Wiltshire Council

The Town and Country Planning Act 1990

Approval of Minerals & Waste Application with Conditions

Application Reference Number: PL/2023/07531

Decision Date: 16 August 2024

Applicant:	Hills Waste Solutions Ltd Wiltshire House, County Park Business Centre, Shrivenham Road, Swindon, SN1 2NR
Particulars of Development:	Variation of conditions 1, 3, and 35 of N/05/07022/FCM - To vary the date on which clay extraction and landfill ceases and restoration is complete on the Non hazardous waste landfill, and to revise the operational area of the landfill to remove from Flood Zone 3, with associated changes to phasing and restoration.
At:	Parkgate Clay Extraction and Landfill Site, Mopes Lane, Purton, Wilts

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:

Conditions: (34)

1 The development hereby permitted shall be carried out in accordance with the details on plans P11_LAN_001 (location plan), P11_LAN_004 (Restoration Proposals), and P11_LAN_003 (Phasing Plan).

REASON: For the avoidance of doubt.

2 All operations granted by this permission shall have ceased before 31st August 2036, and all plant, machinery, structures, hardstandings, security fences, haul roads and any other infrastructure not require for ongoing management shall be removed and the site fully restored in accordance with Drawing No. P11_LAN_004 entitled 'Restoration Plan' before 31st October 2037.

REASON: For the avoidance of doubt and to not prejudice the long term restoration of the site.

3 Except in emergencies, in order to maintain safe working(which shall be notified to the Waste Planning Authority as soon as practicable), no operations or activities authorised or required by this permission shall be carried out and plant shall not be operated on the site other than during the following hours:-

0730 hours to 1800 hours Monday to Friday
0730 hours to 1200 hours on Saturday

No working shall take place at any time on Sundays and Bank or Public Holidays.

REASON: To protect the amenities of local residents and visitors to the area.

4 No mineral except Oxford clay shall be removed from the site.

REASON: To ensure the development is carried out in a satisfactory manner and to regulate the use of the land.

5 No more than 20,000 cubic metres of clay per annum shall be removed from site. This figure shall exclude the clay required for lining and capping the existing landfill site.

REASON: For the avoidance of doubt and to safeguard the local environment as well as the amenity of surrounding residents.

6 No more than 5,000 cubic metres of clay shall be stockpiled on the site at any one time. The height of any stockpile shall not exceed 2.5 metres in height and the location of such stockpiles shall be agreed with the Waste Planning Authority.

REASON: In the interests of visual amenity.

7 The input of waste into the site shall not exceed a level of 150,000 tonnes per annum (100,000 tonnes per annum of non-hazardous and 50,000 tonnes per annum of hazardous waste).

REASON: In the interests of highway safety and to safeguard the amenities of local residents living along transport routes to / from the site.

8

From the date of this permission the operators shall maintain records of their quarterly input and shall make them available to the Waste Planning Authority within 14 days of the last day of March each year.

REASON: In order that the Waste Planning Authority can monitor the level of waste input into the site.

9 The maximum depth to which clay shall be extracted from the site shall not exceed 10 metres.

REASON: For the avoidance of doubt and to restrict the depth of working for geotechnical and hydrological purposes.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order), no building, structures, fixed plant or machinery shall be installed, erected, modified or placed within the site without the prior written approval of the Waste Planning Authority.

REASON: For the avoidance of doubt and to safeguard the local environment as well as the amenity of surrounding residents.

11 Within six months of this planning permission being granted, details of size of species and spacing of trees and shrubs, hedgerows and provenance of species to be planted in the remaining restoration of the site in accordance with drawing entitled 'Restoration Proposals' (P11_LAN_04) shall be submitted to the Waste Planning Authority for written approval. Details as approved shall then be implemented in the year following restoration of each phase. Any trees or shrubs which die within five years of being planted shall be replaced in the next planting season with new stock to the satisfaction of the Waste Planning Authority and maintained for a period of five years.

REASON: The provision and maintenance of a satisfactory degree of landscaping is considered essential in the interests of visual amenity.

12 Noise from operations on site shall not exceed 55 dB LAeq 1 hour at any residential or noise sensitive property as measured freefield (measurement taken at not less than 3.5 metres from a façade and at a height of 1.5 metres above ground level), except during temporary operations when the limit shall be 70dB LAeq1 hour measured in the same manner.

REASON: In order to protect the amenities of the area.

13 No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

REASON: In the interests of highway safety.

14 All vehicles involved in the transport of either clay from the site or waste into the site shall use Mopes Lane.

REASON: In the interests of highway safety.

