

**COUNTY OF DEVON**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)**  
**(ENGLAND) ORDER 2010**  
**TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988**  
**TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992**

**GRANT OF CONDITIONAL PLANNING PERMISSION**

To: **Jodie Hoare, Aardvark EM Limited, Higher Ford, Wiveliscombe, Taunton, Somerset, TA4 2RL**

Agent for: **Richard Drew, Carter Jonas LLP, Mayfield House, 256 Banbury House, Summertown, Oxfordshire, OX2 7DE**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **19 February 2014**, and the plans and drawings attached thereto numbered: **1247/2763, AA/01/RJ/01, Reptile Displacement Document, 'Flood Risk Assessment' Report Ref: 1535/FRA-01, 1741.5/B, SPP1741.02.I, 1741.200, SPP.1741.4, SPP.1741.5.**

brief particulars of which are as follows:

**Importation of inert waste for the purpose of filling the void as part of the restoration of Steer Point Quarry at Steer Point Quarry, Steer Point Road, Brixton, PL8 2DQ**

subject to the conditions set out in the attached sheets



Jan Shadbolt - County Solicitor

Date: *19 January 2015*

**NOTE**

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

## NOTES

### APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.\*
3. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or can be submitted electronically via the Planning Portal at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>
4. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

### PURCHASE NOTICES

6. If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.
7. In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require 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.

**Schedule of Conditions - South Hams District Council Application No. 07/0476/14/CM**

**Devon County Council Ref. DCC/3638/2014**

**COMMENCEMENT & NOTIFICATION OF COMMENCEMENT**

1. The development shall commence within six months of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. Written notification of the date of commencement of the development shall be sent to the Mineral Planning Authority within 7 days of such commencement.

REASON: To enable the Mineral Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.

**STRICT ACCORDANCE WITH PLANS**

3. The development shall be carried out in strict accordance with the details shown on the approved drawings numbered 1247/2763, AA/01/RJ/01, 1247/2757, 1247/2756, 1741.5, SPP1741.02, 1741.200, SPP.1741.4, SPP.1741.5/B unless varied by the conditions below or by a legal agreement.

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

**TEMPORARY PERMISSION**

4. The permission shall be limited to a period of 4 years from the notified date of the commencement of the development, by which time the infilling/tipping operations shall have ceased and the site restored in accordance with the landscape restoration set out on drawing numbered 1741.200.

REASON: To minimise the period during which impacts take place and to achieve a restoration scheme at the earliest opportunity in line with Mineral Local Plan policy MP56 (Restoration), Waste local Plan policies, adopted WPP32: (Recycling of Inert Wastes) and emerging WP5 (Reuse, Recycling and Materials Recovery) and AONB policy WPP5 ((Areas of Outstanding Natural Beauty and Effects on National Parks).

**CONDITIONS (PRE-COMMENCEMENT)**

**CONSTRUCTION TRAFFIC**

5. No waste operations shall take place until a Construction/Operational Traffic Management Scheme has been submitted to and approved in writing by the County Planning Authority. The statement shall provide details of:
  - a) Measures for traffic management (including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles),
  - b) Signage strategy,
  - c) Days and hours of construction/operation and deliveries,

- d) Location of loading, unloading and storage of plant and materials,
- e) Location of contractor compound and facilities,
- f) Provision of boundary fencing/hoarding,
- g) Parking of vehicles of site personnel, operatives and visitors,
- h) Wheel washing,
- i) Control of mud and dust on the road.

The development shall be implemented in accordance with the approved scheme.

REASON: To ensure adequate access and associated facilities are available for vehicles and to minimise the impact of construction/operations on nearby residents/local highway network in accordance with policy WPP32 (recycling of Inert Wastes) and WPP21 (Road Transport).

## LANDSCAPING & ECOLOGY

6. Before any works on site commence a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the County Planning Authority.
  - a) Set out tree and hedgerow protection for the site,
  - b) Set out the proposed management of hazardous substances at the site,
  - c) Prevention of incidences of pollution, setting out planned actions if an incident occurs (e.g. spillages from vehicles),
  - d) Set out the actions/recommendations made in the Reptile Displacement Document and Dormouse Habitat Assessment (dated September 2013),
  - e) All other wildlife protection measures, including those for birds and bats.

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

REASON: To protect local biodiversity, which includes the designated SPA & Ramsar site; the living conditions of nearby residents and water quality. In accordance with Structure Plan Policies: CO9 (Biodiversity and Earth Science); CO10 (Protection of Nature Conservation Sites and Species); CO16 (Noise Pollution) & CO13 (Protecting Water Resources and Flood Defence).

7. Before any waste operations commence at the site, a Landscape and Ecology Restoration Management & Monitoring Plan (LERMMP) shall be submitted to and agreed in writing by the MPA. This shall include the following:
  - a) Specific ecological objectives and targets for restoration and aftercare for each zone e.g. approx. NVC community (NE condition targets for SSSIs are useful for this).
  - b) Restoration, monitoring and management details for each zone in relation to the landscape and ecology. Details of substrate, ground preparation, planting/seeding stock, size and density, protection during establishment. For the longer term this should include details such as the proposed tree replacement strategy.

