

Town Planning
Ref. No. 4/0263-93

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

~~THE DISTRICT COUNCIL OF~~

~~IN~~ THE COUNTY OF HERTFORD

To Amey Construction Ltd
Site Offices
New Ground
Tring
Herts

..... EXTRACTION OF SAND AND GRAVEL FOR USE IN CONSTRUCTION ..
..... OF THE BERKHAMSTED BYPASS ..
.....
at .. BROADWAY FARM, BERKHAMSTED, HERTS.

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby permit the development proposed by you in your application dated 14 February 1993
and received with sufficient particulars on 14 February 1993
and shown on the plan(s) accompanying such application, subject to the following conditions:—

(1) ~~xxxx~~ The development to which this permission relates shall be begun within a period of ~~xxxxxx~~ years commencing on the date of this notice.

See attached Schedule of Conditions.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

~~xxxxxxTo comply with the requirements of Section 41 of the Town & Country Planning Act 1971~~

See attached Schedule of Reasons.

Dated..... 30th day of April 1993.....

Signed..... *T. J. Betts*.....

Designation HEAD OF RESTORATION, MINERALS
AND WASTE PLANNING

NOTE

(1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

(2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Marsham Street, London, S.W.1.) The Secretary of State has 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 for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

(4) 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 169 of the Town and Country Planning Act 1971.

SCHEDULE OF CONDITIONS NUMBERED 1-37 ATTACHED TO THE PLANNING PERMISSION ISSUED UNDER APPLICATION NUMBER 4/0263-93 FOR THE EXTRACTION OF SAND AND GRAVEL FOR USE IN CONSTRUCTION OF THE BERKHAMSTED BY-PASS AT BROADWAY FARM, BERKHAMSTED, HERTFORDSHIRE

1. Unless otherwise agreed in writing by the Mineral Planning Authority, the development to which this planning permission relates shall not commence until all the outstanding details required by this Schedule of Conditions have been submitted to and approved by the Mineral Planning Authority, and the development shall be carried out in accordance with those approved details.

Reason: To ensure that an orderly programme of operations and restoration is carried out, and in such a way that the adverse effects on the local community are kept to a minimum.

TIME LIMIT FOR COMPLETION

2. Unless otherwise agreed in writing by the Mineral Planning Authority, the extraction of minerals hereby permitted shall cease on or before 30 June 1993, and the site shall be completely restored within a further period of 6 months.

Reason: To comply with the requirements of Schedule 5 Part 1 of the Town & Country Planning Act 1990 to ensure that the restoration of the land to a beneficial afteruse is achieved within a reasonable timescale, and enable the Mineral Planning Authority to review the situation in the light of changing circumstances.

WORKING AND RESTORATION SCHEMES

3. The operations authorised by this planning permission shall, except where modified by this Schedule of Conditions, be undertaken in accordance with the provisions of the Written Statement dated 11 February 1993, accompanying the application number 4/0263-93.

Reason: To ensure that an orderly programme of operations and restoration is carried out in such a way that the adverse effects on local amenity are kept to a minimum and that the complete restoration of the land to a beneficial use is achieved.

4. Unless otherwise agreed in writing by the Mineral Planning Authority, operations shall only take place in accordance with a scheme of working and restoration for the progressive working and reclamation of worked areas to be submitted to and approved by the Mineral Planning Authority and, unless otherwise agreed in writing by the Mineral Planning Authority, no operations shall commence until this scheme has been approved in writing by the Mineral Planning Authority. The scheme shall inter alia specify provisions for:
- i) the method, direction, phasing, duration and area of working and the machinery to be used;
 - ii) details for marking the boundary of the development and buffers for vegetation, watercourses, archaeological and landscape features;
 - iii) removal of overburden, extraction of material, regrading of extracted area;
 - iv) details of the proposed haul road to, through and from the site showing method of construction and surfacing and proposals for stripping of soils from the haul route, their proposed storage and replacement
 - v) proposed method of processing extracted material, design and location of any plant, and location and size of stockpiles.
 - vi) the location, height and proposed management of soil stockpiles;

The approved scheme shall be implemented.

Reason: To ensure that an orderly programme of operations and restoration is carried out in such a way that the adverse effects on local amenity are kept to a minimum and that the complete restoration of the land to a beneficial use is achieved.

PRODUCTION LIMITATIONS

5. Unless otherwise agreed in writing by the Mineral Planning Authority no materials from sources outside the site shall be imported for processing or storage.

Reason: To minimise the adverse effect on the local environment and highway network.

6. Unless otherwise agreed in writing by the Mineral Planning Authority, extracted and processed material shall be stockpiled only in the location shown on a plan to be submitted to and approved by the Mineral Planning Authority prior to the commencement of operations and stockpiles shall not exceed a height of 5 metres above the mean ground level of the stockpile area.

