

Town Planning

Ref. No. 4/0455-92

## TOWN &amp; 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, AND ...  
 RE-FILLING WITH SURPLUS SPOIL ARISING FROM,  
 ... CONSTRUCTION OF THE BERKHAMSTED BY-PASS,  
 at BOTTOM 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 25 March 1992, and received with sufficient particulars on 17th September 1992, and shown on the plan(s) accompanying such application, subject to the following conditions:-

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

See attached Schedule of Conditions numbered 1 - 50.

SCHEDULE OF CONDITIONS NUMBERED 1-50 ATTACHED TO THE PLANNING PERMISSION ISSUED UNDER APPLICATION NUMBER 4/0455-92 FOR THE EXTRACTION OF SAND AND GRAVEL FOR USE IN AND REFILLING WITH SURPLUS SPOIL ARISING FROM CONSTRUCTION OF THE BERKHAMSTED BYPASS AT BOTTOM FARM, SWING GATE LANE, 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 in writing 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 and disposal of surplus material hereby permitted shall cease on or before 30 November 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 25 March 1992, accompanying the application number 4/0455-92 and letters dated 2 April 1992, and 16th April 1992 and accompanying drawing numbered A41/SK/042/AJHD, 1st July 1992 and 17 September 1992.

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.

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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) the sequence of soil stripping, the machinery to be used and the routes to be taken by such machinery (including stripping of soils from the haul route);
- iv) removal of overburden, extraction of material, regrading of extracted area, replacement of clay and overburden and infilling, delineating areas to be infilled replacement of soils for restoration and the machinery to be used;
- v) the availability, proposed storage and handling on site of overburden, subsoil and topsoil to be used in the final restoration of each successive phase;
- vi) the location, height and proposed management of soil and overburden stockpiles;
- vii) details of earth embankments or wooden fencing for screening or noise attenuation;
- viii) measures for dealing with and disposing of surface water on the site including watercourses crossing the site during operations following restoration, including the construction of surface ditches, outfalls and soakaways;
- ix) 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
- x) proposed method of processing extracted material, design and location of any plant, and location and size of stockpiles.
- xi) the sequence and phasing of infilling and restoration showing clearly their relationship to the working scheme and detailing the type of machinery to be used;
- xii) the extent and depth of the proposed tipping and the final pre-settlement and post-settlement levels and configurations proposed for the restored land, to be shown by cross-sectional and contour plans. All final settled levels shall be no flatter than 1:60.
- xiii) the nature of the filling materials to be used including the nature of material to be used for the final (1.0) metres of cover;
- xiv) measures to ensure compaction of fill materials;
- xv) the machinery to be used in soil respreading operations, the routes to be taken by such machinery, the measures to be taken to avoid compaction of the soils and the measures for treatment of the relaid soils including ripping, stone-picking, ploughing, harrowing and fertilising;

- xvi) The source of fill materials;
- xvii) seeding and planting proposals for the restored land.

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.

- 5. No crossing of the line of any hedgerow shall take place until details of any such proposed crossing have been submitted to and approved by the Mineral Planning Authority. All crossings shall be confined to those as approved by the Mineral Planning Authority.

Reason: To minimise the disturbance to historic and landscape features and natural habitats of the area.

- 6. Unless otherwise agreed in writing by the Mineral Planning Authority, no operations authorised by this permission shall commence until a Scheme for the Protection of Gas Main shown in principle on attached Plan 1 has been submitted to and approved by the Mineral Planning Authority. Operations shall be carried out in accordance with the approved scheme.

Reason: To ensure that an orderly programme of operations and restoration is carried out in such a way that the gas pipeline is not adversely affected.

- 7. Unless otherwise agreed in writing by the Mineral Planning Authority, no operations authorised by this permission shall commence until a Scheme of Protection, Diversion and Reinstatement of Bridleway/Footpath No.51 (Northchurch) has been submitted to and approved by the Mineral Planning Authority. The approved Scheme shall be implemented.

Reason: To ensure that an orderly programme of operations and restoration is carried out in such a way as to minimise adverse effects on Bridleway/Footpath No.51 and users thereof.

- 8. Unless otherwise agreed in writing by the Mineral Planning Authority, the haul route shown in principle on attached Plan 1 shall be the only haul route constructed to the line of the Bypass from the site. No haul route construction shall commence until the route has been clearly marked out and approved by the Mineral Planning Authority. The haul route constructed and used shall be that approved by the Mineral Planning Authority.

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 to protect the woodland feature known as 'Devil's Brow' copse.

9. No operations authorised by this planning permission shall commence within the site until an archaeological evaluation of the site has been secured, implemented, submitted and approved by the Mineral Planning Authority. Such evaluation shall make provision for such further works as may be deemed necessary in consequence of that evaluation.

Reason: To afford a reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological or historic interest within the site, and to decide on any action required for the preservation, protection, examination or recording of such remains.

10. No crossing of the Bourne Gutter as shown in principle on Plan 1 attached shall take place until details of any such proposed crossing have been submitted to and approved by the Mineral Planning Authority. All crossings, shall be confined to those as approved by the Mineral Planning Authority.

Reason: To minimise the disturbance to historic and landscape features.

11. No operations authorised by this permission shall take place until a Scheme of Groundwater Flow Regime has been submitted to and approved by the Mineral Planning Authority. This scheme shall identify what measures are to be employed to ensure that the groundwater flow regime following completion of extraction, spoil disposal and restoration approximates that existing prior to the commencement of operations authorised by this permission.

Reason: To ensure that an orderly programme of operations and restoration is carried out in such a way that the adverse effects on the local groundwater flow regime are minimised.

#### PRODUCTION LIMITATIONS

12. 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.

13. 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 in writing 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.

14. Unless otherwise agreed in writing by the Mineral Planning Authority, no operations authorised in connection with this permission shall take place within 5 metres either side of the Bourne Gutter the line of which is shown in principle on attached Plan 1 or within 5 metres of any tree or 3 metres of any hedgerow without the written consent of the Mineral Planning Authority, and operations shall only take place when these areas and margins have been clearly marked out to the satisfaction of the Mineral Planning Authority.

Reason: To minimise the adverse impact of operations on the local community, and minimise the disturbance to historic and landscape features and natural habitats of the area.

#### ENVIRONMENTAL SAFEGUARDS

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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

21. 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) the retention of as many existing trees or hedgerows within the site and on the site boundaries as possible, these being accurately identified on a plan, and measures to protect these trees from damage during operations, including a defined buffer zone, to be approved by the Mineral Planning Authority, in accordance with Condition 14.
  - (b) additional tree and shrub planting prior to commencement of operations, formation of earth bunds, fencing or other measures to screen working areas, and any plant or buildings.
  - (c) as working and restoration proceeds additional tree and shrub planting required to ensure the restored land is absorbed into the local landscape;
  - (d) details of the planting specification, species, size, spacing and number of trees and shrubs to be planted, and measures to protect and maintain the trees and shrubs in accordance with good silvicultural practice;

- (e) details of proposals to reinstate crossing points of any line of hedgerow approved in accordance with Condition 5;
- (f) a timetable within which the agreed scheme shall be implemented;

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.

22. Unless otherwise agreed in writing by the Mineral Planning Authority, all trees and shrubs planted under the scheme required by Condition 21 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 (21) is adequately maintained.

#### SOIL HANDLING

23. 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.

24. Unless otherwise agreed in writing by the Mineral Planning Authority, no operations authorised in connection with this permission shall take place until a Scheme of Machine Movements for the stripping and replacing of soils has been submitted to and agreed in writing by the Mineral Planning Authority. The Scheme shall define the type of machinery to be used and the routes to be taken by that machinery. All machine types and movements shall be restricted to those agreed. All soils shall be replaced by means of dump truck and backacter. No machinery shall cross any subsoil or topsoil other than for agricultural operations.

Reason: To ensure that soils and restoration material are handled and protected in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

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25. Unless otherwise agreed in writing by the Mineral Planning Authority topsoil shall be stripped to a full depth of at least 350mm and stored separately in locations to be approved in writing by the Mineral Planning Authority prior to any soil stripping operations taking place. Topsoil and subsoil shall be separately stripped and stored separately in locations to be approved in writing by the Mineral Planning Authority. Any subsoil substitute shall also be stored separately on locations to be approved in writing by the Mineral Planning Authority.

Reason: To ensure that soils and restoration material are handled and stored in such a way as to achieve the best possible standard of restoration.

