

**DEVELOPMENT CONTROL AND REGULATION COMMITTEE**  
**A report by the Executive Director for Economy and Infrastructure**  
**15 July 2022**

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**Application Reference No. 5/22/9004**

**Application Type:** Section 73 Application to Vary or Remove Planning Conditions

**Proposal:** Section 73 for improvements to agricultural land through importation of inert material, to vary Conditions 1, 2, 3, 4 and 12 of planning permission 5/19/9005.

**Location:** Land at Winder Moor, Willow Lane, Flookburgh, Grange-over-Sands, LA11 7LU

**Applicant:** Stephenson Halliday Ltd

**Date Valid:** 31 March 2022

**Reason for Committee Level Decision:** Objections received from representee

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## **1.0 RECOMMENDATION**

1.1 That Planning Permission be granted subject to conditions as set out in Appendix 1 to this report

## **2.0 THE PROPOSAL**

2.1 Planning permission is sought via a Section 73 application for improvements to agricultural land through importation of inert material, to vary Conditions 1, 2, 3, 4 and 12 of planning permission 5/19/9005.

2.2 Section 73 of the Town and Country Planning Act (as amended) allows applications to develop land without compliance with conditions previously attached.

*“On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

*(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”* In other words it is simply a question of conditions and not the principle of development itself.

- 2.3 Condition 1 of the planning permission reads; *'This permission shall be for a limited period only expiring on 29 March 2022, by which date the operations hereby permitted shall have ceased and the site shall be restored within a further period of six months in accordance with the scheme submitted to the Local Planning Authority for restoration'*
- 2.4 It is proposed in this application to amend this condition to read *'This permission shall be for a limited period only expiring on 30 September 2022, by which date the operations hereby permitted shall have ceased and the site shall be restored within a further period of six months in accordance with the scheme submitted to the Local Planning Authority for restoration'*
- 2.5 The applicant states that the reason why this extension to the time scale for operations at the site and its restoration is sought is because *"Tipping operations were delayed due to discussions surrounding the requirement of a permit from the Environment Agency. These discussions have now concluded with the resolution being no permit is required"*
- 2.6 Condition 2 of the planning permission lists the approved documents and reads;  
*'The development shall be carried out in accordance with the approved documents, hereby referred to as the approved scheme. The approved scheme shall comprise the following:*
- a. The submitted Application Form – dated 29 March 2019*
  - b. The supporting statement entitled – Willow Lane, Flookburgh S.73 Extended Duration*
  - c. The submitted Application Form – dated 2 March 2015;*
  - d. The Supporting Statement entitled S73 Application: Increased Vehicle Movements and Operating Hours, Willow Lane Flookburgh – dated March 2015;*
  - e. The submitted Application Form – dated 6 September 2012;*
  - f. The Supporting Statement – dated September 2012;*
  - g. Email dated 24 July 2013 – Agricultural Grassland Seed Mix*
  - h. Extended phase 1 Habitat Survey Report – dated February 2013*
  - i. The plans/drawings named and numbered as follows:*
    - i. Figure 01 – Location Plan – dated September 2012;*
    - ii. Figure 02 – Existing Site Plan – dated September 2012;*
    - iii. Figure 03 – Indicative Site Operations Plan – dated September 2012;*
    - iv. Figure 04 – Site Entrance Detail Plan – dated September 2012;*
    - v. Figure 05 – Restoration Plan – dated September 2012;*
    - vi. Figure 06 – Indicative Sections A & B – dated September 2012;*
  - j. The details or schemes approved in relation to conditions attached to this permission, and*
  - k. This Decision Notice.*
- 2.7 It is proposed to remove reference to figure 03 'indicative site operations plan' as the site will now be completed in one phase.

