

9 DCCW2007/2355/N - IMPORTATION OF 40,000 CUBIC METRES OF SOIL TO CREATE ENVIRO-RECREATIONAL SCHEME INVOLVING PLANTING 4 HECTARES OF BROAD LEAVED NATIVE WOODLAND OVER IMPORTED SOIL AT LYDE ARUNDEL, CANON PYON ROAD, HEREFORD, HEREFORDSHIRE, HR4 7SN

**For: Mr. A. Howell per Mr. G. Stokes, Sutton Surveys,
The Belay, Sutton St. Nicholas, Hereford, HR1 3AY**

Date Received: 24th July, 2007

**Ward: Burghill,
Holmer & Lyde**

Grid Ref: 49714, 43613

Expiry Date: 23rd October, 2007

Local Member: Councillor SJ Robertson

1. Site Description and Proposal

- 1.1 Lyde Arundel lies about 1 km north of the northern limit of Hereford, sited midway between the A49(T) and the A4110. The proposal is to import a further 40,000 cubic metres of soil, additional to an earlier permitted scheme, for environmental enhancement using a landscaping scheme that includes recreational access, habitat creation and about 4 hectares of new woodland planting.

2. Policies

2.1 Planning Policy Statements:

PPS1	-	Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation
PPS10	-	Sustainable Waste Management
PPS23	-	Planning and Pollution Control

2.2 Regional Spatial Strategy:

WD1	-	Targets for Waste Management in the Region
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2.3 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S6	-	Transport
Policy S7	-	Natural and historic Heritage
Policy S8	-	Recreation, Sport and Tourism
Policy S10	-	Waste
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment

Policy DR6	-	Water Resources
Policy DR11	-	Soil Quality
Policy DR13	-	Noise
Policy E12	-	Farm Diversification
Policy T6	-	Walking
Policy T8	-	Road Hierarchy
Policy LA2	-	Landscape Character
Policy LA5	-	Protection of trees, woodlands, and hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora
Policy RST6	-	Countryside Access
Policy RST13	-	Rural and Farm Tourism Development
Policy W1	-	New Waste Management Facilities
Policy W2	-	Landfill or Landraising

3. Planning History

- 3.1 Planning application reference DCCW2005/1680/F to import soil for spreading on farmland. Approved 14th July, 2005.
- 3.2 Planning application reference DCCW2005/3168/F to convert a barn to a function room. Approved 23rd November, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Has no objections in principle, confirming that the proposal would be controlled by the Agency through a 'paragraph 19' exemption under the Waste Management Licensing regime. Conditions are recommended to secure the submitted Method Statements.
- 4.2 The Ramblers Association: Welcomes the proposed enhancements subject to appropriate precautions to protect walkers and to maintain the statutory right of way.

Internal Council Advice

- 4.3 Traffic Manager: Has no objection provided access is prohibited from the A49(T).
- 4.4 Rights of Way Manager: does not object to the proposal, provided the public footpath network would be maintained and the interests and safety of walkers protected.
- 4.5 Conservation Manager: Makes the following comments:
- (a) Landscape Officer - advises that the proposal would have a neutral impact on the character and quality of the landscape. Conditions are recommended to ensure adequate protection for trees on the site.

- (b) Ecologist - welcomes the habitat enhancement proposals and raises no objection, subject to a condition to secure the scheme as proposed and to address any wildlife issues that might arise during the construction phase.
- 4.6 Construction Manager: The Drainage Engineer observes that the applicant must ensure protection of the natural drainage of the area to minimise possible pollution but otherwise has no concerns.
- 4.7 Head of Environmental Health and Trading Standards: Confirms that the development would be regulated by the Environment Agency through the Waste Management Licence regime, subject to planning conditions stipulating the terms of development and the type of material to be imported.