Reason: To minimise the adverse impact of operations on the local community in terms of visual intrusion.

7. Unless otherwise agreed in writing by the Mineral Planning Authority, no operations authorised by this permission shall take place within 2 metres either side of the perimeter of the lake or either side of the perimeter of the island.

Reason: To protect existing nature conservation interest.

8. Unless otherwise agreed in writing by the Mineral Planning Authority, no extraction operations authorised by this permission shall take place within 20 metres of the southerly edge of the Grand Union Canal.

Reason: To ensure the Grand Union Canal is not affected by the operations hereby permitted.

ENVIRONMENTAL SAFEGUARDS

9. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, or any subsequent revisions to the General Development Order that may occur, planning permission shall be obtained for the erection of any building, fixed plant, fixed machinery or fixed structures on the land and the written agreement of the Mineral Planning Authority shall be obtained prior to the placing on site of any buildings or structure in the nature of portable plant.

Reason: To minimise the adverse impact of operations on the local community in terms of visual intrusion.

10. Unless otherwise agreed in writing by the Mineral Planning Authority, the operations authorised by this permission shall only be carried out during the following periods:

7.00 am - 6.00 pm Mondays to Fridays (excluding Bank Holidays)
7.00 am - 12.30 pm Saturdays

Reason: To minimise the adverse impact of operations on the local community in terms of noise, traffic generated and general disturbance.

11. Unless otherwise agreed in writing by the Mineral Planning Authority, vehicle crossing of the A41 authorised by this permission shall only be carried out during the following periods:

9.00 a.m. - 4.30 p.m. Mondays to Thursdays
9.00 a.m. - 3.00 p.m. Fridays

Reason: To minimise the adverse impact of operations on the local community in terms of traffic generated and general disturbance.

12. Noise from the day to day operations shall not exceed 65 dB(A) (Leq) (1 hour) as measured at the boundaries of the site. In addition the Corrected Noise Level Leq (1 hour) shall not exceed the existing background noise level (i.e. L90) measured over a representative period in the vicinity of the nearest noise-sensitive use by more than 5 dB(A).

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

13. Noise from the operations conducted on site during the period of removal, storage and replacement of topsoil and subsoil and the formation and removal of bunds shall not exceed a maximum value of 70dB(A) Leq (1 hour) (day time) as measured in the vicinity of the nearest noise sensitive building.

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

14. Effective sound insulation shall be employed for all plant and machinery on the site. Where reversing alarms are fitted to machinery their maximum output shall be no more than 3dB above the ambient noise level.

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

15. Noise from the operations conducted on site during the period of removal, storage and replacement of topsoil and subsoil and the formation and removal of bunds shall not exceed a maximum value of 70dB(A) Leq (1 hour)(day time) as measured in the vicinity of the nearest noise sensitive building.

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

16. Effective sound insulation shall be employed for all plant and machinery on the site. Where reversing alarms are fitted to machinery, their maximum output shall, unless otherwise agreed in writing by the Mineral Planning Authority, be no more than 3dB above the ambient noise level.

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

17. Unless otherwise agreed in writing by the Mineral Planning Authority, details of proposed dust suppression measures shall be submitted to and approved by the Mineral Planning Authority prior to operations commencing and such measures shall be implemented. Such measures shall include dust suppression systems on processing and other plant and involve whenever appropriate the spraying of clean water from a water bowser on the haul route.

Reason: To minimise the adverse impact of operations on the local community by minimising dust.

LANDSCAPING

18. Unless otherwise agreed in writing by the Mineral Planning Authority, a phased scheme of landscaping and tree planting shall be submitted to and approved by the Mineral Planning Authority before operations on the site commence, or within such longer period as the Mineral Planning Authority after consultation with the operator shall determine, and implemented in accordance with an agreed timetable. Such a scheme shall include, amongst other matters, provision for:

- (a) retention of existing trees;
- (b) additional tree and shrub planting required to ensure the restored land is absorbed into the local landscape;

Reason: In order to screen the operations prior to commencement of works to minimise visual intrusion, and to absorb the operations and restoration into the landscape.

19. Unless otherwise agreed in writing by the Mineral Planning Authority, all trees and shrubs planted under the scheme required by Condition 18 shall be maintained to the satisfaction of the Mineral Planning Authority during the operations on site and for five years after the completion of restoration. Any tree that dies within the five year period shall be replaced by another of the same species.

Reason: To ensure that the planting required by condition (18) is adequately maintained.

SOIL HANDLING

20. Unless otherwise agreed in writing by the Mineral Planning Authority, no topsoil stripping shall commence until the Mineral Planning Authority has been given at least 7 days and not more than 21 days notice in writing of any topsoil stripping operations.

