



Ref. No. .... Town Planning  
#1513-25  
Other  
Ref. No. ....

TOWN & COUNTRY PLANNING ACTS, 1971 and 1975

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

~~xxxxxx with the requirements of Section 61 of the Town and Country Planning Act 1971~~

See attached Schedule of Reasons.

THE DISTRICT COUNCIL OF  
THE COUNTY OF HERTFORD

To  
Norton House  
Newby Road  
Haze Grove  
Stotford ST. 2DU

Development  
of proposed  
location and  
description  
Brief

PROPOSED TO SUPPLY MATERIAL FROM CONSTRUCTION OF THE  
SITE 15 LANGLEY BRIDGE  
ST. AND 11 WESTBROOK LANE, MOUNT END, HEMEL HEMPSTEAD,  
HERTF. WD9 1JH

It is hereby notified that the above mentioned Acts and the Orders and Regulations for the time being in force made thereunder, shall apply to the development proposed by you in your application dated 29.10.1992 and received by the Council on 29.10.1992.

Dated: 29.10.1992

Signed: *[Signature]*

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 1-34 ATTACHED TO THE PLANNING PERMISSION ISSUED UNDER APPLICATION NUMBER 4/1213-92 FOR THE DISPOSAL OF SURPLUS MATERIAL FROM CONSTRUCTION OF A41 BERKHAMSTED BYPASS AT WESTBROOK HAY, BOURNE END, HEMEL HEMPSTEAD, HERTFORDSHIRE

1. Disposal of surplus material hereby permitted shall cease on or before 30 June 1993 and the site shall be completely restored by 31 December 1993 or such longer period as the Local Planning Authority may approve in writing.

Reason: To ensure that the restoration of the land to a beneficial afteruse is achieved within a reasonable timescale, and enable the Local Planning Authority to review the situation in the light of changing circumstances.

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 the Written Statement dated 16 September 1992 accompanying the application number 4/1213-92, and the drawing numbered JJ/802609/61.

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 operations authorised in connection with this permission shall take place within 5 metres of any hedgerow or 5 metres of any tree within or bordering the site without the written consent of the Local Planning Authority, and operations shall only take place when these protective areas have been clearly marked out to the satisfaction of the Local Planning Authority.

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

4. Except with the previous written agreement of the Local 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 - 1.00 pm Saturdays

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

5. 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 (CNL) 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.

6. Noise from the operations conducted on site during the period of removal, storage and replacement of topsoil and subsoil and the formation or 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.

7. The operations hereby permitted shall, unless otherwise agreed in writing by the Local Planning Authority:

- a) not be carried out within 150 metres of a dwelling before 8.30 am;
- b) be in accordance with guidelines to be submitted to and agreed by the Local Planning Authority prior to the commencement of operations.

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

8. Measures to suppress dust throughout the operations, including the spraying of clean water, shall be taken to the satisfaction of the Local Planning Authority.

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

9. Unless otherwise agreed in writing by the Local Planning Authority, a phased scheme of landscaping and tree planting shall be submitted to and approved by the Local Planning Authority before operations on the site commence, or within such longer period as the Local 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.
- (b) additional tree and hedgerow planting;
- (c) 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;

- (d) a timetable within which the agreed scheme shall be implemented;

Reason: In order to minimise visual intrusion, to absorb the operations and restoration into the landscape, and in the interests of nature conservation.

10. All trees and shrubs planted under the scheme required by Condition 9 shall be maintained to the satisfaction of the Local Planning Authority 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 9 is adequately maintained.

11. No operations authorised by this planning permission shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

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

12. Unless otherwise agreed in writing by the Local Planning Authority the plastic limit of the topsoil and subsoil shall be determined and agreed with the Local 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.

13. Subject to any requirements which may result from the archaeological evaluation required by Condition 11 for non-disturbance of areas of the site, the topsoil and subsoil of the site shall be stripped separately and stored separately in the positions agreed in writing with the Local Planning Authority.

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.

14. Unless otherwise agreed in writing by the Local Planning Authority, no operations 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 Local Planning Authority. The Scheme shall define the type of machinery to be used. All machine types and movements shall be restricted to those agreed. All soils shall be replaced by means of dump truck and backactor. 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.

15. 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 Local Planning Authority. Weed control measures shall be carried out and the bunds shall be maintained to the satisfaction of the Local Planning Authority.

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.

16. Unless otherwise agreed in writing by the Local Planning Authority, all soil stockpiles shall be constructed with all slopes being formed at a maximum of 45 degrees and a maximum height of 5 metres and so positioned that the toe of the finished embankment is no closer than 5 metres from any hedgerow or 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.