5. Representations

- 5.1 Burghill Parish Council: Does not object in principle but raises the following points:
- There should be greater emphasis on sorting waste at source.
 - Further heavy traffic on the A4110 is of particular concern to the north of the site.
 - The applicant should be required to pay for any speed controls.
 - Altering the topography could lead to more flooding at Eltons Marsh.
 - The finished reserve should be freely open to the public, including for educational purposes.
- 5.2 Pipe and Lyde Parish Council: Has no objection, if the following points are taken into consideration:
- The soil must meet all environmental criteria and be monitored regularly.
 - Plans to crush and screen soil/rubble should be clearly stated as it could create noise concerns.
 - The Herefordshire Ornithological Club should be consulted on any proposed nest boxes.
 - Public footpaths should be kept open.
- 5.3 One representation has been received from M. Buffey, Pepperplock, Bewdley Bank, Hereford, HR4 7SQ. The letter is summarised as follows:
- Whilst I have no objection in principle I have great concern about the effect 32 tonne tipper lorries will have on the A4110.
 - The A4110 is narrow and twisting north of the site.
 - It is dangerous for pedestrians where the road has no verges.
 - I am concerned that lorries will use Moreton Road from the A49 to reach the A4110 via Bewdley Bank. Lorries should use Roman Road and only approach or leave the site from the south.
 - There is inconsistency in the Council's policy in regard to movements of tipper lorries.

The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

Background

- 6.1 In 2005, permission under reference DCCW2005/3168/F was granted for diversification of farming activities at Lyde Arundel through conversion of an existing barn to a venue for conferences, weddings and other functions. Prior to this, a separate planning permission reference DCCW2005/1680/N had been granted to import up to 9,500 tonnes of 'inert silt/clay subsoil' to improve a low-lying field on the farm holding, by stripping back the existing topsoil, spreading imported material from various unspecified sites and then replacing the topsoil. Pre-commencement conditions were imposed to secure adequate testing for contamination and provenance.
- 6.2 Development nevertheless proceeded without compliance, and the required agricultural exemption under Waste Management Licensing from the Environment Agency was never issued. At the time, the Agency were not satisfied that the subsequently proposed contamination testing scheme was adequate to ensure no risk to nearby controlled waters. The material, although unlikely to be actually contaminated, was clearly demolition/ construction waste comprising significant quantities of over-large mixed debris including metal, mortared brickwork, concrete and plastic. The Environment Agency stopped all work and the site was then abandoned for the time being, leaving the topsoil mounded up and the subsoil and imported material exposed. The site has remained in this unsightly and unsatisfactory condition since then.
- 6.3 Prolonged discussions to find a practical way forward have resulted in this new proposal for environmental enhancement and landscaping of the site, creating new woodland and pond habitats, and including recreational access for visitors to the function rooms and walkers on public footpath PL8 that crosses the site. However the applicant has argued that the scheme would require the significant importation of further material to fund the project, to be achieved by the sustainable re-use of surplus excavated material through diversion from landfill and tax savings. There is a pressing need within Herefordshire to find appropriate sites and uses for surplus soil from construction sites in the drive to reduce amounts going either to landfill or travelling long distances outside the county.
- 6.4 The main issues for consideration are:
- Traffic impact and timescales
 - Type and treatment of the imported material
 - Public right of way
 - Landscape impact
 - Biodiversity and habitat enhancement
 - Recreational and conservation benefits
 - Sustainability

Traffic impact and timescales

- 6.5 The work would be completed over a maximum of three years, including the final landscaping. Filling would however be intermittent, depending on availability of suitable material. Regular movements are calculated at about 18 to 30 vehicle trips per week or up to 5 per day on a 5.5 day week (para 4.10 of the submitted report ref SS-07-242-4) with a maximum of 10 trips allowed for, but about 4 daily trips would be the most likely during active periods.

- 6.6 Planning permission reference DCCW2005/3168/F, referred to at 3.2 and 6.1 above, required a replacement access to improve visibility on the A4110 a few metres south of the original access, which must be permanently closed off. Under that permission, all function room visitors and deliveries must use the improved A4110 access exclusively, with no access from the A49(T). An existing farm track from the A49 must be kept gated and locked. Therefore in this particular case any deliveries made via the A49 would compromise the preceding requirement, and would also need the Highway Agency's agreement, so the new A4110 access would have to be the preferred option.
- 6.7 The general traffic concerns of local residents along the A4110 and surrounding lanes are nevertheless acknowledged, but it would not be possible to restrict the use of the public highway in this instance since the sources of the material to be imported would vary and be outside the scope of control. The proposal does not conflict with HUDP policy S6 and no objection has been raised by the Traffic Manager, who has requested that access should be exclusively from the A4110 and not the A49. While there would be some convergence of vehicles on the site, there would be a corresponding reduction in traffic elsewhere, including vehicle miles otherwise generated in finding alternative destinations for surplus soil. For the numbers of trips indicated, the advice is that impacts on the highway network would be neutral or not significant. Conditions would secure a requirement for warning signs along the road in both directions and limit vehicle movements to the numbers specified.

