

Town & Country Planning Act 1990

Notification of Minerals and Waste Application

Application Reference Number: 18/09473/WCM

Agent Land & Mineral Management Roundhouse Cottages Bridge Street Frome BA11 1BE United Kingdom	Applicant Northacre Renewable Energy Ltd Wiltshire House County Park Business Centre Shrivenham Road Swindon SN1 2NR
Particulars of Development: Revision of the layout and design of Advanced Thermal Treatment Facility permitted under consent 14/12003/WCM (re-submission following 18/03816/WCM refusal)	
At: Northacre Renewable Energy, Stephenson Road, Northacre Industrial 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 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

18616-G-03 (Location Plan) dated 10/18
040_A05 REV D (Site Plan) dated 01/09/18
040_A07 REV E 1 to 4 (Site Elevations) dated 01/09/18
040_A08 REV D (Floor Plan) dated 01/09/18
040_A09 REV D (Site Section Levels) dated 01/08/18
040_A10 REV D (Site Traffic Route Plan) dated 01/09/18
NOR-LPO1 REV C (Landscape Plan) undated

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

- 3 Notwithstanding the details set out in the application particulars, no development shall commence on site until details of the colours for the building's external cladding have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: These details are required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4 The un-loading, storage and re-loading of waste materials shall take place inside the buildings hereby approved only, and shall not take place at, on or over any other parts of the application site.

REASON: To comply with the terms of the planning application and its justification, and to ensure the amenities of the wider environment are safeguarded.

- 5 The total tonnage of waste material delivered to the site shall not exceed 118,500 tonnes in any twelve month period.

REASON: To ensure that the development substantially accords with the terms of the Transport Assessment and Environmental Statement which accompany the planning application, and their conclusions that this scale of operation would not cause harm to matters of acknowledged importance.

- 6 A record of the quantity (in tonnes) of waste materials delivered to the site and all the waste-derived products despatched from the site shall be maintained by the operator of the site 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 Heavy Goods Vehicle (HGV) deliveries to and removals from the site of waste materials shall be limited to the following times:

Monday to Friday: 07:00 to 22:00

Saturdays: 07:00 to 17:00

There shall be no deliveries or removals on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the wider area.

- 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 operation of the facility 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 local 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 Local Planning Authority.

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

- 9 No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 10 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 spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 11 There shall be no surface water discharge connection to the foul water network.

REASON: To safeguard the integrity of the foul water network and prevent flooding.

- 12 No development hereby approved shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during construction. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Public Protection Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Construction deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Construction traffic routes.

REASON: In the interests of the amenities of surrounding occupiers during the

construction of the development.

- 13 No part of the development shall be brought into use until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. 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.

The Travel Plan shall include provision for car sharing and for ultra low energy vehicle infrastructure (electric vehicle charging points).

REASON: In the interests of air quality and reducing vehicular traffic to the development.

- 14 Prior to first operation of any plant, noise mitigation measures for the plant shall be installed in accordance with the specifications set out in the 'Noise and Vibration' chapter (chapter 6) of the Environmental Statement dated 11 October 2018 accompanying the planning application. The mitigation shall be retained and maintained thereafter.

Within 3 months of any plant having become first operational a noise assessment shall be carried out by an independent consultant to confirm compliance with the noise predictions set out in the Environmental Statement. The outcomes of the noise assessment shall be provided in writing to the local planning authority for agreement in writing no later than 1 month after the initial 3 month period. In the event that the noise assessment finds that the noise predictions have been exceeded then details of additional mitigation measures shall be provided as part of the noise assessment together with a timeframe for installation. The additional mitigation shall then be installed in accordance with the agreed noise assessment and retained and maintained thereafter.

REASON: To protect local amenity from the adverse effects of noise.

- 15 Prior to the development hereby approved becoming first operational an odour management plan (for the management of odours, should they arise) and a pest management plan (for the management of flies, vermin, etc., should they arise) shall be submitted to the local planning authority for approval in writing. Thereafter, the approved plans shall be implemented as approved, if/as necessary.

REASON: To safeguard amenity.

- 16 The development hereby permitted shall be carried out strictly in accordance with the Mitigation Measures for biodiversity set out in the 'Biodiversity' chapter (chapter 8) of the Environmental Statement dated 11 October 2018 accompanying the planning application.

REASON: To safeguard wildlife.

- 17 Prior to the development hereby approved being first brought into use, the applicant shall submit to the local planning authority verification that the facility has achieved R1 status from the Environment Agency at Stage 1 (i.e. the design information stage) of the R1 application process.

REASON: To confirm the status of the facility in order to ensure that the proposal would move waste up the waste hierarchy and to ensure compliance with Policy

WCS5 of the Wiltshire & Swindon Waste Local Plan.

- 18 The feedstock for the development hereby approved shall comprise only those material types specified in the application particulars and Environmental Statement, and shall not comprise any other material types.

REASON: To comply with the terms of the planning application, to ensure that the development is sustainable and minimises impacts on the environment, and to ensure the facility remains an energy from waste operation and does not change its purpose or designation.

- 19 Prior to the development hereby approved being first brought into use, the operator shall submit to the local planning authority for approval in writing, a report based on the gasification technology that is to be used that clearly demonstrates that the facility's operation will result in an overall reduction in carbon emissions. The facility shall thereafter, be operated using the gasification technology and waste streams referred to in the report and continue to achieve a reduction in carbon emissions.

REASON: To confirm that the development will have a positive impact on climate change and be 'carbon positive', in accordance with the objectives of the Wiltshire and Swindon Waste Core Strategy.

- 20 Within 30 days of final cessation of the operation of the facility hereby permitted, the operator of the facility shall inform the Local Planning Authority in writing that all operations have ceased. Within 6 months of the final cessation of the operation of the development a scheme for the removal of all chimney stacks from the site shall be submitted to the local planning authority. The stacks shall thereafter be removed within a period of 24 months of the details being approved by the local planning authority.

REASON: To ensure the proper future planning of the site, and in the interests of amenity.

- 21 **INFORMATIVE:** This activity will require a bespoke installation environmental permit issued by the Environment Agency (EA). As part of the environmental permitting process, the EA assess all applications to ensure that they meet the requirements of the Environmental Permitting Regulations. During assessment, the design of the plant is reviewed, as well as how it will be operated, the emissions it will generate (to air, water and land) and whether emissions will have an adverse impact on people living nearby and the natural environment. The EA do this by consulting partner organisations, such as Natural England (experts on impacts on wildlife) and Public Health England (experts on human health impacts). Emissions limits and techniques used to protect the environment and human health are set by the EU Industrial Emissions Directive (IED). In order to achieve the limits set by the IED the operator will need to show that they will use Best Available Techniques (BAT). The EA cannot set environmental permit conditions that go beyond what is specified by the IED and BAT.

Signed

Alistair Cunningham

Corporate Director

Growth, Investment, & Place

Dated: 17 June 2019

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.