- 2.8 Condition 3 explicitly references “Figure 3 indicative operations site plan” and reads; *‘The development shall be carried out in accordance with the phasing plan reference - Figure 3 indicative site operations plan. Each phase shall be clearly marked out to ensure the site is developed in accordance with the approved scheme. Development shall not commence in Phase two until phase 1 has been completed and phase three shall not be commenced until phase 2 has been completed’*
- 2.9 Figure 3 shows three operational phases. The current application states that the majority of material is already on site and proposes to regrade the site in one phase to avoid trapping water at the southern end of the site and proposes that this condition 3 is deleted as it is no longer necessary or relevant.
- 2.10 Condition 4 of the planning permission required profile boards to be erected on site to ensure that it achieved the correct final land levels. It reads as follows; *Prior to any further waste disposal, site level markers (profile boards) to show the final levels shall be installed (with a maximum of 15 metre spacing) and maintained for the duration of operations. The marker boards shall be placed to ensure the levels conform with Drawing No Figure 5 – Restoration Plan. A plan showing the position of the site marker boards shall be submitted to the Waste Planning Authority.*
- 2.11 The current application statement comments that the machines carrying out the grading are GPS controlled so physical level markers are unnecessary and the condition can be deleted.
- 2.12 Condition 12 of the planning permission required the agreement of the measures to prevent runoff from the site discharging onto the highway. It reads in full; *Prior to the commencement of waste disposal operations, details of all measures and when they will be undertaken to prevent surface water run-off from the development discharging onto the highway and adjoining land shall be submitted to the Waste Planning Authority for approval. When approved works shall be implemented in full.*
- 2.13 Although these details were not agreed as required, an exchange of emails included as Appendix 2 “CCC Drainage Correspondence” indicate that the arrangements put in place are adequate and thus the condition should be deleted.

### **3.0 SITE DESCRIPTION**

- 3.1 Access to the application site is via Willow Lane, off Moor Lane. Moor Lane forms one of the main links to the centre of Flookburgh, which connects onto the main highway network of the B5278/B5277, which link onto the A590(T). The application site is approximately 660 metres from the junction of Willow Lane with Moor Lane. Moor Lane is a main road providing direct access to a number of business uses, including a large leisure/caravan park, Cark Airfield, farm stead and industrial and commercial uses. Willow Lane is a single track country lane with designated passing places. It provides access to Humphrey

Head (shoreline), commercial businesses (including a caravan park, a car breaker's yard, farm steads and an outdoor activity centre) and dwellings. The closest dwellings to the site include a cluster of properties at Holme Farm, approximately 160 to 200 metres to the east and a further three properties at between 305 and 370 metres to the west.

- 3.2 The site lies approximately 1km to the north of the Morecambe Bay European designated sites (Morecambe Bay SPA, SAC and Ramsar Site) and SSSI and forms part of an area of priority habitat (Coastal and Floodplain Grazing Marsh) as listed in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The site also lies within Flood Zone 3a as defined by the Environment Agency and so the site and surrounding area is at high risk from flooding

#### **4.0 SITE PLANNING HISTORY**

- 4.1 Planning permission was first granted in 2013 (Planning Application 5/13/9002) to allow improvements to agricultural land through importation of inert material, which was approved by the DC&R committee on 6 September 2013, members undertook a site visit prior to this being reported to DC&R.
- 4.2 A Section 73 planning application was submitted in 2015 (Planning Application 5/15/9004) to amend conditions 9 (number of HGV's) and 18 (operating hours), this was approved by the DC&R committee on 7 October 2015.
- 4.3 A further Section 73 planning application was made in March 2019 (reference 5/19/9005) to vary the completion of the site to 29 March 2022 and was approved by the DC&R committee on 23 May 2019.
- 4.4 The site has been subject to complaints relating to out of hours operations, and non-compliance with conditions. These have been investigated and resolved informally.

#### **5.0 CONSULTATIONS AND REPRESENTATIONS**

- 5.1 **South Lakeland District Council Planning Department:** No objection subject to a maximum extension of time to 30 September 2022
- 5.2 **South Lakeland District Council Environmental Health Department:** No comments
- 5.3 **CCC Highways DM & LFRM - South (SL & Barrow)** - No comment in relation to conditions 1,2,3,4 and are content with the details submitted with respect to condition 12.
- 5.4 **Natural England:** Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

- 5.5 **Environment Agency:** No objection
- 5.6 **Holker Lower Parish Council**, and the member for Cartmel ED, Mrs Sue Sanderson, have been consulted but no reply had been received when this report was prepared. In the event a reply is received in advance of Committee this will be reported to Members on the update sheet.
- 5.7 **Cumbria CC – Ecology:** No comments received
- 5.8 A representation has been received objecting on the grounds of damage and deposit of material on the highway adjacent to the site, impact on visual amenity and impact of displacing water onto surrounding land.
- 5.9 A further representation has been received suggesting that as the application form confirms no development has commenced at the site, the planning permission 5/19/9005 is not extant and therefore this section 73 cannot be considered to amend conditions relating to that planning permission. Development did commence on the site after planning permission was first granted in 2013 with the installation of the access point and importation of material to the site. I have sought clarification from the applicant in regard to this and they have confirmed that the reason it is stated that development has not begun on the application form is simply because, in their view, the development has not yet begun in accordance with the amended conditions proposed in this section 73 application, should this application be granted. They therefore contend that the statement that development has not begun is an accurate one. I consider this explanation to be reasonable and that the application form has been completed correctly.

