



The Town and Country Planning Act 1990
Approval of Minerals & Waste Application with Conditions

Application Reference Number: PL/2024/00626

Decision Date: 11 September 2024

Applicant: Mr Nigel Grist
West Lavington Station Yard High Street, Littleton Panell,
Wiltshire, SN10 4EL

Particulars of Development: Extension of storage area at existing scrapyards (for the storage of scrap vehicles) and creation of new landscaped bund

At: West Lavington Station Yard, High Street, Littleton Panell,
Devizes, SN10 4EU

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: (7)

- 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 and documents:

Doc Title: Application Form.

Doc Title: Magnetometer Survey Report. Produced by: Archaeological Survey Ltd.

Ref: J1008. Dated: 24/04/2024.

Doc Title: Ecological Appraisal. Produced by: Malford Environmental Consulting.

Dated: 20/12/2023.

Doc Title: Flood Risk Assessment. Produced by: Calibro. Ref: 23-464-60. Dated: 19/12/2023.

Doc Title: Landscape and Visual Statement. Produced by: WH Landscape. Ref: 22.1411. Rev: C. Dated: May 2024.

Doc Title: Tree Survey, Tree Constraints Plan & Arboricultural Impact Assessment. Produced by: WH Landscape. Ref: 24.1796. Dated: March 2024.

Drg Title: Location Plan. Drg No: LSY-001.

Drg Title: Proposed Sections. Drg No: LSY-003. Rev: A.

Drg Title: Proposed Site Layout Plan. Drg No: LSY-002. Rev: A.

Drg Title: Topographical Survey. Drg No: 22492_1_Topo.

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

- 3 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include:

- a) Long term objectives and targets for the management plan.
- b) Management responsibilities and maintenance schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme as identified in:
 - Ecological Appraisal (20th December 2023).
 - Landscape Strategy (Drawing no: WHL-1411-03 A).
- c) The mechanism for monitoring success of the management prescriptions.
- d) A procedure for review and necessary adaptive management in order to attain targets.
- e) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.
- f) A site plan showing the locations of the proposed wildlife piles and six bat boxes.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 4 No development shall commence on site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

- 5 The new vehicle/scrap storage area hereby approved shall not be occupied or brought into use until the site levels and landscape bund have been constructed/laid out in full in accordance with the details of approved plan numbers Proposed Sections. Drg No: LSY-003. Rev: A and Proposed Site Layout Plan. Drg No: LSY-002. Rev: A. The development site shall be maintained in that state thereafter.

REASON: To ensure the landscaped bund sufficiently screens the development adequately from neighbouring properties and the wider landscape views in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy and policy BE2 of the West Lavington Neighbourhood Plan.

- 6 No new external artificial lighting shall be installed at the site unless full written details of the locations and technical specifications (to include measures to prevent light spill to adjacent land) have been submitted to and approved in writing by the local planning authority. Thereafter, the lighting shall be maintained in accordance with the approved details.

REASON: In the interests of conserving biodiversity and reducing landscape impacts in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy and policy BE2 of the West Lavington Neighbourhood Plan.

- 7 Cars stored within the vehicle/scrap storage area hereby approved shall only be stacked at a maximum height of two cars or 4 metres in height, whichever is the lesser.

REASON: To ensure the landscaped bund sufficiently screens the development adequately from neighbouring properties and the wider landscape views in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy and policy BE2 of the West Lavington Neighbourhood Plan.

REASON: To ensure the bund design screens the development adequately from neighbouring properties.

Informatives: (1)

- 8 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required, it will be necessary for the applicant to obtain the landowner's consent before such works commence.

The applicant's attention is drawn to the fact that during the construction phase, no plant and machinery shall be installed on land outside of the applicant's land/property and at no time shall any construction/delivery vehicles related to the development be parked/left idling in a position to obstruct the public highway.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Environment Agency Advice to Applicant

This development will require either a variation or a new environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

It is unclear what material is to be used to create the proposed bunds, however, if materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

We have produced guidance on the recovery test which can be viewed at <https://www.gov.uk/government/publications/deposit-for-recovery-operators->

[environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits#how-to-apply-for-an-environmental-permit-to-permanently-deposit-waste-on-land-as-a-recovery-activity](#)

You can find more information on the Waste Framework Directive here:

<https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here:

<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here:

<https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here:

<https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

If you require any guidance, please contact Environment Agency on 03708 506 506.

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