

Town Planning 4/1656-91

Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972 .

Other

Ref. No.

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

To Mr K P Keogh
18 Oakwood
Berkhamsted
Herts
HP4 3NQ

Mrs L Longhurst
17 Oakwood
Berkhamsted
Herts

Mrs E Young
19 Oakwood
Berkhamsted
Herts

.... LANDRAISING AND REGRADING UTILISING SURPLUS MATERIAL ...
FROM CONSTRUCTION OF A41 BERKHAMSTED BY-PASS
at LAND REAR OF 17-19 OAKWOOD, 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 ...~~2nd December 1991~~..... and received with sufficient particulars on ...~~22nd February 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 years commencing on the date of this notice
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See attached Schedule of Conditions numbered 1 - 29.

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

~~xxxx To comply with the requirements of Section 41 of the Town & Country Planning Act 1971~~

See attached Schedule of Reasons numbered 1 - 29.

Dated..... 17th day of March 1992

Signed..... T.J. Betts

Designation HEAD OF RESTORATION, MINERALS &
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 1-29 ATTACHED TO THE PLANNING PERMISSION ISSUED UNDER APPLICATION NUMBER 4/1656-91 FOR LANDRAISING AND REGRADING, UTILISING SURPLUS MATERIAL FROM CONSTRUCTION OF A41 BERKHAMSTED BY-PASS, LAND REAR OF 17-19 OAKWOOD, BERKHAMSTED, HERTS.
OS REF: SP 976071

1. Disposal of surplus material hereby permitted shall cease on or before 31 December 1992 or such longer period as the Local Planning Authority may approve in writing and the site shall be completely restored by 30 June 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 2 December 1992 accompanying the application number 4/1656-91, letters dated 20 January 1992, 25 January, 1992, 3 February 1992, 10 February 1992, 22 February 1992 and the drawings numbered KK/11/91/11 dated 20.11.91 and KK/11/91/12 dated 21.11.91.

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. 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.

4. 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.

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5. 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.

6. 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.

7. 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.

8. 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 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) 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;
- (c) 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.

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9. All trees and shrubs planted under the scheme required by Condition 8 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 8 is adequately maintained.

10. 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 reasonable satisfaction of 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.

11. 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.

12. 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.

13. 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.

14. 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 Kings Langley 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.

15. 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.

16. The fill material shall be graded out to the margins of the operational area as shown on drawings numbered KK/11/91/11 dated 20.11.91 and KK/11/91/12 dated 21.11.91 and the final levels, following the deposit of spoil and replacement of soil, shall conform with the levels shown on those drawings, 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.

17. 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.

18. 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 soils and restoration material are handled in such a way in order to achieve the best possible standard of restoration.

19. 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 the subsequent agricultural use. The area shall

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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 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.

20. 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.

21. 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.

22. An aftercare scheme requiring such steps as may be necessary to bring the land to the required standard for use for agriculture and forestry shall be submitted in principle for the approval of the Local Planning Authority not later than 3 months from 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.

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.

23. 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

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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.

24. 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.

25. 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.

26. No liquids or materials likely to cause pollution of underground or surface water supplies shall be deposited on the site or the surrounding land and no solid matter shall be deposited so that it passes or is likely to pass into any watercourse.

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.

27. 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.

28. 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.

29. 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.