## 6.0 PLANNING POLICY

- 6.1 [Section 38\(6\)](#) of the [Planning & Compulsory Purchase Act 2004](#) provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision making process.
- 6.2 The [Cumbria Minerals and Waste Local Plan 2015-2030](#) was formally adopted on 6 September 2017. The key policies relevant to the determination of this planning application are considered to be:
- Policy DC1 - Traffic and Transport
  - Policy DC2 - General Criteria
  - Policy DC6 - Cumulative Environmental Impacts
  - Policy DC11 - Inert waste for agricultural improvement
  - Policy DC16 - Biodiversity and Geodiversity
  - Policy DC18 - Landscape and Visual Impact
  - Policy DC19 - Flood Risk
  - Policy DC20 - The Water Environment
  - Policy DC22 - Restoration and Aftercare
- 6.3 *South Lakeland Local Plan Development Management Policies* - adopted 28

March 2019, also includes policies relevant to the determination of this planning application:

- Policy DM1 – General requirement for all development
- Policy DM4 – Green and blue infrastructure, open spaces, trees and landscaping
- Policy DM6 – Flood Risk Management and sustainable drainage systems
- Policy DM7 – Addressing pollution, contamination impact and water

6.4 [The National Planning Policy Framework](#) (NPPF) was published in a revised and updated form in July 2021. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014 and is continually updated. Both are material considerations in the determination of planning applications.

## 7.0 PLANNING ASSESSMENT

7.1 For the purposes of Environmental Impact Assessment (EIA) (in accordance with the EIA regulations 2017) the proposal amounts to an installation for the disposal of waste. As such, it falls within class 11b of Schedule 2 of the 2017 regulations. The application also falls within class 13(b) of the regulations. The site exceeds the indicative threshold of 0.5ha. However it does not propose disposal by incineration nor is it within 100m of controlled waters. Given the characteristics of the development, its small size; lack of cumulation with other development; the use of waste to produce an agricultural improvement; the low probability of causing nuisance & low risk of causing major accident or harming human health; coupled with its location on agricultural land and lack of functional connection to any protected sites or landscapes of historic or cultural significance; I do not consider it necessary to formally screen the development in relation to the 2017 EIA regulations.

7.2 The key planning issues relevant to the proposed deletion and amendments of planning conditions are considered to be:

**Condition 1, to be amended, is a further extension of time appropriate for this development?**

7.3 Originally, when planning permission 5/13/9002 was granted, it was anticipated that the importation of material to the site would be completed within 2 years of implementation with full restoration within this time frame.

7.4 Sites such as this tend to be filled only when there is suitable material arising within the local area. In this case there have been issues in sourcing material as some anticipated housing developments have been delayed. This is illustrated by the submission of the first Section 73 application made in 2015 (planning application 5/15/9004).

7.5 They may also be subject to control through environmental protection legislation regulated by the Environment Agency. The applicant disputed the need for an Environmental Permit for the deposit of material. This resulted in the Environment Agency threatening enforcement action. However, on the

basis that the majority of material had already been imported to the site, they eventually arrived at an “enforcement position“ in October 2021 effectively allowing the site to be finished to the levels set out in the planning permission by 19 October 2022. This means that the remaining quantity of material to complete the site to the levels originally approved could be imported. However, it has not been possible to do so and regrade the site before the end of March as currently required by planning permission 5/19/9005.

- 7.6 Local residents have a legitimate expectation that the site would be completed by the end of March. There have been complaints about out of hours working, deposit of material on the highway and flooding onto adjoining land. However, if the site is simply regraded and restored as it stands, it would not necessarily achieve the agricultural improvement originally intended and as such a short extension of time would comply with the requirements of CMWLP policy DC11 (Inert Waste for agricultural improvement as it would “*result in a material improvement to the grade or classification of agricultural land*” and CMWLP policy DC22 (Restoration and aftercare), which sets out the expectation that waste sites will be restored to a beneficial afteruse. This also accords with the view of South Lakeland District Council who support a limited time extension to allow the site to be completed.