15 No extractive operations shall take place within a lateral distance of 16.5 metres from the railway boundary fence and outside that distance the working shall be battered at 1 vertical to 1 horizontal downwards from the 16.5 metres berm to a maximum depth of 10 metres below existing ground level, as shown on the cross-section on Drawing No. 315A/5 dated October 1995.

REASON: In the interests of railway safety.

16 The proposed soil bund shown on Drawing No. 314A/6 which is to be located adjacent to the railway, shall maintain a minimum 2 metres stand-off from the Network Rail boundary fence and be constructed no higher than 3 metres. This mound shall be constructed without damage to the railway boundary fence and in such a manner that the material does not spill onto the railway property or into the railway drainage ditch.

REASON: In the interests of railway safety.

17 The exposed side wall of the working adjoining the railway shall be maintained in a stable condition until backfilling takes place and the length of the open side wall shall not exceed 50 metres as specified on Drawing No. 314A/6.

REASON: In the interests of railway safety.

18 No soakaways or lagoons for storm / surface water control storage or disposal shall be constructed within 15 metres of the railway boundary or at any point which could adversely affect the stability of Network Rail property.

REASON: In the interests of railway safety.

19 Any cranes and jibbed machines used in connection with the works shall be so positioned that the jib or any suspended load does not swing over railway property. All machinery and plant shall be so positioned and used to prevent accidental entry onto railway property in the event of failure.

REASON: In the interests of railway safety.

20 Any trees planted in close proximity to the railway shall be located at a distance in excess of their mature height from railway property so as not to form a hazard to the rail line.

REASON: In the interests of railway safety.

21 No extraction operations shall take place within a lateral distance of 12 metres from any public footpath. Beyond that distance from any public footpath the excavation as it adjoins that 12 metre boundary shall be undertaken in such a manner as to provided for a batter of not greater than 1:1.

REASON: In the interests of public safety.

22 A margin of 16 metres between the River Key and the edge of the excavation shall be preserved completely unobstructed and clear of all development.

REASON: To prevent pollution of the water environment.

23 The development shall be carried out in accordance with the approved Surface Water Management Plan prepared by Atkins Limited dated July 2006.

REASON: In the interests of land drainage.

24 Ditch and pond management shall be carried out in accordance with the details contained in the letter prepared by Atkins Limited dated 14 November 2006.

REASON: In the interests of land drainage and to ensure the conservation of wildlife habitats.

25 Any above ground oil storage tank(s) or chemical storage tank(s) shall be sited on an impervious base and surrounded by a suitable liquid tight bunded compound. No

drainage outlet shall be provided. The bunded area must be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges shall be enclosed within its curtilage. The vent pipe shall be directed downwards into the bund.

REASON: To prevent pollution of the water environment.

26 The development shall be carried out in accordance with the Dust Control Scheme prepared by Land & Mineral Management Ltd dated 18 August 2006.

REASON: To safeguard the local environment.

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

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

28 No topsoil, sub-soil or overburden shall be exported from the site.

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

29 No trees or shrubs shall be cleared during the bird breeding season (March to August inclusive).

REASON: In the interests of wildlife conservation.

30 The development shall be carried out in accordance with the approved Badger Protection Strategy ref. Dvy41.4 prepared by Diversity dated July 2006.

REASON: In the interests of wildlife conservation.

31 The development shall be carried out in accordance with the approved Bat survey methodology ref. d41.5 prepared by Diversity dated August 2006.

REASON: In the interests of wildlife conservation.

32 Access to the site shall be afforded at all reasonable times to archaeologists nominated by the Waste Planning Authority for the purpose of observing excavations in order to record items of interest and finds.

REASON: In order to safeguard the retention of archaeological finds.

33 Clay extraction and tipping operations shall take place strictly in accordance with the phases shown on the submitted Drawing No. P11_LAN_003 dated July 2023. Upon the completion of tipping hazardous waste operations in each phase, the previous phase shall be capped and covered with sub-soil to a finished depth of not less than 1 metre and thereafter finished with a layer of not less than 0.3 metres of top soil. The restored areas shall be graded to accord with the final post-settlement levels shown on the submitted plan entitled ' Final Restoration' (P11_LAN_004).

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

34 Any construction of the ditches for attenuation purposes shall be no less than 5 metres from Network Rails boundary. For the avoidance of doubt, the braided drainage channels are proposed as part of the restoration works. The braided drainage channels must not cause risk of flooding to the railway. Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Any restoration works adjacent to the railway must be carried out with engagement with NR asset protection. The applicant should contact assetprotectionwestern@networkrail.co.uk at least 3 months prior to any works commencing.

REASON: In the interest of railway safety.

Parvis Khansari **- Corporate Director, Place**

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.

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).

3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk