

Town Planning 4/1304-91

Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

~~THE~~ THE COUNTY OF HERTFORD

To Cinnamond Reclamation Ltd
 P O Box 239
 Watford
 Herts WD1 7LZ

SPOIL DISPOSAL FROM CONSTRUCTION OF THE A41 BERKHAMSTED
 BY-PASS
 at LAND WEST OF BOTTOMHOUSE LANE AND EAST OF ROSSWAY LANE,
 HAMBERLINS FARM, DUDSWELL, BERKHAMSTED.

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 24th September 1991 and received with sufficient particulars on 25th September 1991 and shown on the plan(s) accompanying such application, subject to the following conditions: -

~~xxxxThe development to which this permission relates shall be begun within a period of xxxxxxxxxx commencing on the date of this notice~~

See attached Schedule of Conditions numbered 1 - 37.

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

~~(XXX) To comply with the requirements of Section 41 of the Town and Country Planning Act 1971.~~

See attached Schedule of Reasons numbered 1 - 37.

Dated..... 14th day of January 1992

Signed..... T. J. Bell

Designation HEAD OF PLANNING.....

NOTE

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

(2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Marsham Street, London, S.W.1. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

(4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

SCHEDULE OF CONDITIONS NUMBERED 1-37 ATTACHED TO THE PLANNING PERMISSION ISSUED UNDER APPLICATION NUMBER 4/1304-91 FOR THE DISPOSAL OF SURPLUS MATERIAL FROM CONSTRUCTION OF A41 BERKHAMSTED BY-PASS AT LAND WEST OF BOTTOM HOUSE LANE AND EAST OF ROSSWAY LANE, DUDSWELL, HERTFORDSHIRE. OS REF: SP 954 097

1. The development to which this planning permission relates shall be begun before the expiration of one year commencing on the date of this permission.

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

2. 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.

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 September 1991 accompanying the application number 4/1304-91 and the plans numbered CRL/HFB/PA/01 and CRL/HFD/PA/02 to 04.

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

4. No operations authorised in connection with this permission shall take place within 2 metres of the eastern boundaries of the site adjoining Bottom House Lane, or within 3 metres of the eastern, southern or western boundaries of the land adjoining Rossway Lane, or within 5 metres of any trees bordering the site without the written consent of the Local Planning Authority, and the development hereby permitted 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.

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5. Except with the previous written agreement of the Local Planning Authority the operations authorised by this permission on the land adjoining Rossway Lane shall only be carried out during the following periods:

7.00 am - 7.00 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.

6. Except with the previous written agreement of the Local Planning Authority, the operations authorised by this permission on the land adjoining Bottom House Lane shall only be carried out between 8.30 a.m. and 6.00 p.m. Mondays to Fridays (excluding Bank Holidays).

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

7. 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.

8. 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.

9. The operations hereby permitted:

- a) shall not be carried out within 150 metres of a dwelling before 8.30 am;
- b) shall 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.

10. 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.

11. A phased scheme of landscaping and tree planting shall be 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 this scheme shall be implemented. The 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 along the eastern boundaries of the site;
- (c) additional tree and shrub planting within the area between the A41 By-pass and Rossway Lane;
- (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) 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.

12. All trees and shrubs planted under the scheme required by Condition 11 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 11 is adequately maintained.

13. No operations shall commence within the site until the applicant has first provided to the satisfaction of the Local Planning Authority an archaeological evaluation of the site, and made provision, also to the satisfaction of the Local Planning Authority for such further works as may be deemed necessary in consequence of that evaluation.

The Local Planning Authority shall be given at least 7 and not more than 21 days' advance notice in writing of any topsoil stripping operations, and reasonable access facilities shall be afforded to a person, or persons, nominated by the Local Planning

Authority, to enter the site in order to undertake observations and record any geological or other scientific evidence that may be exposed. If further geological or other scientific evidence is subsequently unearthed, the Local 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 a reasonable opportunity for an examination to be made to determine the extent of remains of archaeological, geological or other scientific interest known to exist within the site, and to decide on any action required for the examination, protection, preservation, or recording of such remains.