26. Access facilities shall be afforded to a person, or persons, nominated by the Mineral Planning Authority, to enter the site in order to undertake observations and record any archaeological, geological or other scientific evidence that may be exposed. If further archaeological, geological or other scientific evidence is subsequently unearthed, the Mineral Planning Authority shall be immediately informed and afforded a reasonable opportunity of a length of time agreed by both parties for an examination of the evidence to be made.

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.

27. Unless otherwise agreed in writing by the Mineral Planning Authority the lower plastic limit of the topsoil and subsoil shall be determined and agreed with the Mineral Planning Authority for all representative soil types to be used for agricultural restoration prior to the commencement of soil stripping operations of each appropriate phase of the site. No soils shall be moved by dumper truck and backacter unless they are drier than their lower plastic limit. No soils shall be moved by any other machinery unless they are at least 5% drier than their lower plastic limit.

Reason: To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

28. Unless otherwise agreed in writing by the Mineral Planning Authority soil bunds which are to be stored for over 6 months shall be constructed with a slightly domed top and shall be seeded with a grass seed mixture to be approved in writing by the Mineral Planning Authority and applied at rates to be approved in writing by the Minerals Planning Authority. Weed control measures shall be submitted for the approval of the Mineral

Planning Authority within 1 month of the implementation of this planning permission. On approval, weed control measures shall be carried out.

Reason: To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

29. Unless otherwise agreed in writing by the Mineral Planning Authority, all soil and overburden stockpiles shall be constructed with all slopes being formed at (a maximum of 45) degrees and a maximum height of 3 metres for topsoil bunds and 5 metres for subsoil bunds and so positioned that the toe of the finished embankment is no closer than 2 metres from the nearest site boundary or 3 metres from any hedge or 5 metres of any tree which is to be retained.

Reason: To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration and also to protect existing landscape features.

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

Reason: To ensure that all soils and restoration materials are retained for use on site to achieve the best possible standards of restoration.

#### INFILLING

31. Only clean chalk rubble and other excavated spoil or similar inert waste free from chemical contamination, timber, plastic, plaster, plasterboard, paper and empty containers, arising from the construction of the A41 Berkhamsted By-pass shall be deposited at the site.

Reason: To minimise the risk of environmental pollution, and to minimise the impact of operations on the local community.

32. Before the fill material in any area of the site is within 2 metres of the final levels, markers shall be set up in that area to the satisfaction of the Mineral Planning Authority, to show the final levels of fill material, overburden, subsoil and topsoil respectively.

Reason: To ensure that an orderly programme of operations and restoration is carried out and 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.

33. The contouring of the final layer of the deposited material shall, after allowing for settlement and the replacement of stored overburden, subsoil and topsoil, conform in principle with the levels as shown on the drawing number A41/SK/042/AJHD. No gradient shall be flatter than 1:60 as required by condition 4.

Reason: To ensure that an orderly programme of operations and restoration is carried out and 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.

#### SOIL HANDLING - RESTORATION

34. Unless otherwise agreed in writing by the Mineral Planning Authority soils shall be replaced using dump truck and backacter.

Reason: To ensure that soils and restoration material are handled in such a way to achieve the best possible standard of restoration.

35. Following soil replacement, a chemical analysis of the topsoils shall be submitted to the Mineral Planning Authority. Any necessary lime and fertiliser shall be added to the soils in accordance with timing and rates as approved in the Aftercare Scheme required by condition 39.

Reason: To ensure that soils and restoration material are handled in such a way in order to achieve the best possible standard of restoration.

36. On completion of tipping operations the subsoil and sopsoil shall be spread over the filled area to an even depth of at least 1.0 metre so as to conform to the final contours unless otherwise agreed in writing by the Mineral Planning Authority. Topsoil shall be spread to a minimum depth of 300mm and 1 metre depth shall be kept free from any material which may damage cultivation machinery or interfere with the subsequent agricultural use. All rocks, stones and other solid objects in excess of 150 mm on the surface following ripping shall be removed.

Reason: To ensure that soils and restoration material are handled in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

37. The Mineral Planning Authority shall be given a minimum of 3 days notice in writing before any soil replacement works are to take place. On completion of subsoil replacement no further work shall be carried out for a period of 5 working days unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To ensure that soils and restoration material are handled in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

38. No plant, machinery or vehicles shall traverse any undisturbed or restored land, except in connection with agricultural, soil-stripping or restoration operations.

