

COUNTY OF DEVON

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

GRANT OF CONDITIONAL PLANNING PERMISSION

To: **Mr Peter Larwood, Imerys Minerals Limited, Par Moor Centre, Par Moor Road, Par, Cornwall, PL24 2SQ**

Agent for: **Imerys Minerals Limited, Par Moor Centre, Par Moor Road, Par, Cornwall, PL24 2SQ**

Devon County Council hereby **grants planning permission** to carry out the development described in the application received on **27 April 2021**, and the plans, drawings and supporting documents attached thereto numbered:

G4/1/549.

brief particulars of which are as follows:

Variation of Condition 2 of DCC/3874/2016 to permit the continued use of land for the importation, storage and treatment of waste materials suitable to create soils appropriate for land restoration until 14th September 2026 at Lee Moor China Clay Works, Lee Moor, Shaugh Prior, Plympton, Devon, PL7 5JU

subject to the conditions set out in the attached sheets

Andy Hill

on behalf of the Head of Planning, Transportation and Environment

Date: 21 May 2021

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.

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- 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.
-
- 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.*
- 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 online at <https://acp.planninginspectorate.gov.uk>.
- 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.
- 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

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.

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. 1689/21/DCC
Devon County Council Ref. DCC/4233/2021**

1. The development shall cease on or before 14 September 2026. No wastes shall be imported to the site after this date.

REASON: To ensure that the primary purpose of the operation is the restoration of the mineral site in accordance with Policy M27 of the Devon Minerals Plan.

2. The operations hereby permitted shall only be carried out in the locations indicated in red on the approved drawing numbered G4/1/549.

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

3. No stockpile shall exceed 5 metres in height.

REASON: To protect the amenity of local residents and those in the surrounding area in accordance with Policy W12 (Landscape and Visual Impact) of the Devon Waste Plan: 2011-2031 (December 2014).

4. No spreading of soils or other operations associated with the development shall be carried out other than between 0730 and 1700 hours Mondays to Fridays inclusive, and no such operations shall take place on Saturdays, Sundays or on public or bank holidays.

REASON: In the interests of visual amenity and to protect the living conditions of local residents in accordance with Policy W12 (Landscape and Visual Impact) and W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

5. No deliveries shall take place other than between 0730 to 1630 hours Mondays to Fridays and no deliveries shall take place on Saturdays, Sundays or on public holidays.

REASON: In the interests of visual amenity and to protect the living conditions of local residents in accordance with Policy W12 (Landscape and Visual Impact) and W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

6. All vehicles shall continue to utilise the recognised HGV routes and access the site via the main Tolchmoor Gate entrance.

REASON: To protect the living conditions of local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

7. Soils or soil making materials shall not be removed from the site and shall be used solely for incorporation into the restoration scheme in which this permission site is located.

REASON: To prevent additional vehicle movements and to protect the amenity of local residents.

8. There shall be a maximum of 200 deliveries of waste for restoration purposes to the site in any one calendar month.

REASON: To protect the living conditions of nearby residents in accordance with Policy W17 (Transportation and Access) and W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

9. From the date of this permission the developer shall maintain full records of all vehicles and materials, associated with the land restoration process, arriving on site and shall make such records available to the Waste Planning Authority at any time upon request.

REASON: In order that the Waste Planning Authority can monitor vehicle volumes and materials to the site in accordance with Policy W17 (Transportation and Access) of the Devon Waste Plan: 2011-2031 (December 2014).

10. There shall be no shredding activities within the proposed restoration area approximately 190 metres north of Cholwich Town Farm. The applicant shall adopt the best practical means to minimise the levels of noise arising from the importation, storage, treatment and processing of waste materials for restoration purposes. The noise emitted by any or all plant and equipment associated with the restoration activities at the site, shall be in accordance with the levels provided in the Noise Assessment, dated 28 July 2016, provided as part of application DCC/3874/2016.

REASON: To minimise the effect on the living conditions of local residents in accordance with W18 (Quality of Life) of the Devon Waste Plan: 2011-2031 (December 2014).

INFORMATIVE NOTE

Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

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) Order 2015.