Type and treatment of imported material

- 6.8 The material to be imported is described by the applicant's agent as falling within European Waste Code (EWC) 17 05 04 – 'Soil and stone not containing dangerous substances', with a proportion of 17 09 04 – 'mixed construction and demolition wastes not containing asbestos or dangerous substances'. The development would be regulated by the Environment Agency under the Waste Management Licensing regime. In the light of the difficulties encountered with the previous permission, details of all imported materials would need to be entered in a 'Source Log' to be compiled by the operator, including a risk assessment for each new source site, a record of the provenance and EWC code/s, and also a 'Site Diary' to record activities and deliveries, to be available for inspection on request. These measures could be secured through a condition, along with a restriction that only vehicles belonging to or authorised by the applicant would be allowed to access the site, details of which would be recorded in the Diary. The Source Log and Site Diary would together provide an auditable record of the provenance of the material, its composition, and the identities and numbers of vehicles using the site along with comments on any other issues that might arise on site. These records would also allow the Environment Agency and/or the local planning authority to ensure that there was no unauthorised establishment of a waste transfer station at the site. The Environment Agency have stated that they would not require regular reports, but that the Log and Diary should be made available for inspection on request to their own or Council officers.
- 6.9 The proposal includes a contingency to periodically segregate any over-large or unsuitable material with a mobile screen/crusher. Mobile plant is licensed at source by the operator, and the permit goes with the plant wherever it is sited. In the event of a noise nuisance arising due to its use, Environmental Health Officers would regulate it through environmental legislation. The site is well screened and distant from any residential property, the nearest being at Eltons Marsh about 400-500 metres away and the cottages near the access, which are over 500 metres away. Over-large items would be crushed and re-used in the scheme or for farm tracks, and unsuitable

material taken away for disposal or recycling. These precautions would ensure compliance with Herefordshire Unitary Development Plan Policies S2, DR4 and DR11. The applicant is anxious to avoid any contamination, but through the strict control and recording of deliveries and sources a paper audit would nonetheless be available. Sampling, testing and procedural controls are detailed in paragraph 1.15 of the submitted Method Statement, and the development (if permitted) would be required to be undertaken in accordance with all of the details as submitted, including the material types.

Public right of way

- 6.10 Public footpath PL8 crosses the site from east to west. Following a site visit the Rights of Way Officer does not object to the proposal, subject to appropriate precautions and final landforms. A Temporary Closure Order would be necessary at the appropriate time and the agent is aware of the process and cost. The proposal would not therefore conflict with Herefordshire Unitary Development Plan Policy T6. In principle the long-term environmental benefits would enhance the enjoyment of the footpath and the additional permissive recreational facilities proposed (e.g. picnic tables) would be beneficial and are welcomed.

Landscape impact

- 6.11 The site is not constrained by any designated areas, and the landscaping scheme has been designed so as to appear naturalistic and generally compatible with its surroundings. Once completed, the final landform and new woodland planting would be beneficial and its design and purpose would comply with Herefordshire Unitary Development Plan Policies D1, E12 and LA2, provided the work was undertaken strictly in accordance with the submitted Method Statements and plans. Conditions would be needed to ensure this, along with protection for existing mature trees and hedgerows on site in accordance with Herefordshire Unitary Development Plan Policy LA5.

Biodiversity and habitat enhancement

- 6.12 The applicant has retained the services of a qualified Site Ecologist to oversee the project, with particular attention being paid to the Great crested newt population in nearby pools and the proposals for woodland planting and new habitats. The application includes detailed surveys and a site-specific Biodiversity Action Plan (BAP) undertaken by the Farming and Wildlife Advisory Group (FWAG) in 2006. The development would proceed in accordance with FWAG's recommendations to create wildlife corridors, aquatic habitats and open clearings. Diversification at Lyde Arundel includes other biodiversity enhancement projects, and this proposal is designed to complement those. Overall this is welcomed and if secured by conditions would be supported by Herefordshire Unitary Development Plan Policies NC5, NC6, NC7, NC8, and NC9.

Recreational and conservation benefits

- 6.13 A significant element of the proposal is to allow access for visitors to the function rooms. This would involve woodland walks and possibly a picnic area with seats and tables near to where the public footpath crosses the site, thus including access for local residents and walkers. Permitted development rights would be removed by condition in order to ensure no other activities could take place without express

planning permission following public consultation. Herefordshire Unitary Development Plan Policies RST6 and RST13 support such proposals.

Sustainability

- 6.14 According to the Waste Hierarchy as detailed in PPS10, and Herefordshire Unitary Development Plan Policy S10, re-use of surplus soil and construction/demolition site waste is a priority. The need to reduce amounts going to landfill, the increasingly prohibitive levels of Landfill Tax, and issues of appropriate disposal are of considerable concern, particularly in the light of the targets for housing numbers and redevelopment of brownfield land. The only way proposals for importing soil for deposit on land may be supported is if there would be 'significant material planning gains that outweigh material objections' and no alternative sites exist nearer to waste sources (Herefordshire Unitary Development Plan Policy W2). In this case, the applicant has worked hard to propose a scheme that enables him to find a legitimate re-use for surplus soil. He has demonstrated that the proposal would contribute to target reductions of soil going to landfill whilst optimising the opportunity for environmental enhancement and mitigation including habitat creation and/or recreational space. The site is close to the city, from where much of the surplus soil arises, and in principle fulfils the essential requirements of Herefordshire Unitary Development Plan Policies S1, S2, S6, S7, S8 and S10 among others.

Conclusion

- 6.15 With regard to the generation of surplus soil and construction materials there is tension between the needs of the construction industry for development across the county, and the necessary tightening of environmental control, as well as increasing concerns about traffic congestion and waste management. Government proposals to introduce requirements for developers to segregate and minimise construction site waste at source may ease some of the difficulties in future but adequate provision for relocating surplus soil and other materials will still be necessary.
- 6.16 At Lyde Arundel, although no contamination has been found, the incomplete and unsatisfactory condition of the site requires a solution, and doing nothing would not seem to be a sensible option. Despite the previous difficulties this new proposal demonstrates a concerted attempt at sustainability and compliance with the key elements of PPS1, PPS9, PPS10 and PPS23. If permitted with the proposed conditions for recording the sources of imported material and activities on site, it may to some extent be regarded as a model for future examples. The combination of planning and Environment Agency regulatory controls based on the comprehensive submitted details would ensure that there would be no adverse environmental effects or overriding objections. The proposal is therefore recommended for approval as a practical solution to a county wide issue.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notice of the date of commencement shall be sent to the local planning authority within 7 days of that commencement. Please refer to Informative Note 1.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and to define the commencement of the development.

- 2. Notwithstanding the imported material already deposited at the site, terms of this permission shall entirely supersede planning permission reference DCCW2005/1680/N dated 14th July 2005.**

Reason: To define the terms of this permission and for the avoidance of doubt.

- 3. No importation of soil, stone or any other waste material shall take place after the expiration of three years following the commencement date as notified to the local planning authority under condition 1, unless otherwise agreed in writing in advance by the local planning authority.**

Reason: To ensure the timely completion of the development in the interests of the amenity of the area and to comply with Herefordshire Unitary Development Plan 2007 Policies S1, S10 and DR4.

- 4. In all respects, unless otherwise agreed in advance in writing by the local planning authority, and except where otherwise stipulated by conditions attached to this permission, the development shall be undertaken in accordance with the submitted plans and the working details as follows:**

- (a) 'General Method Statement for mobile screening operations' dated 28th April 2006, revised 7th July 2007 and date stamped received 24th July 2007. (Please refer to Informative Note 9).**
- (b) 'General Method Statement for environmental work' dated 17th July 2007 and date stamped received 24th July 2007.**
- (c) 'General Method Statement and planting schedule' dated 17th July 2007 and date stamped received 24th July 2007.**

Reason: For the avoidance of doubt and to ensure the development is undertaken in accordance with the specific proposals and Herefordshire Unitary Development Plan 2007 Policies S1, S2, S10 and D1.

- 5. Before the development is begun, a scheme for compiling and maintaining a Source Log shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and include in particular:**

- (a) The source site name and address and a grid reference.**
- (b) A contact name.**
- (c) Description of the type of materials to be collected and used and the appropriate EWC descriptive code/s on the advice of the Environment Agency.**
- (d) Details of any ground or contamination investigation that has been carried out.**
- (e) Copies of any source test certificates, test/check results and Quality Assurance comments regarding inspection and/or test holes on sites prior to acceptance of materials for removal to Lyde Arundel.**
- (f) Brief source site risk assessment.**
- (g) Any other relevant information that would assist in maintaining a paper audit for these materials.**

- (h) Methodology for compiling, maintaining and storing the Source Log including prescribed instructions for its completion.
- (i) The location of the Source Log, including that an up to date copy of it shall be kept at the site and made available for inspection on reasonable request.
- (j) The person responsible for the Source Log including its maintenance and verification of entries by signature.

Reason: To prevent pollution or contamination of the site and to ensure that the operation of the site and the development are efficiently recorded and auditable to comply with Herefordshire Unitary Development Plan 2007 Policies S10, DR4 and W1.

6. Before the development is begun, a scheme for compiling and maintaining a Site Diary shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and indicate in particular that diary entries must include:

- (a) The date and time of each delivery.
- (b) The registration number of each delivery vehicle.
- (c) The quantity of material delivered or taken away.
- (d) The reference number of the Waste Transfer Note or other relevant documentation.
- (e) Description of the type and nature of delivered material including whether or not it is suitable, over large, or would require sorting or processing.
- (f) Details of any loads that are rejected or redirected, including reasons and onwards destination and the type of material rejected.
- (g) Records of any suspected or actual contamination and method of dealing with it.
- (h) Records of the location and period of operation of any mobile screening or crushing plant including the licence and amount of material processed.
- (i) Records of any other relevant occurrence.
- (j) Methodology for compiling, maintaining and storing the Site Diary including prescribed instructions for its completion.
- (k) The location of the Site Diary, including that an up to date copy of it shall be kept at the site and made available for inspection on reasonable request.
- (l) The person responsible for the Site Diary including verification of entries by signature.

Reason: To prevent pollution or contamination of the site and to ensure that the operation of the site and the development are efficiently recorded and auditable in accordance with Herefordshire Unitary Development Plan 2007 Policies S10, DR4 and W1.

7. Before the development is begun a summary scheme outlining the methodology for ecological enhancement and the conservation of European Protected Species shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and include in particular:

- (a) That the proposals and recommendations including timescales and after-care, given in the Sutton Surveys Report ref SS-07-242-4 dated June 2007, with particular reference to Appendices 'B' and 'C', will be adhered to.

- (b) That the submitted General Method Statement for Environmental Work dated 17th July 2007 will be adhered to.
- (c) The appointment of a named Site Ecologist and confirmation of that person's retention throughout the development period until the works and after-care are complete.

Reason: To ensure the protection of Great crested newts under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and Herefordshire Unitary Development Plan Policies S7, NC1, NC5, NC6 and NC7 and to conserve and enhance protected species habitats and foraging areas to comply with Herefordshire Unitary Development Plan 2007 Policies S7, NC6, NC7, NC8 and NC9.

8. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

Reason: In order to protect the visual amenities of the area in accordance with Herefordshire Unitary Development Plan 2007 Policies S7, LA5 and LA6.

9. G05 (Implementation of landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

10. Before the development is begun, a scheme for the protection of trees and hedgerows on and adjacent to the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be written in accordance with BS 5837 Trees in Relation to Construction, 2005 and implemented as approved. (Please refer to Informative Note 5).

Reason: To safeguard existing trees and the amenity of the area, in accordance with Herefordshire Unitary Development Plan 2007 Policies S7 and LA5.

11. G10 (Retention of trees).

Reason: In order to preserve the character and amenities of the area to comply with Herefordshire Unitary Development Plan 2007 Policies S7 and LA5.

12. No development approved by this permission shall commence until a scheme for the erection of pole-mounted warning signs on the A4110 highway in advance of the junction with the farm access from both directions has been submitted to and approved in writing by the local planning authority. The signs shall be erected in accordance with the approved details before any tipping takes place and must be maintained throughout the duration of the development.

Reason: In the interests of highway safety in accordance with Herefordshire Unitary Development Plan 2007 Policies S6 and T8.

13. Unless otherwise agreed in advance in writing by the local planning authority, no vehicles other than those owned or authorised by the applicant shall be allowed

to access the site in connection with the development hereby permitted, in accordance with details recorded in the Site Diary required by condition 6 above.

Reason: To ensure that only authorised vehicles use the site and to prevent pollution from fly-tipping in accordance with Herefordshire Unitary Development Plan 2007 Policies DR4 and W1.

14. For operations in connection with the development hereby permitted, vehicle access to the site shall be via the A4110 road and not the A49(T).

Reason: In the interests of highway safety and to prevent additional traffic impact on the A49 trunk road in accordance with Herefordshire Unitary Development Plan 2007 Policies S6 and T8.

15. Unless otherwise agreed in advance in writing by the local planning authority, there shall be no more than 10 vehicle movements into and 10 vehicle movements out from the site in any 24 hour period in connection with the development hereby permitted and recorded in the Site Diary required by condition 6 above.

Reason: To minimise traffic impact in the interests of road safety and in accordance with Herefordshire Unitary Development Plan 2007 Policies S6 and T8.

16. In connection with the development hereby permitted no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0800 - 1800 Mondays to Fridays, 0800 to 1300 Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenity of occupiers of nearby properties.

17. No tipping shall take place other than within the area identified and hatched black on the submitted plan ref. SS-07-242-4/11 and date stamped 24th July 2007 unless otherwise agreed in writing in advance by the local planning authority.

Reason: To define the extent of the tipping area and ensure a satisfactory form of development in accordance with Herefordshire Unitary Development Plan 2007 Policies DR1, DR2, W1 and W2.

18. Nothing other than uncontaminated excavated natural materials shall be tipped on the site, in accordance with the submitted 'General Method Statement for mobile screening operations' dated 28th April 2006, revised 7th July 2007 and date stamped received 24th July 2007.

Reason: To prevent pollution in accordance with Herefordshire Unitary Development Plan 2007 Policies S1, S2, DR4, W1 and W2.

19. There shall be no burning on site of any materials associated with the development hereby permitted.

Reason: To prevent pollution and protect the amenity of local residents in accordance with Herefordshire Unitary Development Plan 2007 Policies S1, S2 and DR4.

20. **During the course of the approved development, adequate precautions shall be undertaken and maintained to ensure that no materials are allowed to encroach on any watercourse or drain.**

Reason: To minimise the possibility of contamination of the water environment in accordance with Herefordshire Unitary Development Plan 2007 Policies S1 and DR6.

21. **The premises shall be used for quiet recreational enjoyment, nature conservation and/or agriculture and for no other purpose (including any other purpose in the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and because any other use could have adverse environmental effects that would require further consideration by the local planning authority.

22. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development or use shall take place other than those expressly authorised by this permission, or agriculture.**

Reason: To ensure adequate control of development of the land and because any other use or development would require further consideration by the local planning authority.

23. **A copy of this permission shall be kept at the site along with copies of the Site Log and Site Diary for the duration of the development and made readily available for inspection by Officers of the local authority and/or Environment Agency and for reference by all operators and contractors undertaking the work.**

Reason: To ensure the development is undertaken in accordance with the planning permission.

Informatives:

1. **All pre-commencement conditions attached to this permission must have been formally approved and discharged in writing by the local planning authority before the permission can be implemented.**
2. **HN01 - Mud on highway.**
3. **HN02 - Public rights of way affected.**
4. **It is the responsibility of the developer to ensure that the natural drainage of the area is protected to minimise the possibility of contaminating local watercourses and to prevent flooding or other changes to the drainage of adjoining land.**

- 5. For advice about the scheme for protection of existing trees and hedgerows required by condition 10 and in particular on BS 5837 Trees in Relation to Construction 2005, please contact the Senior Landscape Officer on 01432 260150.
- 6. For advice about the road signage required by condition 12, please contact the Lead Engineer (Traffic), Herefordshire Council Transport Team, Thorn Business Park, Rotherwas, Hereford, HR2 6JT, telephone 01432 260963.
- 7. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.
- 8. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.
- 9. You are advised to seek the necessary permit from the Environment Agency before any waste is imported onto the site. If an application is made for an exemption under the Waste Management Licensing Regulations 1994 (as amended) the necessary risk assessments and waste classifications must be submitted. Before proceeding please seek clarification on European Waste Catalogue codes and hazardous materials from guidance available on the Environment Agency website.
- 10. N19 - Avoidance of doubt.
- 11. N15 - Reason(s) for the Grant of PP/LBC/CAC.