#### **Is the alteration/amendment of conditions 2,3,4 and 12 acceptable?**

- 7.7 **Condition 2, to be amended to remove reference to figure 3 (indicative site operations plan)**

- 7.8 It is proposed to delete reference to figure 3 in this condition which contained an indicative site operation plan which showed phasing of the works on the site. As most of the material is now on site, the material can be graded out in one operation and phasing of the operation is no longer required. I therefore recommend that figure 3 (indicative site operations plan), is removed from condition 2 as it is no longer required.

#### **Condition 3, proposed to be removed**

- 7.9 Although the division of the operation into 3 phases specified in Condition 3 was originally proposed by the applicant, the supporting statement at the time commented “...*Note that the Phase areas are indicative illustrating a point in time, whereas in practice the operation will be continuous...*”. The relatively small scale of the site has resulted in the majority of material being stockpiled at the northern end and the extension of time will allow this to be graded out evenly as one single operation. At this stage of the development it does not raise any particular land use planning issues and I recommend that the condition be removed. In addition, I recommend that the ‘figure 3 indicative site operations’ is removed from condition 2 which contains the approved documents (as above).

#### 7.10 **Condition 4, proposed to be removed**

7.11 The requirement of Condition 4 to erect profile boards was to provide a simple way for the quantity of material being imported to the site to be monitored. This was with the aim of ensuring that the minimum amount of material required to achieve the agricultural improvement was imported and the site not inadvertently over filled. The applicant has indicated that the grading machinery will be GPS controlled to ensure that the site is graded to the approved contours and that there is no need to have a separate survey to erect the profile boards ahead of grading the site out. Whilst I agree that it would be acceptable to remove the condition and not require profile boards to be erected on the site, I recommend that this condition is amended to require any surplus material deposited over and above the approved levels be removed from the site, to allow control over the final fill levels.

#### 7.12 **Condition 12, proposed to be removed**

7.13 An agreement has been reached with the highways authority that the existing Aco drainage channel running between the site and Willow Lane is sufficient to cope with any runoff from the site. I consider therefore it would be acceptable to remove this condition as the measures to prevent surface water from discharging onto the highway are in place and have been confirmed as satisfactory. This condition is no longer relevant or required.

#### 7.14 **What additional impacts would result from extending the time period for importation of material for six months (amendment to condition 1)?**

7.15 By extending the time period for importation of material to the site by six months, there will be a corresponding continuation of impacts at the site and surrounding area in terms of vehicle movements, dust, noise and vibration. However, these impacts will be for a short additional period and are all subject to control by conditions 5 and 6 (control of HGV movements and frequency of movements), condition 9 and 10 (control of noise), condition 11 (dust control) of planning permission 5/19/9005. These conditions will remain unaltered and I consider that these impacts would continue to be adequately controlled by these conditions to acceptable levels.

7.16 As a result, I consider there would not be unacceptable impacts resulting from the extension of time of operations for a further six months.

#### 7.17 **Representations received**

7.18 A representation has been received identifying issues in terms of materials being transferred to the highway, visual impact and displacement of water onto surrounding land.

7.19 In terms of the visual impact of the scheme, the final grading of the material on site and final restoration to the approved levels will serve to reduce the overall visual impact in the locality to acceptable levels. The final grading out of



materials will occur in one operation and the channel between the site and Willow Lane is adequate to prevent surface water being displaced to the surrounding land.

## **8.0 CONCLUSION**

- 8.1 The site is partially complete at the present time. I consider that a further short extension of time would allow the final restoration of the site and allow an agricultural improvement as originally intended. If a further extension of time is not permitted, the site would need to be regraded and restored with material available on the site and this would not necessarily result in the agricultural improvement required. On balance, I consider it justified to grant the short extension of time to allow additional material to be brought to the site to allow the final restoration to take place. There will be additional short term impacts as a result of this extension of time in terms of additional vehicles movements and potential for noise and dust generation, but these impacts can be controlled by the conditions already imposed and would not outweigh the benefit of allowing the site to be properly restored.
- 8.2 There is support to be found for the extension of time in both policies DC11 and DC22 of the Cumbria Minerals and Waste Local Plan (CMWLP), both of which support full restoration of the site and agricultural improvement of the land.
- 8.3 In summary, it is considered that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably be mitigated. It is therefore recommended that this application be granted subject to conditions.

### **Human Rights**

- 8.4 The Human Rights Act 1998 requires the County Council to take into consideration the rights of the public under the European Convention on Human Rights. Article 8 of the Convention provides that everyone has the right to respect for his private life and home save for interference which is in accordance with the law and necessary in a democratic society in the interests of, amongst other things, public safety, the economic wellbeing of the country or the protection of the rights and freedoms of others. Article 1 of Protocol 1 provides that an individual's peaceful enjoyment of his property shall not be interfered with save as necessary in the public interest and subject to conditions provided for by law. For any interference with these rights to be justified the interference needs to be proportionate to the aims that are sought to be realised. The County Council has a duty to consider the policies of the development plan and to protect the amenities of residents as set out in those policies.

8.5 The proposal would have impacts on the visual, residential and environmental amenity of the area but it is considered that those impacts would be insufficient to interfere with the rights of the applicant and satisfactory controls could be imposed on the proposed development to protect the amenities of the most affected residents. The impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) would be minimal and proportionate to the wider social and economic interests of the community and could be satisfactorily controlled by planning conditions.

**Angela Jones**  
**Executive Director for Economy and Infrastructure**

**Contact:** Mr Richard Cryer

**Electoral Division Identification:** Cartmel

## Appendix 1 - PROPOSED PLANNING CONDITIONS

### Time limits

1. This permission shall be for a limited period only expiring on 30 September 2022, by which date the operations hereby permitted shall have ceased and the site shall be restored within a further period of six months in accordance with the scheme submitted to the Local Planning Authority for restoration.

*The Local Planning Authority considers that the restricted time limit specified, having regard to Section 51 of the Planning & Compulsory Purchase Act 2004, is applicable in this instance.*

### Approved Documents and Operations

2. The development shall be carried out in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
  - a. The submitted Application Form – dated 29 March 2019
  - b. The supporting statement entitled – Willow Lane, Flookburgh S.73 Extended Duration
  - c. The submitted Application Form – dated 2 March 2015;
  - d. The Supporting Statement entitled *S73 Application: Increased Vehicle Movements and Operating Hours, Willow Lane Flookburgh* – dated March 2015;
  - e. The submitted Application Form – dated 6 September 2012;
  - f. The Supporting Statement – dated September 2012;
  - g. Email dated 24 July 2013 – Agricultural Grassland Seed Mix
  - h. Extended phase 1 Habitat Survey Report – dated February 2013
  - i. The plans/drawings named and numbered as follows:
    - i. Figure 01 – Location Plan – dated September 2012;
    - ii. Figure 02 – Existing Site Plan – dated September 2012;
    - iii. Figure 04 – Site Entrance Detail Plan – dated September 2012;
    - iv. Figure 05 – Restoration Plan – dated September 2012;
    - v. Figure 06 – Indicative Sections A & B – dated September 2012;
  - j. The details or schemes approved in relation to conditions attached to this permission, and
  - k. This Decision Notice.

*Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.*

3. The final levels of the site must conform with Drawing No Figure 5 – Restoration Plan. For any areas where material is above the approved ground level, any excess material shall be removed from the site, within one month of completion.

*Reason: To ensure the development is carried out in accordance with the approved plans*

### **Traffic Management**

- 4 The number of HGVs entering the site shall not exceed 20 per day. No HGV shall leave the site within 10 minutes of another HGV leaving the site. A written record of the dates, times and types of all HGVs entering and leaving the site shall be maintained and provided on request to the Waste Planning Authority.

*Reason To manage traffic levels appropriate to the network capacity and highway safety, in accordance with CMWLP Policy DC1.*

- 5 No HGV shall enter or leave the site unless travelling via Moor Lane.

*Reason To manage traffic levels appropriate to the network capacity and highway safety, in accordance with CMWLP Policy DC1.*

### **Site Access and Vehicles**

- 6 The access road shall be surfaced with bituminous or cement bound materials, and completed prior to the deposit of material on site. This surfacing shall extend for a distance of at least 10 metres inside the site, as measured from the carriageway edge of the highway.

*Reason To ensure that no material from the access road is carried on to the public highway, in the interests of highway safety and in accordance with CMWLP Policy DC2.*

7. No structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted so as to obstruct the visibility splays at the entrance to the site.

*Reason In the interests of highway safety and in accordance with CMWLP Policy DC2.*

## **Management of Noise**

8. All plant, machinery and vehicles operated within the site, including any hired or contracted on a short term basis, shall be used and maintained at all times in accordance with the manufacturer's recommendations and fitted with silencers.

