STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

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Chief Executive

Mr Peter Hayward
Turley
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Birmingham
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C/O Agent

Application no: SMD/2018/0696

Determined on: 4th February 2019

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as Amended)

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Location of Development:
Land South East of A521, north of the A50 Blythe Bridge Bye Pass, Blythe Bridge, Staffordshire

Description of Development:
Full planning application for a haul road to provide temporary construction access to Phase 1 (Ref. SMD/2017/0512)

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

   Reason:- To comply with the provisions of Section 51 of the Town & Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the following Approved Plans and documents:

   12629 Haul Road Operation Statement
   12629_200D Site Location Plan
   12629_201c Red-line boundary plan
   12629_202C General Arrangement Plan
   12629_203 Site Clearance Plan

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12629_204D Indicative Site traffic management plan

Reason:- For the avoidance of doubt and in the interests of proper planning

3. a) The site work shall be implemented in full in accordance with the submitted written scheme of archaeological investigation.
b) A post-fieldwork assessment shall be completed following operations in accordance with the submitted written scheme of archaeological investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

   Reason: To record likely below ground archaeological remains

4. No phase of the development hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

   a. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
   b. the arrangements for prior notification to the occupiers of potentially affected properties;
   c. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
   d. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
   e. a scheme for recycling/disposal of waste resulting from the construction works;
   f. the parking of vehicles of site operatives and visitors;
   g. the loading and unloading of plant and materials;
   h. the storage of plant and materials used in constructing the development;
   i. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
   j. details of measures to protect the public footpaths and amenity of users of the pubic footpaths crossing the site during the construction works.
   k. Provision of wheel wash facilities and provision of road sweeper

   All works shall be carried out in accordance with the approved details.

   Reason: To protect the amenities of the area.

5. In the event that contamination is found at any time when carrying out the approved

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development, it must be reported in writing immediately to the Local Planning Authority. If after consultation with the Local Planning Authority the contamination is considered to pose a possible risk, to human health, buildings and other property and the natural and historical environment (receptors), development shall not continue until a site investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority. If the contamination investigation and risk assessment indicates that potential risks exists to receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to the receptors has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be completed prior to the first use of the development.

Reason: To protect the amenities of the area.

6. Use of the haul road hereby approved shall be discontinued on 1st February 2020 or on completion of the new traffic light junction on Uttoxeter Road to a standard which Staffordshire County Council has confirmed provides safe and suitable access to the construction site, whichever is sooner, the haul road shall be removed and the land restored to its former condition on or before 31st July 2020 in accordance with a scheme of work which shall first have been submitted to approved in writing by the Local Planning Authority.

   Reason: To protect the amenities of the area and to ensure that the permanent access is via the approved traffic light junction.

7. Development shall take place in complete accordance with the method statement set out in the Biodiversity Guidance Note at section 6 (page 8). In the event great crested newts are located during construction, work shall cease and Natural England shall be contacted for advice. Development shall only proceed thereafter in accordance with any Natural England advice or licence if applicable.

   Reason: Great crested newts and the habitats that support them are fully protected under the Habitat Regulations 2017, and the Wildlife and Countryside Act 1981 as amended.

8. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds and the results shall be submitted to and approved in writing by the Local Planning Authority. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4.0m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report shall be submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

   Reason: All breeding birds, nests eggs and young are protected from harm under the

Wildlife and Countryside Act 1981 as amended.

9. Prior to the installation of any lighting to the Haul Road hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority. No lighting shall be installed except in complete accordance with the approved details. Any temporary lighting used during the construction phase of the haul road must be of a design that will not cause disturbance to birds or bats.

   Reason: In the interests of biodiversity. To avoid impacts on birds or bats using the site and in the interests of residential amenity.

10. If any trenches / drains dug during works activities are left open over night, they shall be left with a sloping end or ramp to allow any badgers or other animals that may fall in to escape. Holes shall be covered over at night. Also, any pipes over 150mm in diameter should be capped off at night to prevent animals entering.

    Reasons: In the interests of biodiversity. Badgers are protected under The Protection of Badgers Act 1992. Hedgehog is a species of principal importance under the NERC Act 2006.

11. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved in writing by the Local Planning Authority (LPA).

    Reason: To protect existing trees and hedgerows of amenity value.

12. Before the commencement of development (including any demolition, site clearance, site stripping or site establishment) the temporary protective fencing along the west side of the proposed construction access road between Points A and B for the protection of the existing trees and hedges to be retained as indicated on the Baynham Meikle "Haul Road for Phase 1 – General Arrangement Plan & Construction Details" Drg. No. 12629/202 Rev C shall be erected and shall be retained in position for the duration of the period that this development takes place, including its use and subsequent reinstatement. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

    Reason: To protect existing trees and hedgerows of amenity value.

Informative

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

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2. Compensatory hedgerow and tree planting must be incorporated into future landscaping (green infrastructure) within future phases of the development as stipulated in the approved planning permission SMD/2017/0517.

3. On document "[1] 12629_202A_Haul Road for Phase 1 - General Arrangement Plan & Construction Details-202", the application recognises Public Footpath No. 6 Forsbrook Parish which runs from north east to south west.

4. The attention of the applicant should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the applicant would need to apply to Staffordshire Moorlands District Council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

5. It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required. The use by private vehicles is subject to, and subordinate to, the public's right, in other words, pedestrians have a public right and vehicles need to give way to them not the other way around. The County Council are only responsible for the maintenance of this route commensurate with its status as public footpath. If the footpath becomes damaged as a result of vehicular use we reserve the right to take legal action against property owners to request the reinstatement of the path.

6. The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

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7. If the surface of the right of way is damaged it would need to be rectified.

X Rachael Simpkin

Signed by: rachael.simpkin

On behalf of Staffordshire Moorlands District Council

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NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section at BControl@staffsmoorlands.gov.uk

2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Staffordshire County Council.

3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.staffsmoorlands.gov.uk If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
   (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
   (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
   (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
   (b) Variation to the approved plans will require the submission of a new planning application.

6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

8. If this is a decision to refuse planning permission for a minor commercial application, and you

want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

9. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

10. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

11. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

12. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.