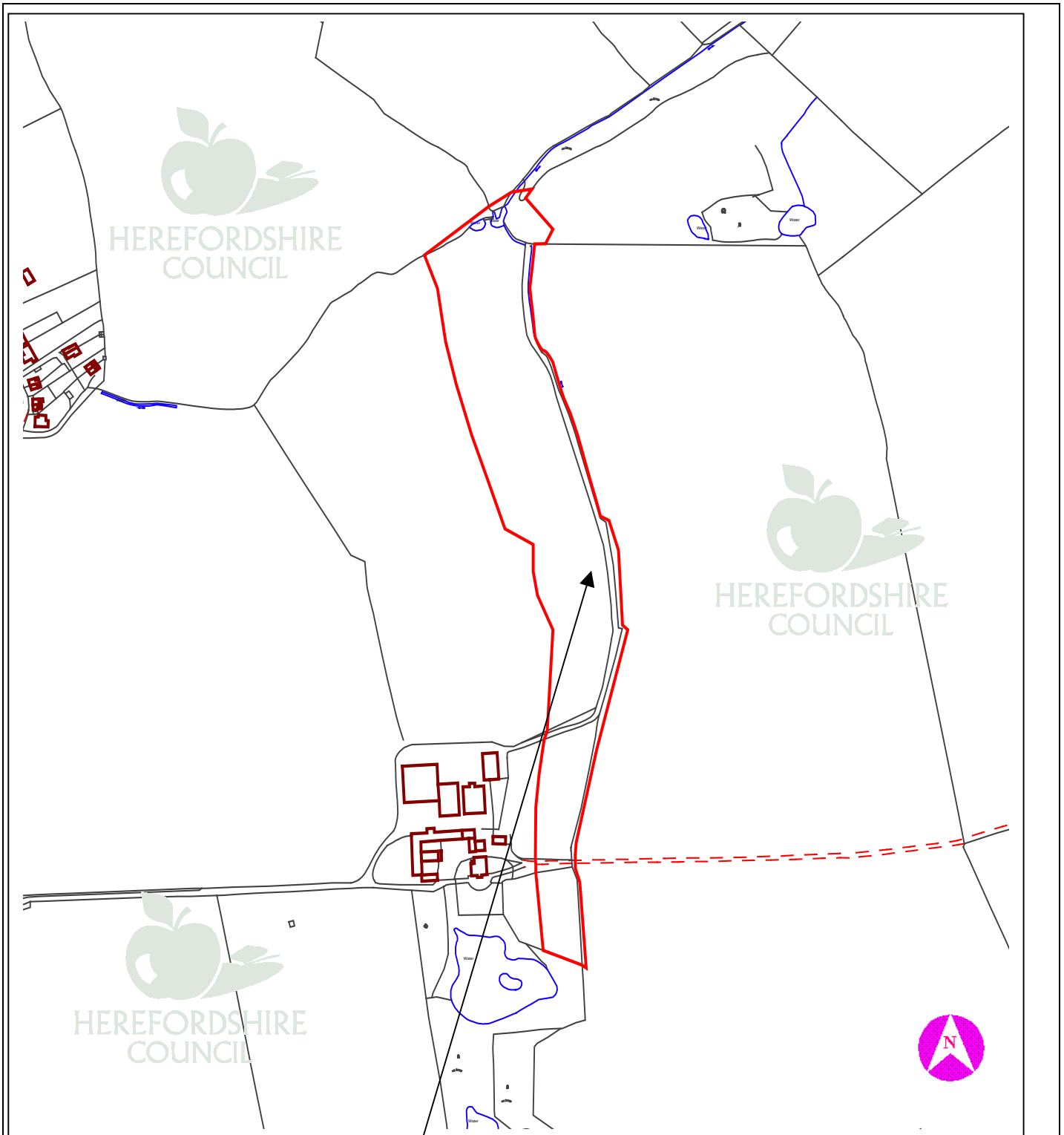
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/2355/N

SCALE : 1 : 4989

SITE ADDRESS : Lyde Arundel, Canon Pyon Road, Hereford, Herefordshire, HR4 7SN

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