

Town Planning

Ref. No. 4/679-82

Other

Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

~~THE DISTRICT COUNCIL OF~~~~IN~~ THE COUNTY OF HERTFORD

To Bovington Brickworks Ltd
 Pudds Cross
 Hemel Hempstead

.....winning of clay on 2.6 ha. at rear of site.....

 atLeyhill Road, Pudds Cross, Hemel Hempstead.....

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 27th May 1982
 and received with sufficient particulars on 28th May 1982
 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 years commencing on the date of this notice.~~

Schedule of Conditions Numbers 1-21 attached

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

~~(1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.~~

Dated.....7th.....day of.....February.....1983

Signed.....*[Signature]*.....

Designation Deputy County Planning Officer

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 1-21 ATTACHED TO THE PLANNING PERMISSION
ISSUED UNDER HCC APPLICATION NUMBER 4/679-82 FOR THE EXCAVATION OF CLAY
FOR BRICK-MAKING, REFILLING WITH INERT MATERIAL AND RESTORATION TO
AGRICULTURAL USE AT BOVINGDON BRICKWORKS, LEYHILL ROAD, PUDDS CROSS, DACORUM

- 1 The development to which this planning permission relates shall be completed by 31st December 1992, or such later date as may be agreed in writing by the Mineral Planning Authority, and all operations (excluding those related to after-care) authorised or required by the permission, shall be completed to the reasonable satisfaction of the Mineral Planning Authority by that date.
- 2 The operations authorised by this planning permission shall, except where modified by this Schedule of Conditions, be undertaken in accordance with the Application HCC No. 4/679-82 received by the County Council on 3rd June 1982, the accompanying site plan numbered 17/78/1 and the applicants' letters dated 8/7/82 and 3/12/82, and the plans accompanying the latter numbered 17/78/26 and 17/78/27.
- 3 A detailed Scheme of Working and Restoration for the whole of the extraction site (the area outlined in red and the area outlined in blue on Plan No. 17/78/1) shall be submitted to and agreed by the Mineral Planning Authority by 31st January 1984. This scheme shall among other matters specify provisions for the method, sequence, expected start dates and duration of the areas of working and the provisions for the infilling and eventual restoration to agriculture of the site.
- 4 Prior to the submission and agreement of the Scheme of Working and Restoration referred to in Condition 3, all operations authorised by this permission will be subject to the Scheme of Working produced in accordance with planning permissions dated 4/7/1957 and 20/9/1949, HCC Application Number W/168-57 and W/363-48 respectively.
- 5 Notwithstanding the provisions of the Town and Country Planning General Development Order 1977, planning permission shall be obtained under Part III of the Town and Country Planning Act 1971 for the erection of any fixed plant, fixed machinery or fixed structures on the land subject to this planning permission.
- 6 Except with the previous written consent of the Mineral Planning Authority, no operations authorised by this permission shall be carried out other than during the following periods:

7.30 am - 6.00 pm	Mondays to Fridays
7.30 am - 12.00 noon	Saturdays

No operations shall take place on Public Holidays.
- 7 Noise from the operations conducted on the site shall not exceed an hourly Leq. of 75dB(A) as measured at a height of approximately 1.2 metres, at least 3.6 metres away from any walls or other reflective surfaces of an inhabited building.
- 8 Adequate provision for the drainage of the land shall be made at all times to the reasonable satisfaction of the Mineral Planning Authority, and the drainage of the adjoining land shall not be interrupted.

- 9 The operations shall be completely segregated from any watercourse, and no opening or discharge shall be made without the Mineral Planning Authority's consent in writing, from the workings or from any building or plant connected therewith to any "main river", ditch or brook, watercourse, cut, channel, culvert or pipe, which is connected directly or indirectly with any main river, or with any swallow-hole or subterranean fissure.
- 10 Prior to commencing any excavation in any part of the site, all topsoil and subsoil shall be separately stripped from the immediate working area and stored separately in bunds not exceeding 3 metres in height, and at a minimum of 2 metres from any tree or hedgerow.
- 11 Topsoil and subsoil shall only be handled when they are dry, and then with a minimum of working and compaction.
- 12 The workings shall be restored by refilling with inert materials, which shall be properly consolidated.
- 13 Allowance shall be made for the final layers of overburden, subsoil and topsoil, so that after settlement, the eventual levels of the restored land shall conform with the original landform levels, and have an easily-drained, even surface that can readily be used for agricultural purposes. The final levels shall be those shown on cross-sectional plans to be submitted to and agreed by the Mineral Planning Authority before 31st January 1984.
- 14 Overburden or soil-type fill material shall be spread over the filled area at an even depth of at least one metre, so as to follow the final contours. The top 750 mm depth shall be kept free from any materials which may damage cultivation machinery or interfere with subsequent agricultural use. This depth is to be thoroughly ripped or deeply cultivated, so that any compacted layers are effectively broken up.
- 15 Overburden or soil-type fill material shall be spread over the restoration area at an even depth so as to follow the final contours. This soil is to be thoroughly ripped or deeply cultivated, so that any compact layers are effectively broken up.
- 16 Topsoil shall be spread over the restoration area at an even depth of at least 200 mm, to achieve the final levels as required by Condition Number 13.
- 17 A Scheme for the proposed cultivation, fertilising, planting and after-care of the restored land detailing such steps as may be necessary to bring the land to the required standard for use for agriculture, shall be submitted for the approval of the Mineral Planning Authority before 31st January 1984.
- 18 Artificial field drainage shall be installed if it is considered necessary by the Mineral Planning Authority.
- 19 In the event of any remains of archaeological interest being unearthed, the Mineral Planning Authority shall be immediately informed and afforded a reasonable opportunity for an examination to be made.
- 20 Prior to the commencement of any extraction on the application site, the applicants shall consult with the British Pipeline Agency Ltd. concerning the oil pipelines in the area shown on Plan 17/78/1, and shall agree with that company details of:

Protection works for the pipelines where they run adjacent to the limits of working and the angle of support to the pipeline easement strip.

Construction and protection works, including temporary fencing, where plant and vehicles will cross the pipeline easement strip.

Insurance indemnification for any damage caused by the operations of the applicant.

- 21 All plant and machinery and access roads no longer required in connection with the workings, restoration or future agricultural land, shall be removed from the land within 12 months of completion of the restoration.

Reasons for Conditions

1

To enable the Mineral Planning Authority to review the situation in the light of circumstances then pertaining.

2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 21

To ensure an orderly programme of working and restoration is carried out in the interests of public health and safety, and that the adverse effects on local amenity will be kept to a minimum and that the complete restoration of the land is achieved to a beneficial use.

8

To ensure the drainage of the site and adjoining land are not adversely affected.

9

To safeguard surface and underground watercourses and water supplies.

19

To afford the Mineral Planning Authority a reasonable opportunity to examine any remains of archaeological interest which may be unearthed, and decide on any action required for the preservation or recording of such remains

20

In the interests of public health and safety, and to ensure there is no interruption of oil supplies, as requested by the British Pipeline Agency Ltd.

SP. 7.2.83