Reason: To ensure that soils and restoration material are handled in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration.

#### AFTERCARE

39. Unless otherwise agreed in writing by the Mineral Planning Authority an aftercare scheme requiring such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted in principle for the approval of the Mineral Planning Authority not later than 3 months of the implementation of this permission. The submitted aftercare scheme shall cover a five year period and shall specify the steps to be taken and the periods during which they are to be taken and contain a provision for an annual meeting with officers of the Mineral Planning Authority. A field drainage system will be required unless otherwise agreed in writing by the Mineral Planning Authority. This approved scheme shall be implemented on completion of restoration and maintained for a period of 5 years following restoration. (N.B. See accompanying Note 1).

Reason: In accordance with Schedule 5, Part 1(2) of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, to ensure that the best standard of after-care management of the site is carried out following restoration.

#### WATER RESOURCES

40. 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.

41. 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 therefrom 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.

42. 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.

43. Unless otherwise agreed in writing by the Mineral Planning Authority a minimum layer of undisturbed, superficial deposits of at least 0.5 metres in thickness shall be left in situ overlying the chalk.

Reason: To minimise the risk of groundwater pollution.

44. 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

45. 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.

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

#### GENERAL

46. 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.

47. 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.

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

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

49. 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.

50. Unless otherwise agreed in writing by the Mineral Planning Authority all plant, buildings, foundations, hardstandings, machinery, haul road and access roads and any access facilities 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.

Control of Pollution Act 1974: Where disposal of imported waste (including inert soils) is proposed for restoration purposes a Waste Disposal Licence will be required prior to commencement of filling operations.

NRA:- See attached Letter 1

Thames Water :- See attached Letter 2

Eastern Electricity:- See attached Letter 3

British Gas:- See attached Letter 4

Health & Safety Executive :- See attached Letter 5

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RECLAMATION TO AGRICULTURE

GUIDANCE ON AFTERCARE SCHEME CONTENT

Introduction

1. The preparation of a successful aftercare scheme requires two levels of information:
  - (a) An outline strategy of commitments for the five year aftercare period. This should be submitted to the mineral planning authority not later than three months prior to the commencement of aftercare.
  - (b) A detailed programme for the forthcoming farming year. The first detailed programme will be submitted with the outline strategy. Subsequent detailed programmes will be submitted annually to the mineral planning authority for approval not later than one month prior to the annual aftercare site meeting.
2. These schemes need to be discussed and agreed by the mineral planning authority, MAFF, and person(s) responsible for the conduct of the aftercare programme. Where expensive equipment is to be purchased for aftercare purposes, early consultation may be particularly advantageous to ensure that proposed purchases are compatible with aftercare requirements. The items to be included and level of detail required for each are discussed in paragraphs 3 to 6 below. The proposals need to take into account any relevant local circumstances and will also conform to the Rules of Good Husbandry and Estate Management.

The Outline Strategy

3. This will broadly outline the steps to be carried out in the aftercare period and their timing within the programme. Where a choice of options is retained this should be made clear together with criteria to be followed in choosing between them. A map should accompany this outline. All areas subject to aftercare management should be clearly marked on this map together with separate demarcation of areas according to differences in proposed management. Commitments to provide any plans, specifications, site records or analyses to the MPA for approval at specified intervals ought also to be covered. Normally such information is required one month in advance of agreed consultations.
4. The outline strategy document should cover as appropriate the aftercare steps detailed below (4.1-4.7) plus any additional aspects that may be required by the mineral planning authority. Person(s) responsible for carrying out these steps ought also to be identified. Aftercare steps to be covered include :-

#### 4.1 Cropping Pattern

A brief description of cropping pattern to be adopted over the full aftercare period, e.g. "the land will be put down to grass. Initially with a short term ley which will be ploughed up and reseeded after two to three years and replaced within a long ley mixture." Where a range of options are to be retained this should also be made clear.

#### 4.2 Cultivation Practices

An outline of the range of cultivations likely to be undertaken. This is necessary since on some sites certain practices can be detrimental to soil structure. Adoption of non-specified techniques will be permissible at a subsequent date subject to mineral planning authority approval where these are unlikely to prove harmful. The need for flexibility is recognised in view of changes over time in the design and availability of agricultural machinery.

#### 4.3 Remedial Treatments

Commitments to undertake stone picking operations and secondary treatments i.e. moling and subsoiling need to be outlined. Since the efficacy and need for such treatments is dependent upon soil conditions all that is required is a general statement of intent accompanied by criteria for determining the need for such treatments. For example "During cultivations any stones lying on the surface which are larger than would pass through a wire screen mesh spacing of xxx mm, together with other objects likely to obstruct future cultivation, will be removed from the site."

#### 4.4 Field Drainage

This should cover any commitments in principle to undertake under-drainage; consultations with the mineral planning authority in advance of installation to agree scheme design; timing of installation work within the aftercare programme plus commitments to carry out any necessary maintenance works or temporary drainage measures.

#### 4.5 Fertilisers, Weed Control etc.

To cover measures of improving soil fertility and control of weeds. The basis for determining need and application rates should be outlined (e.g. soil sampling and analysis).

#### 4.6 Irrigation

This is likely to be a component in a minority of aftercare schemes only. Where it is proposed information should be provided to cover equipment specifications, siting of installations, and criteria for determining irrigation rates. (It should be made clear that all necessary consents for



abstraction etc. must be obtained in advance). Where investment in equipment is intended, early discussion will enable applicants to assess whether their plans are compatible with aftercare requirements.

#### 4.7 Shelter Belts, Hedges etc

An outline strategy is needed to cover: location, ground preparation (see previous sub-sections for levels of details required); planting and maintenance commitments. Practitioners are advised that consideration of aftercare schemes for commercial woodland are the responsibility of the Forestry Commission. Woodland which is ancillary to the farming of the land for other agricultural purposes is normally the responsibility of MAFF.

NB: Footnote Fencing and provision of water for livestock are not covered by aftercare conditions since they are not "treatment of the land". Where their provision is essential for satisfactory aftercare management alternative arrangements are needed to cover these aspects. Fencing can be required as a separate planning condition.

#### Detailed Annual Programme

5. This will provide the detailed proposals for the forthcoming year. It will need to be discussed and agreed at the annual site management meeting held with representatives from the minerals planning authority and MAFF. It should -
  - i) Amplify the outline strategy (paragraph 4) for work to be carried out in the forthcoming year.
  - ii) Confirm that steps already specified in detail in the outline strategy will be carried out as originally intended.
  - iii) Include any modifications to original proposals e.g. due to differences between actual and anticipated site conditions.
6. The elements of the scheme requiring consideration should identify the person(s) responsible for the succeeding year's programme unless this is adequately covered in the outline strategy. Detailed prescriptions will then be provided for specific steps including :-

#### 6.1 Cropping

Details should be provided for the cropping programme on site. For each field information should include details on :-

The nature and timing of cultivations and stone picking operations including approximate depth of activities.

The content of seeds mixtures; proposed seed rates and timing of sowing operations.

Proposed fertiliser and lime application rates based upon the results of soil nutrient analyses. Details of spraying programmes, both herbicides and fungicides, so far as these are known at the aftercare meeting. Plus commitments to carry out all reasonable spring dressings as the on-going situation demands.

## 6.2 Grassland Management

This should cover the anticipated timing and frequency of cutting; grass removal; proposed grazing regime including type, age and numbers of livestock and the extent of the grazing period.

## 6.3 Secondary Treatments

Specifications should include timing, working depths, tine spacings and the equipment to be used for moling and subsoiling operations.

## 6.4 Field Drainage

Details on the timing of underdrainage installation work for the forthcoming year plus scheme details including a map showing pipe layout plus details on installation method; drain spacings; drain depths; pipe size and gradients; nature and depth of permeable fill; outfalls; post installation remedial works.

## 6.5 Irrigation

Details of irrigation proposals specific to the forthcoming cropping year.

## 6.6 Shelter Belts, Hedges etc.

This should confirm establishment proposals for the forthcoming year covering ground preparation, planting details (species, type of stock, establishment methods, planting density, timing) and maintenance including, as appropriate, beating up; weed control policy; fertiliser application and cutting/pruning.