fitted (This should be an omni-directional flashing red light, of a minimum of 25 candela intensity or equivalent infra-red light, to be installed at the highest point of the structure.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of air safety and navigation and to enable the amendment of aeronautical mapping.

- 8 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. 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 Waste Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Waste Planning Authority.

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

- 9 The development hereby permitted shall be carried out in accordance with the details contained within the Travel Plan contained within Section 5.7 of the submitted Transport Assessment. The results of the implementation and monitoring shall be made available to the Waste Planning Authority on request, together with any changes to the plan arising from those results.

Reason: In the interests of road safety and reducing vehicular traffic to the development.

- 10 The development hereby permitted shall be designed, installed and maintained at all times thereafter in accordance with the acoustic mitigation measures detailed in section 6.2.3 of the submitted Enzygo Noise Impact Assessment Dated 2014 Reference SHF.077.001.R.001.

Reason: In the interests of safeguarding the amenities of the area.

- 11 The development hereby permitted shall be carried out and maintained in strict accordance with the details contained within the submitted Flood Risk Assessment, reference FDL/119/01 and dated 11 December 2014 and the submitted Drainage Strategy, reference FDL/119/02 and dated 11 December 2014.

Reason: To prevent the increased risk of flooding and prevent pollution of the water environment.

- 12 The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures of the submitted Ecological Appraisal, undertaken by A D Ecology and dated 3 October 2014.

Reason: In the interests of safeguarding protected species and enhancing the existing habitat

- 13 Delivery of waste to the site shall only take place between the following hours:

07.00 to 22.00 Monday to Friday
07.00 to 17.00 Saturdays

No HGV deliveries to the site shall be made or accepted on Sundays, Bank or Public Holidays.

Reason: To reduce the potential for disturbance caused by vehicular movements.

- 14 The total number of HGV vehicle movements associated with the development hereby permitted shall not exceed the following limits:

42 movements [21 in and 21 out] per day Monday to Friday
28 movements [14 in and 14 out] per day Saturdays

No HGV movements shall take place outside the hours of operation stated in condition 13 of this permission.

Reason: To secure the level of traffic assessed as acceptable in the Transport Statement and to reduce the potential for disturbance caused by vehicular movements.

- 15 A written record shall be maintained at the site office of all movements in and out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The records shall be made available for inspection by the Local Planning Authority on request and retained for a duration of not less than three months.

Reason: To enable the Local Planning Authority to monitor the operations and ensure vehicle movements do not exceed that stated in condition 14.

- 16 The areas indicated on drawing 040_A05 Revision B for visitor parking, staff parking, cycle parking and outside circulation spaces for HGV vehicles shall be made available for those uses at all times. No material whatsoever awaiting or following processing shall be stored in these areas.

Reason: To ensure adequate parking provision and vehicle circulatory space on site in order to safeguard highway safety.

INFORMATIVE

The proposed development will require a bespoke installation Environmental Permit to be granted by the Environment Agency. We recommend that the applicant arranges a pre-permit application discussion with the Environment Agency - <https://www.gov.uk/environmental-permit-how-to-apply>.

Signed

A handwritten signature in black ink, appearing to read 'Alan Cummins', written in a cursive style.

Director for Economic Development & Planning

Dated: 23 September 2015

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