14. Topsoil and subsoil 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 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.

15. Subject to the requirements resulting from the archaeological evaluation required by Condition 13 for the non-disturbance of part or parts of the site, the total depth of soil as existing on the site shall be stripped and used for restoration. This shall be carried out by the use of boxscraper following defined haul routes previously stripped of soil or hydraulic excavator and dump truck unless the operator can demonstrate to the satisfaction of the Local Planning Authority, that equal success can be achieved by alternative equipment.

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. Subject to the requirements resulting from the archaeological evaluation required by Condition 13, for non-disturbance of areas of the site, and prior to any operations taking place in any area of the site, the topsoil and subsoil of that area shall be stripped 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.

T.J.B.

17. 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 containing a high percentage of ryegrass with fescue and clover. 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.

18. All soil stockpiles shall be constructed with all slopes being formed at a maximum of 45 degrees and a maximum height of 5m and so positioned that the toe of the finished embankment is no closer than 2 metres from the nearest site boundary or any tree or hedge 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 to prevent damage to landscape features.

19. No topsoil or subsoil 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.

20. 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.

21. 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.

T.J.B.

22. The fill material shall be graded out to the margins of the operational area defined in Condition 4 above, and the final levels, following the deposit of spoil and replacement of soil, shall conform with the levels and contours shown on Plans CRL/HFD/PA/03 and 04 or as agreed in writing by the Local Planning Authority.

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.

23. 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.

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.

24. Following soil replacement, a chemical analysis of the topsoils shall be carried out to determine the lime and fertilisers required and these quantities of lime and fertiliser shall be added to the soils, with the approval of the Local Planning Authority.

Reason: To ensure that the complete restoration of the land to a beneficial use is achieved.

25. On completion of tipping operations the subsoil and topsoil shall be spread over the filled area to an even depth of 1.2 metres so as to conform to the final contours. 1 metre depth shall be kept free from any material which may damage cultivation machinery or interfere with subsequent agricultural use. The area shall be thoroughly ripped with a winged subsoiler at a depth of 300mm at a tine spacing of no more than 450mm and then at a depth of 600mm. All rocks, stones and other solid objects in excess of 75mm on the surface following ripping shall be removed.

Reason: To ensure that the complete restoration of the land to a beneficial use is achieved.

26. The Local Planning Authority shall 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.

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27. 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.

28. An aftercare scheme requiring such steps as may be necessary to bring (a) the land east of the By-pass to the required standard for use for agriculture; and (b) the land between the By-pass and Rossway Lane to the required standard to promote regeneration of indigenous woodland, shall be submitted for the approval of the Local Planning Authority not later than 3 months from the date of commencement of the development hereby permitted. 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.

This approved scheme shall be implemented within 6 months of completion of restoration and maintained for a period of 5 years following restoration.

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.

29. Provision for the drainage of the land shall be made at all times to the reasonable satisfaction of the Local Planning Authority and the drainage of the adjoining land shall not be interrupted or polluted by the operations hereby permitted. The applicant shall take steps to control water draining off the site and ditches or drains shall be provided in positions first to be approved by the Local 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.

30. 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.

31. Steps shall be taken to prevent any solid matter passing into any watercourse from the operations.

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

32. No material shall be brought to the site which directly or indirectly requires the use of the public highway network.

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.

33. 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.

34. Before any operations are commenced within 50 metres of a right-of-way, adequate safeguards, which shall include suitable fencing, to protect persons using the public right-of-way described on the definitive map as Public Footpath number 11, shall be made to the satisfaction of the Local Planning Authority. The route of Public Footpath 11 shall not be obstructed or its surface damaged in any way.

Reason: To ensure that existing rights-of-way are fully protected and that rights-of-way users are not endangered.

35. 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.

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

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

37. No scrap, plant, fuel tanks, equipment or vehicles shall be stored on the site.

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