17. No topsoil or subsoil shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

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

18. Only clean rubble and 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.

19. 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 Local Planning Authority, to show the final levels of fill material, subsoil and topsoil respectively.

Reason: To ensure that an orderly programme of operations and restoration is carried out, that the adverse effects on local amenity are kept to a minimum, that the complete restoration of the land to a beneficial use is achieved, and to afford the Local Planning Authority an opportunity to consider whether the final levels are satisfactory.

20. Unless otherwise agreed in writing by the Local Planning Authority, the final levels of deposited material, following the deposit of spoil and replacement of soil, shall conform with the levels as shown on drawing numbered JJ/802609/61 accompanying application number 4/1213-92.

Reason: To ensure that the final landform following restoration blends with the existing landscape features of the area, and to ensure that a beneficial afteruse is achieved.

21. The source(s) of the subsoil and topsoil to be spread over the site on conclusion of the tipping operations shall be agreed in writing with the Local Planning Authority prior to completion of tipping. All such subsoil and topsoil shall have been stripped and stored in a manner and state acceptable to the Local Planning Authority. Any imported topsoils for use in restoration shall, unless otherwise agreed in writing by the Local Planning Authority be stored separately in positions previously approved in writing by the Local Planning Authority and consist of materials with an organic content of not less than 0.3%.

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.

22. Following soil replacement, a chemical analysis of the topsoils shall be submitted to the Local 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 27.

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

23. On completion of tipping operations the subsoil and topsoil 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 Local Planning Authority. 1 metre depth shall be kept free from any material which may damage cultivation machinery or interfere with the subsequent agricultural use.

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

24. Prior to replacement of topsoil, the subsoil shall be thoroughly ripped to a depth of 600mm. Unless otherwise agreed in writing by the Local Planning Authority, the topsoil shall be placed from positions adjacent to ripped subsoil in such a manner as to avoid tracking of machinery over ripped subsoil and replaced topsoil. The topsoil shall, unless otherwise agreed in writing by the Local Planning Authority, be spread over the subsoil using hydraulic excavator to a maximum depth of 300mm. All rocks, stones and other solid objects in excess of 75mm 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.

25. The Local Planning Authority shall unless otherwise agreed in writing, be given a minimum of 2 weeks' notice in writing before soil replacement and cultivation works are to take place.

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.

26. No plant, machinery or vehicles shall traverse ripped subsoil or replaced topsoil, except in connection with agricultural operations unless otherwise agreed in writing by the Local 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.

27. Unless otherwise agreed in writing by the Local 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 Local Planning Authority not later than 3 months of the implementation of this permission. The submitted after-care 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 Local Planning Authority and any relevant consultee. Drainage will be required unless otherwise agreed in writing by the Local Planning Authority. This approved scheme shall be implemented within 6 months of 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.

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

Reason: To ensure watercourses are not polluted or otherwise adversely affected.

29. No ditch, brook, watercourse, cut, channel, culvert or pipe shall, without the consent of the Local 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.

30. No material shall be brought to the site which directly or indirectly requires the use of the public highway network, except by written agreement with the Local Planning Authority, such agreement to specify the routes to be taken transporting such material.

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 highways in the vicinity of the site.

31. 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.

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

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

33. All mobile plant and machinery shall be parked in an inconspicuous position or positions when not in use, and shall not be in exposed areas.

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

34. 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 Local Planning Authority.

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

#### INFORMATIVES

All noise measurements shall be carried out using a sound level meter to BS5696:1981 (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.

Eastern Electricity: See attached Letter 1.

NOTE 1 (accompanying Decision Notice reference 4/1213-92)

## 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.



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MR.P.DONOVAN HERTS.COUNTY COUNCIL  
TRINITY CENTRE BLOCK D.FANHAMS HALL RD.  
WARE

SG12 7PS

OUR REF 302/1391J/ST  
YOUR REF

RMWP/PMD/EMS/4/1213-92(518)  
21st October 1992

Dear Sirs,

PUBLIC UTILITIES STREET WORK ACT

LOCATION: HEMEL HEMPSTEAD LAND NORTH OF WESTBROOK HAY

Thank you for your letter informing us of your intention to carry out works in the above location.

Our records indicate that there are no Eastern Electricity owned High Voltage or Low Voltage Mains cables present in the immediate vicinity of the proposed works. However, services to individual properties, street lighting columns and street furniture may be present. You must therefore take precautions to avoid damage to such services in accordance with Health and Safety series booklet HS(G)47, copies of which can be obtained from HMSO Publications or HMSO Bookshops. Service records are available for inspection at our local depots during normal office hours.

Yours Faithfully

*S. Taylor*  
(S. TAYLOR)



Drawing Office Hemel Hempstead

23 OCT 1992  
PMD

23

29 December 1992