

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

APPLICATION REF. NO.: 3/13/00800/CMA

APPLICANT: Severn Trent Water Ltd

DEVELOPMENT: Installation of 1 No. MCC kiosk, provision of
hardstanding and demolition of existing
building

LOCATION: Tuxford Road Sewage Pumping Station,
Tuxford Road, Boughton

Following consideration of an application for the above development as shown on the submitted plans, NOTTINGHAMSHIRE COUNTY COUNCIL, in pursuance of their powers under the above Act, hereby

GRANT PLANNING PERMISSION

for the development in accordance with the application, subject to compliance with the attached conditions and for the following reasons.

Failure to comply with the terms of this permission may render the development unlawful.

Date of decision 2 August 2013

Authorised to sign on behalf of the County Council

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State, in accordance with section 78 of the Town and Country Planning act 1990, within six months of the date of this notice. Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Bristol BS1 6PN. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for 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. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(*) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely sections 70(1)-(3) and 72(1) of the Act.

(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 and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the County Borough, London Borough or Country District in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country 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 section 114 of the Town and Country Planning Act 1990.

(4) The validity of this decision maybe challenged by persons with sufficient interest through a claim for judicial review. Any such claim must be filed with the Administrative Court promptly and in any event not later than three months after the date of the decision. Such claims can be costly and should be pursued as a last resort after all other action has been exhausted. You would be advised to seek professional legal advice before pursuing a claim for judicial review. The full procedures governing the making of such a claim are set out in the Civil Procedure Rules Part 54.

NOTE: THIS PERMISSION REFERS ONLY TO THAT REQUIRED UNDER THE TOWN AND COUNTRY PLANNING ACTS AND DOES NOT INCLUDE ANY CONSENT OR APPROVAL UNDER ANY OTHER ENACTMENT, BYLAW, ORDER OR REGULATION.

STATEMENT OF POSITIVE AND PROACTIVE ENGAGEMENT

In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

SCHEDULE OF CONDITIONS AND REASONS

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.

Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.

3. The development hereby permitted shall only be carried out in accordance with the following documents.
 - a. Drawing No. A5S/01233-CE-00101 Rev A titled 'Site Location Plan' – received by the WPA on 30 May 2013;
 - b. Drawing No. A5S/01233-CE-00103 Rev A titled 'Proposed Site Layout' – received by the WPA on 30 May 2013;
 - c. Drawing No. A5S/01233-CE-00104 Rev A titled 'Proposed Landscape Layout – received by the WPA on 30 May 2013;
 - d. Planning Application Forms – received by the WPA on 30 May 2013;
 - e. Planning Statement – received by the WPA on 30 May 2013;
 - f. Ecological Walk-over Survey – received by the WPA on 30 May 2013;
 - g. Bat Survey of a Sewage Pumping Station Building off Tuxford Road in Boughton, Nottinghamshire – received by the WPA on 28 June 2013.

4. Any site clearance operations that involve the destruction or removal of vegetation including any felling, clearing or removal of trees, shrubs or hedgerows on site, shall not be undertaken during the months of March to August inclusive unless otherwise previously agreed in writing by the WPA.

Reason: To avoid disturbance to breeding birds.

5. During construction, in order to prevent undue impacts upon individual mammals which may cross the site, no open excavations shall be left overnight without a ramp to allow such animals to escape, and any pipes over 200mm in diameter shall be capped off at the end of the working day to prevent animals entering.

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Reason: To ensure the protection of wildlife in the interests of nature conservation and to accord with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

6. In the event that bats are encountered during the construction works of the development hereby permitted, the measures set out in Appendix 2 (Procedures to follow if bats are discovered during works) of the bat survey of the pumping station, received on 28 June 2013, shall be followed.

Reason: To ensure the protection of wildlife in the interests of nature conservation and to accord with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

7. Unless in the event of an emergency when life, limb or property is in danger or with the prior written agreement of the WPA no construction work shall be carried out or plant operated other than between the following hours:

07:30 hours to 18:00 hours on Mondays to Fridays; and between
08:00 hours to 13:30 hours on Saturdays.

No construction work shall take place on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of nearby occupiers

NOTES TO APPLICANT

- 1. The development hereby permitted must be carried out in accordance with the conditions attached to this planning permission and any approved plans and details. Failure to implement the permission in accordance with the planning conditions and approved details may render the development unlawful and could lead to enforcement action and prosecution.**
- 2. If, at any stage, it becomes necessary to vary any of the approved plans or details you should contact the County Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval.**
- 3. Where appropriate there is a fee payable currently £97 where a written request is made for the discharge of one or more conditions on the same permission or for confirmation that condition(s) on a permission have been complied with. The fee is payable for each request and not for each condition. When submitting a fee, please provide the planning application reference number making cheques payable to Nottinghamshire County Council and send them to the Planning Support Officer in Planning Services at Nottinghamshire County Council, Trent Bridge House, Fox Road, West Bridgford Nottingham NG2 6BJ.**
- 4. Your attention is drawn to the Standing Advice from The Coal Authority dated 1st October 2008, set out below.**

DN1-478

**IMPORTANT NOTICE: REVISED STANDING ADVICE
Town and Country Planning (General Development Procedure) Order
Planning Application Consultations with the Coal Authority**

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained by contacting the Coal Authority's Property Search Service on 0845 762 6848.or at www.groundstability.com