

Planning and Environment
Director of Planning and Environment,



Hertfordshire
COUNTY COUNCIL

Town Planning
Ref No 4/0481-95

Other
Ref No

TOWN & COUNTRY PLANNING ACT, 1990

To: **JAMES GEORGE
MAPLINS MOUNT
DARRS LANE
NORTHCHURCH
BERKHAMSTED**

**APPLICATION FOR THE REGARDING OF
LAND USING IN SITU SUBSOILS AND
INERT MATERIALS**

at: **MAPLINS MOUNT, DARR LANE,
NORTHCHURCH, BERKHAMSTED**

Brief description
and location of
proposed
development

In pursuance of their powers under the above Act 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 15 April 1995 and received with sufficient particulars on 19 April 1995 and shown on the plan (s) accompanying such application, subject to 13 Conditions, which are detailed in the attached Schedule, along with the Reasons for the imposition of the Conditions.

Dated: 16 day of August 1995

Signed *Susany Davidson*

Designation *Head of Restoration,
Minerals & Waste Planning*

Contd....

TOWN AND COUNTRY PLANNING ACT 1990

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 of the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol, BS2 9DJ.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decisions on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the 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.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

**SCHEDULE OF CONDITIONS NUMBERED 1-13 ATTACHED TO
PLANNING PERMISSION ISSUED UNDER APPLICATION NUMBER
4/0481-95 (558) FOR THE REGRADING OF LAND USING IN-SITU
SUBSOILS AND INERT MATERIALS ON LAND AT MAPLIN'S MOUNT,
DARRS LANE, NORTHCHURCH, BERKHAMSTED.**

APPLICATION NUMBER : 4/0481-95 (558)

- 1. The commencement of final restoration as permitted by this planning permission (i.e. the regrading of land) shall be begun before the expiration of one year from the date of this permission.**

Reason : To comply with the requirements of section 91 of the Town and Country Planning Act 1990

- 2. The operations authorised by this planning permission shall, except where modified by this Schedule of Conditions, be undertaken in accordance with the provisions of letter dated 15 April 1995 (Ref : JFL/186) which accompanied the application (No : 4/0481-95 (558)) and accompanying plan (Ref : PP030295, dated February 12 1995), unless otherwise agreed in writing by the Local 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 that the complete restoration of the land to a beneficial use is achieved.

- 3. No further materials except for topsoil as maybe required and approved under Condition 7 shall be imported to the site for the purposes of regrading of the site.**

Reason : To ensure that no surplus materials are brought to the site.

- 4. Materials considered unsuitable for the restoration of the land which have already been deposited at the site should be removed from the site and disposed of at a suitable facility. This shall include any deposited timber, plastic, plasterboard, paper, empty containers, brick, concrete, tarmacadam, asphalt, metals and rubble.**

Reason : To minimise the risk of environmental pollution and ensure the best possible standard of restoration possible.

SJ Davidson
16.8.95

5. **In-situ topsoil should not be exported from the site and should be used for the landscaping of the site.**

Reason : To minimise the need for importation of topsoil for final restoration and landscaping thereby reducing impact on the local highway network.

6. **The final topsoil layer deposited on the land (unless otherwise previously approved by the Local Planning Authority), shall be :-**

- i) **at least 300 mm deep and composed of the stored in-situ topsoil and/or other approved material which is readily capable of promoting plant growth; and 700 mm of subsoils;**
- ii) **so deposited as to produce an even, easily drained surface so that the land can be readily used as a paddock;**
- iii) **thoroughly ripped or disc harrowed so that any compacted layers are effectively broken up;**
- iv) **kept free from any materials which may damage cultivation equipment or interfere with the subsequent paddock use. All rocks, stones and other solid objects with a single dimension greater than 75 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.

7. **If it is necessary to import extra topsoil to the site to facilitate completion of the restoration proposal (as defined by condition 6), details of the importation should be submitted to and approved in writing by the Local Planning Authority.**

Reason : To ensure that imported material is of a suitable quality and that importation does not result in excess material being brought to the site.

8. **Topsoil and subsoil used for restoration purposes shall only be handled when they are dry and friable and only between the period May to September unless it is demonstrated to the Local Planning Authority that operations can take place satisfactorily outside this period.**

Reason : To ensure that soils and restoration materials 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.

E. Davidson
16.8.95

9. **Following deposition of the final layers of topsoil (as defined by Condition 7), the site shall be seeded with grass to create a paddock area. Prior to the seeding, an aftercare scheme for the first five years following the completion of restoration shall be submitted to and approved in writing by the Local Planning Authority.**

Reason : To ensure that the best standard of after-care management of the site is carried out after restoration.

10. **Trees shall be planted along the western boundary of the site in accordance with Plan No PP030295. The trees shall be planted within the first available planting season after deposition of the final layers of topsoil as defined by Condition 7. Prior to the planting of the trees details of tree numbers and species shall be submitted to and approved in writing by the Local Planning Authority.**

Reason : To provide a natural boundary between the application site and adjoining land.

11. **If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective,] another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives it written consent to any variation.**

Reason : To ensure that the planting required by condition 12 is adequately maintained.

12. **No "retained trees" meaning existing trees at the site as drawn on Plan PP030295 should be removed.**

- i) **No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped;**
- ii) **If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.**

Reason : To ensure that the planting required by Condition 12 is maintained.

S. Davidson
16.8.95

13. **No operations authorised by this permission shall be carried out other than during the following periods :-**

09.00 to 17.00 hours Monday to Saturdays

No operations shall take place on Sundays, or Public Holidays

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

S. Davidson
16.8.95

**NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER**