

200/0661

NORFOLK COUNTY COUNCIL

Town and Country Planning Act, 1990

Town and Country Planning (General Development Procedure) Order 1995

To: Environment Agency
Cobham Road
Ipswich
Suffolk
IP3 9JE

Particulars of Proposed Development

Location: Brancaster West Marsh, Brancaster.

Applicant: Environment Agency

Proposal: Borrow Pit for Flood Defence Bank

The Norfolk County Council hereby gives notice of its decision to PERMIT the development specified in the application and particulars deposited on the 25th April 2000

This permission is subject to the conditions specified on the attached sheet.

The reasons for these conditions are also set out on the attached sheet.

Signed: B. Pent Date: 6.11.00

for DIRECTOR OF PLANNING AND TRANSPORTATION

Norfolk County Council
County Hall
Martineau Lane
Norwich
NR1 2SG

SEE NOTES ON ATTACHED SHEET

NOTES

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission 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 78 of the Town and County Planning Act 1990, within six months of the date of this notice. The secretary of State has the 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.
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the county or district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 137 of the Town and County Planning Act, 1990.
- (3) 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 Sections 114 and 115 of the Town and Country Planning Act, 1990.
- (4) Any planning permission is subject to compliance with the byelaws (Local Acts, Orders, Regulations) and general statutory provisions in force.

Appeals must be made on a form which is obtained from the Planning House, Houlton Street, Bristol, BS2 9DJ.

Inspectorate, Tollgate

Location: Brancaster West Marsh, Brancaster.

Conditions:

1. The development hereby permitted shall commence not later than five years from the date of this permission.
2. No operation authorised or required under this permission or under Part 23 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 shall take place other than between 1 July and 31 October. This permission shall expire on the first 31 October following the date of commencement of works and on or before that date:-
 - (a) the use hereby permitted shall be discontinued;
 - (b) the plant, machinery, stockpiles and compound shall be removed;
 - (c) the said land shall be restored in accordance with condition 13 below.
3. The operator shall notify the County Planning Authority in writing of the date of commencement of operations within 10 days of such commencement.
4. Minerals extracted from this site shall be used only in connection with the flood defence works at Brancaster as outlined in the Environmental Statement dated April 2000.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no buildings, plant or machinery, nor structures of the nature of plant or machinery shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.
6. No operation shall take place except in accordance with the scheme of working shown on Figure numbers 2 (February 2000) and 6 (May 2000) and the statement submitted with the application and the details given in the Environmental Statement.
7. No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced.
8. No operation authorised or required under this permission or under Part 23 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 shall take place on Sundays or public holidays, or other than during the following periods:-

07.30 - 19.00 Mondays to Fridays
07.30 - 13.00 Saturdays.
9. Any drums and small containers used for oil and other chemicals on the site shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaways and all oil or chemical storage tanks, ancillary handling facilities and equipment including pumps and valves shall be contained within an impervious bunded area of at least 110% of the total stored capacity.
10. No excavations shall take place at a depth greater than 2.4 metres below the original ground level.

11. No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the County Planning Authority.
12. Measures shall be taken to ensure that vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.
13. The restoration of the site shall be in accordance with the submitted scheme shown on Figure number 4 (February 2000), the details in the Environmental Action Plan for the site and the details submitted with the application and in the Environmental Statement.
14. No development shall take place until a Site Management Statement has been agreed between the applicant and English Nature and approved in writing by the County Planning Authority. The Site Management Statement shall be secured by a Section 15 Agreement and the site shall be managed in accordance with this scheme.

The reasons for the Council's decision to authorise the development subject to compliance with the conditions herein before specified are:

- | | |
|-------------|--|
| 1 | To accord with Section 91 of the Town and Country Planning Act 1990. |
| 2-4,6,10,13 | To ensure the proper and expeditious restoration of the site. |
| 5,7,8 | To protect the amenities of the surrounding area. |
| 9 | To safeguard hydrological interests. |
| 11 | To ensure adequate time is available to investigate any features of archaeological interest. |
| 12 | In the interests of highway safety. |
| 14 | To safeguard nature conservation interests. |