Reason: To afford the Mineral Planning Authority a reasonable opportunity to examine any remains of archaeological, geological or other scientific interest which may be found on the site, and decide on any action required for the protection, preservation or recording of such remains.

21. Unless otherwise agreed in writing by the Mineral Planning Authority, no topsoil or subsoil shall be removed from the site.

Reason: To ensure that all soils stripped from the haul route are retained for reinstatement of that route.

WATER RESOURCES

22. Prior to the commencement of extraction a scheme for the protection of the underlying chalk shall be submitted for the approval of the Mineral Planning Authority. The approved scheme shall be implemented. Unless otherwise agreed in writing by the Mineral Planning Authority, no extraction shall take place until the scheme has been approved.

Reason: To prevent pollution of groundwater.

23. Unless otherwise agreed in writing by the Mineral Planning Authority, no operations authorised by this development shall take place within ten metres of the River Bulbourne.

Reason: To prevent damage to or pollution of the watercourse and to protect the flora and fauna of the aquatic environment.

24. Provision for the drainage of the land shall be made at all times and the drainage of the adjoining land shall not be interrupted with or polluted by the operations hereby permitted. The applicant shall take steps to control water draining off the site. Ditches shall be provided in positions first to be approved in writing by the Mineral Planning Authority.

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise adversely affected.

25. No ditch, brook, watercourse, cut, channel, culvert or pipe shall, without the consent of the Mineral Planning Authority, be blocked off, obstructed or severed so as to prevent or reduce the discharge there from or the flow therein, or otherwise adversely affect local drainage or flood relief.

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise adversely affected.

26. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse.

Reason: To prevent pollution of the water environment and protect the flora and fauna dependent thereon.

27. No dewatering of the site other than by means of internal recirculation shall be permitted without the prior written consent of the Mineral Planning Authority.

Reason: To ensure that the drainage of the site and adjoining land is not affected by dewatering and that existing watercourses are not polluted or otherwise adversely affected.

28. No liquids or materials likely to cause pollution of underground or surface water supplies shall be deposited on the site or the surrounding land.

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise prejudicially affected.

29. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse.

Reason: To prevent pollution of the water environment.

ACCESS AND HIGHWAYS

30. The proposed haul road shall be the only route to be used by traffic entering or leaving the site.

Reason: To minimise the adverse effects of the operations on the local community.

31. Unless otherwise agreed in writing by the Mineral Planning Authority no material shall be taken from or brought on to the site which directly or indirectly requires the use of the public highway network except for vehicles crossing the A41.

Reason: To minimise the adverse effects of the operations on the local community.

32. Measures shall be taken to ensure that vehicles entering and leaving the site shall not deposit mud or other materials on the public highway. Wheel and chassis cleaning equipment shall be installed, unless otherwise agreed in writing, and thereafter maintained for the duration of operations until final restoration of the area is complete.

Reason: In the interests of highway safety and so that there shall be the least possible adverse effects upon the free and safe flow of traffic along the highway in the vicinity of the site.

GENERAL

33. Any above ground storage tank for oil or other potentially polluting liquid used on site shall be located on an impervious base and surrounded by suitable liquid tight bund walls or within another liquid container, capable of containing 110% of the volume of the largest tank, and shall enclose all fill and draw pipes and sight gauges. The vent pipe should be directed downwards into the bund.

Reason: To minimise the risk of groundwater pollution.

Conditions agreed by T J Betts on 30 April 1993

34. Floodlights shall only be used on site with the prior written agreement of the Mineral Planning Authority on the design, luminescence, location and direction of each light.

Reason: To minimise the adverse effects of the operations on the local community.

35. Precautions shall be taken at all times to prevent unauthorised access to the site.

Reason: To minimise the adverse effects on the local amenity.

36. Scrap, mobile or fixed plant, fuel tanks equipment or vehicles shall only be stored on site at precise locations to be approved in writing beforehand by the Mineral Planning Authority.

Reason: To improve the appearance and visual amenity of the area and minimise the adverse effects on the local amenity.

37. Unless otherwise agreed in writing by the Mineral Planning Authority all plant, buildings, foundations, hardstandings, machinery, haul road and access roads and any access no longer required in connection with the operations and restoration of the land, shall be removed from the land within three months of the completion of the restoration.

Reason: To ensure the completion of all restoration of the site once operations have ceased and its return to a beneficial afteruse.

INFORMATIVES

All noise measurements shall be carried out using a sound level meter to BS 5696:1981 (IEC 651 1979) Type 1 or Type 2 or equivalent set on 'slow' response.

NRA:- See attached Letter 1

Eastern Electricity:- See attached Letter 2