*Reason: To safeguard the amenity of local residents by ensuring that the noise is minimised and so does not constitute a nuisance outside the boundaries of the site, in accordance with CMWLP Policy DC3.*

9. Reversing alarms fitted to any vehicle used on site, including any hired or contracted on a short term basis, shall be of white noise type only.

*Reason : To safeguard the amenity of local residents by ensuring that the noise is minimised and so does not constitute a nuisance outside the boundaries of the site, in accordance with CMWLP Policy DC3.*

## **Management of Dust**

- 10 The operator shall maintain on site at all times a water bowser or other dust suppression system, together with an adequate supply of water and during periods of dry weather shall spray the access road, haul roads and working areas with water to suppress dust in order that it does not constitute a nuisance outside the site.

*Reason: To safeguard the amenity by ensuring that dust does not constitute a nuisance outside the boundaries of the site, in accordance with CMWLP Policy DC5.*

## **Safeguarding of Drainage, Groundwater and Watercourses**

11. Throughout the period of construction, operation and restoration, provision shall be made for the collection, treatment and disposal of all surface water entering or arising from the development site to ensure there shall be no pollution of watercourses or adverse impacts on the wildlife habitats of the various water bodies within, or adjacent to, the application site.

*Reason: To avoid pollution of watercourses and to protect wildlife habitats in accordance with CMWLP Policy DC20 and SLDCLPDM Policy DM7.*

12. Throughout the period of working and restoration the operator shall protect and support any ditch, stream, watercourse or culvert passing through the permission area and shall not impair the flow or render less effective drainage onto and from land adjoining.

*Reason: To prevent pollution of the water environment and in the interests of*

*environmental management, in accordance with CMWLP Policy DC20 and SLDCLPDM Policy DM7.*

13. Throughout the period of working and restoration the operator shall protect and support any ditch, stream, watercourse or culvert passing through the permission area and shall not impair the flow or render less effective drainage onto and from land adjoining.

*Reason: To prevent pollution of the water environment and in the interests of environmental management, in accordance with CMWLP Policy DC20 and SLDCLPDM Policy DM7.*

### **Hours of Working**

14. No operations hereby permitted shall take place outside the following hours:

08.00 – 18.00 hours Monday to Friday;

No working on Saturdays, Sundays and Bank or Public Holidays.

However, this condition shall not prevent, outside of these hours, the delivery/collection of plant or machinery or the carrying out of essential maintenance of plant and machinery used on the site for this development.

*Reason: In the interests of highway safety and local and residential amenity, in accordance with CMWLP Policy DC2.*

### **Biodiversity**

15. The stable block shall not be demolished during the bird breeding season (March to August).

*Reason: To ensure breeding birds are not disturbed, in accordance with CMWLP Policy DC16.*

### **Topographical/Restoration**

16. Upon completion of the development hereby permitted, a topographic survey shall be undertaken to demonstrate compliance with the approved levels. This survey shall be undertaken within 2 weeks of completion of the site and submitted to the Waste Planning Authority within 4 weeks of completion of the site. For any areas where material is recorded above the approved ground level, the soils shall be stripped back (and retained on the site) and the surplus material shall be removed from the site prior to the re-spreading of soils.

*Reason: To ensure the development is being carried out in accordance with the approved plans.*

**Informatives:**

- (i) A permit under the Environmental Permitting (England and Wales) Regulations 2010 will be required. Obtaining planning permission may not guarantee that an Environmental Permit will be issued.
- (ii) The applicant should be advised that the granting of planning permission does not remove the need to obtain the relevant Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010.
- (iii) Section 23 of the Land Drainage Act 1991 requires prior written approval of the Environment Agency if the works are likely to affect the flow of any watercourse or alter any culvert.
- (iv) Failure to supply details under the requirements of conditions would result in the proposal being in breach of the planning permission and action may be taken to rectify this.
- (v) Meadows Drain is located on the western boundary of the proposals and is designated 'main river'. Therefore, under the terms of the Water Resources Act 1991 and Flood Defence Byelaws, the prior written consent of the Environment Agency is required for any works in, over, under or within 8 m of the 'main river'. The applicant should ensure that no damage is caused to the bed or bank of any watercourse due to the increased loading and would advise that an 8 m easement should be maintained along the top of the bank of Meadows Drain. Details of works within this 8 m zone should be provided within the consent applications. For further details please contact Paul Bond on 01768 215820.

Appendix 2 - PLAN OF SITE LOCATION/EXTENT