And specifically for the following zones:

- c) Zone 2a Details of the Management of grazing land and hedgebanks,
- d) Zone 2b Details of the Management of meadow lands and as part of grazing,
- e) Details of how the restoration will ensure that it is feasible to graze Zones 2a, 2b, 4 and 5 (discussing details such as access, water management, and fencing). It should set out that the Deer Fencing will extend 30cm below ground so it will also prevent other grazing animals entering the regenerating woodland areas,
- f) Zone 3 details of profiles, planting and management of the wetlands areas,
- g) Zone 4 Details of the Management of meadow lands and as part of grazing,
- h) Zone 5 further details of woodland management,
- i) Zone 6 details of the design, appearance and proposed maintenance of the public right of way,
- j) Zone 7a and b - The LERMMP should include management to ensure that the exposures themselves remain safe and clear of vegetation,
- k) Details of how the restoration and management should benefit wildlife in the area, especially bats (including lesser and greater horseshoes) and Cirl buntings.

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

REASON: To ensure that the restored land is maintained in a condition capable of a sustained beneficial use similar to the surrounding land to comply with Mineral policy MP56 (Restoration) and waste policies WPP5 (Areas of Outstanding Natural Beauty and Effects on National Parks) and emerging policy W12 (Landscape and Visual Impact).

8. No waste operations shall take place until an updated Landscaping Planting Plan has been submitted to and approved in writing by the County Planning Authority. This shall set out the following:

- a) Replace the hedgerows with Devon Hedge banks including the construction method for these.
- b) A change to the use of long term seed mixes in areas 2a and 2b,

REASON: To protect the character and appearance of the AONB in accordance with Waste policy WPP5 (Areas of Outstanding Natural Beauty and Effects on National Parks) and emerging waste policy W12 (Landscape and Visual Impact).

9. A trenchless solution shall be used in order to construct the overflow gravity outfall pipe indicated on drawing numbered 1741.200, the final construction details of this shall be submitted to and agreed with the MPA. The construction works shall be carried out in accordance with the approved plans.

REASON: To ensure that protected species are conserved in accordance with emerging Waste Policy W11 (Biodiversity and Geodiversity).

## MANAGEMENT OF NOISE, DUST & POLLUTION

10. No operations shall be carried out until a Dust Mitigation and Management Plan has been submitted to and approved in writing by the Mineral Planning Authority.

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

REASON: To protect living conditions of those living in the vicinity of the quarry and water quality at the site and in the adjacent Estuary in order to comply with waste policies WPP32 (Recycling of Inert Waste); WPP22 (Health and Air Quality) and emerging policy W16 (Natural Resources)

11. Before any waste operations commence at the site a Noise Management Plan shall be submitted to and agreed with the Mineral Planning Authority. This should include the following:

- i) maximum noise levels at the boundaries of the site: including maximum background levels,
- ii) Methods and maintenance programme for plant, vehicles and machinery,
- iii) Use of any radar controlled devices in relation to reversing vehicles,

REASON: To protect the living conditions of nearby residents and help to protect the tranquillity of the AONB to comply with waste policies WPP32 (Recycling of Inert Waste); WPP5 (Areas of Outstanding Natural Beauty) and emerging policy W12 (Landscape and Visual Impact).

## CONDITIONS (DURING CONSTRUCTION)

### HOURS OF OPERATION

12. Waste operations at Steer Point Quarry shall only take place between 0830 - 1730 Monday to Friday. There shall be no working on Saturdays, Sundays and Public Holidays. For the avoidance of doubt this condition does not apply to the delivery of waste which is subject to the associated S106 Agreement.

REASON: To protect the living conditions of nearby residents in accordance with policy WPP32 (Recycling of Inert Waste).

13. A maximum of 50,000 cubic metres of \*inert waste material shall be brought into site during any one calendar year.

REASON: To ensure the impacts from the development on the highway and AONB in particular are acceptable. Only inert waste should be brought into the site to protect water and soil quality. In accordance with waste policies WPP32 (Recycling of Wastes) and WPP17 (Water Resources Protection).

\*\*Inert waste is not chemically or biologically reactive and will not decompose.

14. No processing of waste including crushing or screening shall take place at the site.

REASON: To protect the tranquillity of the AONB and the living conditions of nearby residents in accordance with waste policy WPP32 (Recycling of Inert Waste); WPP5 (Areas of Outstanding Natural Beauty) and emerging policy W12 (Landscape and Visual Impact).

## FLOOD RISK

15. The development shall be carried out in accordance with the Flood Risk Assessment Report Ref: 1535/FRA-01 dated December 2013 for 'Steer Point Quarry Restoration, Brixton Devon'.

REASON: To protect water quality and minimise flood risk in accordance with Waste Local Plan policy WPP18 (Protection of Floodplains).

## LIGHTING

16. No external floodlighting shall be used on any part of the site.

REASON: To protect the tranquillity of the AONB and the living conditions of nearby residents in accordance with waste policy WPP32 (Recycling of Inert Waste); WPP5 (Areas of Outstanding Natural Beauty) and emerging policy W12 (Landscape and Visual Impact).

### **INFORMATIVE NOTE**

#### **Statement of compliance with Article 31 of the Town and Country Development Management Procedure Order 2012**

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/ agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.