

TOWN AND COUNTRY PLANNING ACT 1990 REFUSAL OF PERMISSION FOR DEVELOPMENT

Pelorus Consultancy Ltd
1 Collins Way
Rash's Green
Dereham
Norfolk
NR19 1GU

APP REF: PT09/5982/F
DATE VALID: 3rd December 2009
DECISION DATE: 28th July 2010
PARISH: Pilning And Severn
Beach Parish Council

NOTICE OF DECISION

South Gloucestershire Council in pursuance of powers under the above mentioned Act hereby REFUSE to permit:

APPLICATION NO: PT09/5982/F

DESCRIPTION OF DEVELOPMENT: Change of use of land for the construction of an Energy Recovery Centre for the thermal treatment of non hazardous waste and ancilliary development including new road and roundabout on A403 and new railhead. Erection of site office and visitor centre with associated works.

APPLICANT: SITA UK LTD

LOCATION: Land At Severnside Works Severn Road Hallen Bristol South Gloucestershire

In accordance with the application and accompanying plans, for the following reasons:

REFUSAL REASONS

1. The proposed development, when considered cumulatively with existing extant waste permissions, would result in an over-concentration of waste recovery facility provision in a single zone (Zone A) of the West of England sub-region (the area as defined in the emerging West of England Joint Waste Core Strategy). This over-concentration would undermine the sustainability benefits of the provision of a wide distribution of sites across the sub-region to meet identified waste capacity and need, resulting in excessive traffic movements, and the proposal would therefore be contrary to the sustainability objectives as set out in PPS10: Planning for Sustainable Waste Management, and the emerging West of England Joint Waste Core Strategy (Pre-submission Document January 2010).

South Gloucestershire Council, Planning, PO Box 2081, Bristol, BS35 9BP
Telephone: 01454 868004 Fax: 01454 863440
Email: planningapplications@southglos.gov.uk

2. Insufficient information has been provided to demonstrate that satisfactory measures have been shown in respect of the recycling of bottom ash, contrary to Policy 41 of the South Gloucestershire Minerals and Waste Local Plan.
3. Insufficient information has been provided to demonstrate that satisfactory measures have been shown in respect of the development and use of the railhead facility, contrary to Policy 41 of the South Gloucestershire Minerals and Waste Local Plan.
4. Insufficient information has been provided to demonstrate that satisfactory mitigation measures have been shown in respect of controls regarding the acceptance of specific waste streams, contrary to Policy 41 of the South Gloucestershire Minerals and Waste Local Plan and Policy 6 of the emerging West of England Joint Waste Core Strategy (Pre-submission Document January 2010).
5. Insufficient information has been provided to demonstrate that satisfactory mitigation measures have been shown in respect of landscape, contrary to Policies 6, 13 and 41 of the South Gloucestershire Minerals and Waste Local Plan.
6. Insufficient information has been provided to demonstrate that satisfactory mitigation measures have been shown in respect of ecology and ecological management of the site, contrary to Policies 13 and 41 of the South Gloucestershire Minerals and Waste Local Plan.
7. Insufficient information has been provided to demonstrate that satisfactory mitigation measures have been shown in respect of ecological monitoring of all species and ecological works, contrary to Policies 13 and 41 of the South Gloucestershire Minerals and Waste Local Plan.
8. Insufficient information has been provided to demonstrate that satisfactory mitigation measures have been shown in respect of design details of the waste bunker and the precautions to prevent contamination in the event of the site flooding, contrary to Policies 13, 20, 21 and 41 of the South Gloucestershire Minerals and Waste Local Plan and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.
9. Insufficient information has been provided to demonstrate that satisfactory mitigation measures have been shown in respect of remediation works to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment, contrary to Policies 13, 20, 22 and 41 of the South Gloucestershire Minerals and Waste Local Plan and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.
10. Insufficient information has been provided to demonstrate that satisfactory mitigation measures have been shown in respect of monitoring and maintenance, including the long term effectiveness of any remediation works, contrary to Policy 13, 20, 22 and 41

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of the South Gloucestershire Minerals and Waste Local Plan and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Insufficient information has been provided to demonstrate that satisfactory mitigation measures have been shown in respect of archaeological investigation and recording for the site, contrary to Policies 18 and 41 of the South Gloucestershire Minerals and Waste Local Plan.

ADDITIONAL INFORMATION

1. This decision relates only to the details identified below:
Planning Application and Environmental Statement, Files 1 - 3, received by the Council on 3 December 2009 and Additional Supporting Information, received by the Council on 6 May 2010.

HC O'Connor

AREA PLANNING MANAGER (WEST)

DATE: 28th July 2010

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APPEALS AGAINST THE DECISION OF THE LOCAL PLANNING AUTHORITY (LPA)

If the applicant is aggrieved by the decision to refuse permission/consent for this proposal or to grant permission/consent subject to conditions, he may appeal to the Secretary of State for the Department of Communities and Local Government (SOS) in accordance with the provisions below. All appeals should be submitted on a form obtainable from The Planning Inspectorate, at the address below.

- (a) Refusal of planning permission for **Householder applications – within 12 weeks** (Section 78 Town & Country Planning Act 1990 (T & CPA) and Article 26 of the Town & Country Planning (General Permitted Development) Order 1995).
- (b) Refusal of planning permission or permission granted subject to conditions - **within 6 months** (Section 78 Town & Country Planning Act 1990 (T & CPA) and Article 26 of the Town & Country Planning (General Permitted Development) Order 1995).
- (c) Refusal of Listed Building consent or consent granted subject to conditions. Refusal of Conservation Area consent or the decision of the LPA on an application to vary or discharge conditions attached to a Listed Building consent **within 6 months** (Regulation 8 of the Town & Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 and Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
- (d) Refusal of consent for display of advertisement or consent granted subject to conditions - **within 8 weeks** of the date you receive the Council's decision - please refer to separate notice attached where necessary.
- (e) Refusal of Tree Preservation Order consent or consent granted subject to conditions. Issuing of an Article 5 certificate on refusing consent or an Article 6 direction on granting consent to fell any part of a woodland – within 28 days Town & Country Planning (Trees) Regulations 1999.

The SOS has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. He is not however required to entertain an appeal if it appears to him that permission for the proposals could not have been granted by the LPA, or could not have been granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development orders and to any directions given under the orders.

In the case of refusal of permission to develop land or refusal of Listed Building consent or the granting of permission or Listed Building consent subject to conditions whether by the LPA or SOS 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 works which has been or would be permission, he may serve on the Council in which the land is situated a Purchase Notice (or Listed Building Purchase Notice) requiring the Council to purchase his/her interest in the land in accordance with the provisions of Part VI, Chapter 1 of the Town & CP Act 1990 and Part 1, Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In certain circumstances (not applicable to Advertisement proposals) a claim may be made against the LPA for compensation where permission is refused or granted subject to conditions by the SOS on appeal or on reference of the application to him.

NOTES IN RESPECT OF SUBMISSION OF APPEALS

Data Protection: Please note all appeal documentation will appear on the Planning Casework Service website.

When submitting an appeal, please note that an identical set of documents should be sent to both the local authority and The Planning Inspectorate at the following addresses:

Director of Planning, Transportation & Strategic Environment	The Planning Inspectorate
South Gloucestershire Council	Room 3/04 Kite Wing
Castle Street	2 The Square
Thornbury	Temple Quay
Bristol BS35 1HF	Bristol BS1 6PN
	Bristol BS15 9TR

Please ensure this instruction is complied with in order to avoid any unnecessary delay.

NOTES IN RESPECT OF APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS

1. Under the provisions of Paragraph 4 of Schedule 1 of the Town & Country Planning (Control of Advertisements) Regulations 1992 before any advertisement is displayed, the permission of the owner of the land, or building on which the advertisement is to be displayed must be obtained.
2. If a conditions imposing a time limit has been expressly included as part of a consent, then that condition must be observed. If no such condition is imposed Regulation 13 (5) of the 1992 Regulations provides that any consent is granted for a period of FIVE YEARS from the date hereof.
3. Where the Authority grant consent for a period shorter than five years they shall (unless the application required such a consent) state in writing their reasons for doing so, and the limitation in respect of time shall for the purposes of these Regulations be deemed to be a condition imposed upon the granting of consent.
4. At any time within a period of 6 months before the expiry of a consent granted under these Regulations, application may be made for the renewal thereof and the provisions of these Regulations relating to applications for consent and to the determination thereof shall apply where application is made for such renewal.
5. Penalty for Contravention. The amount of the fine to which a person who displays an advertisement in contravention of these Regulations is liable on summary conviction as set out in Section 224 of the Town and Country Planning Act 1990 and Regulation 27 of the 1992 Advertisement Regulations.

NOTES IN RESPECT OF ALL APPLICATIONS

1. Attention is drawn to the need for strict compliance with the approved plan(s), failing which appropriate action will be taken.
2. If planning permission has been granted for the development, please note that should this involve any work within the highway, such as the construction of a vehicular access, the consent of the Highway Authority should be obtained.
3. WHERE PLANNING PERMISSION OR LISTED BUILDING CONSENT HAS BEEN GRANTED, APPROVAL MAY ALSO BE REQUIRED UNDER THE BUILDING REGULATIONS BEFORE ANY WORK IS COMMENCED.
4. Although planning permission may have been granted, should the proposed work involve the demolition, alteration or extension of a Listed Building or the demolition of an existing building in a Conservation Area, Listed Building or Conservation Area Consent will also be required before the work commences.
5. If the work authorised by this permission requires the supply of utility or other public services, you are requested to contact the appropriate statutory or other undertaker as soon as possible following the receipt of the decision. Failure to do so may result in delay in the provision of these services.
6. If planning permission has been granted their may be subject to condition(s) as listed on the decision notice. Some of these conditions require details to be submitted or other work to be carried out before development commences (conditions precedent). If you start development without complying with any such conditions you may invalidate the permission itself. Requests to discharge or confirm conditions made under Article 21 of the Town and Country Planning (General Development Procedure) Order 1995 should be submitted on the appropriate forms and with any required fee.

Any further information concerning this decision may be obtained from the Director of Planning, Transportation and Strategic Environment. Please quote the Reference Number of this permission in any correspondence.

