

TRAFFORD COUNCIL

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Town and Country Planning Act 1990

GRANT OF PLANNING PERMISSION

Name and Address of Applicant	Name and Address of Agent
Peel Investments (North) Ltd c/o agent	Indigo Planning 23 King Street Manchester M2 6AN

Part 1 – Particulars of Application

Application Number: H/58904

Land adjacent to the Manchester Ship Canal, M60 and Trafford Boulevard, Urmston.

Construction of new canal road crossing and associated roads and improvements to existing roads as part of the western gateway infrastructure scheme (WGIS).

Part II – Particulars of Decision

The Trafford Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act that PERMISSION HAS BEEN GRANTED for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted and the following conditions.

1. The development must be begun not later than the expiration of ten (10) years beginning with the date of this permission.

Reason. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless otherwise approved in writing by the Local Planning Authority, no development (excluding earthworks and remediation) shall commence until the detailed design of the bridge and samples and details of the materials to be used in the construction of the external surfaces of the structures hereby permitted (including the materials, colour and surface finish of the bridge) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance and character of the area, having regard to Proposals D1 and TCA1 of the Revised Trafford Unitary Development Plan.

3. (a) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until details of both hard and soft landscaping (for the areas of structure planting shown on drawing numbers 01022 / PL14 and PL15 and for all other incidental open spaces) have been submitted to and approved in writing by the Local Planning Authority. The details shall include any means of enclosure and boundary treatment, hard surfaced areas and materials, planting plans,

specifications and schedules (including planting size, species and numbers / densities) and existing plants to be retained, and shall show how account has been taken of any underground services.

(b) Unless otherwise agreed in writing by the Local Planning Authority, the landscaping works shall be carried out in accordance with the approved details within 12 months from the date when the development hereby permitted has been completed.

(c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted or destroyed, die or become severely damaged, within 5 years of planting, shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the visual appearance and character of the area, having regard to Proposals D1, TCA1, ENV4 and ENV14 of the Revised Trafford Unitary Development Plan.

4. No development shall commence until details of all re-grading work and details of existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance and character of the area, having regard to Proposal D1 of the Revised Trafford Unitary Development Plan.

5. The development hereby permitted shall not be carried out otherwise than in accordance with the application plans 010041/SLP1 Revision C, M35036 210D, M05013-033 Revision, M05013-A-092, M05013-A-105, M05013-A-106, M05013-A-107, M05013-A-108, M05013-A-109, 010022/PL/05A, 010022/PL14, 010022/PL15 and 0905/02, unless agreed otherwise in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of visual amenity, residential amenity and highway safety, having regard to Proposals D1, TCA1, ENV16, ENV27, ENV29, T1, T2, T3, T8, T9, T18 and T19 of the Revised Trafford Unitary Development Plan and DP7, RT1, RT3, and RT9 of the RSS and related Supplementary Planning Guidance.

6. Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until a scheme to identify and deal with any contamination of the site and the presence of landfill gas has been submitted to and approved in writing by the Local Planning Authority. The above scheme shall include an investigation and assessment to identify the extent of the contamination of the site and the presence of landfill gas and the measures to be taken to avoid risk to the environment and water environment when the site is developed. The scheme shall address the potential for contaminants to be mobilised by the diversion of watercourses. The remediation measures approved in the scheme shall be implemented and incorporated into the development unless otherwise agreed in writing by the Local Planning Authority. A site completion report shall be submitted to and approved in writing by the Local Planning Authority prior to the first public use of the roads hereby permitted detailing the remediation measures that have been implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent any risk to the public and general pollution of the environment, having regard to Proposals D1 and ENV33 of the Revised Trafford Unitary Development Plan.

7. Unless otherwise agreed in writing by the Local Planning Authority, no development / demolition shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ascertain and record any features of historic and / or archaeological importance on the site, having regard to Proposal ENV26 of the Revised Trafford Unitary Development Plan and advice in PPG15, Planning and the Historic Environment.

8. Unless otherwise agreed in writing by the Local Planning Authority, no phase of development shall commence until a scheme for the disposal of surface waters within that phase has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be constructed and completed in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the pollution of the water environment, having regard to Proposals D1 and ENV30 of the Revised Trafford Unitary Development Plan.

9. Unless otherwise agreed in writing by the Local Planning Authority, no piling work through areas of the site that may have the potential for cross contamination to deeper levels shall commence until details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent contamination of groundwater resources, having regard to Proposals D1 and ENV30 of the Revised Trafford Unitary Development Plan.

10. Unless otherwise approved in writing by the Local Planning Authority, no development shall commence until temporary protective metal fencing has been erected along the boundary with the Manchester Ship Canal, the details and precise position of which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the Manchester Ship Canal and prevent debris and construction material from encroaching into this area, having regard to Proposals D1 and ENV8 of the Revised Trafford Unitary Development Plan.

11. Unless otherwise approved in writing by the Local Planning Authority, no development shall commence until a scheme for the storage, handling, loading and unloading of fuels, oils, chemicals and effluents during construction work has been submitted to and approved in writing by the Local Planning Authority. The works shall be constructed and completed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent discharge of contaminated drainage or accidental spillages to underground strata or surface waters, having regard to Proposals D1 and ENV30 of the Revised Trafford Unitary Development Plan.

12. Unless otherwise agreed in writing by the Local Planning Authority, any facilities for the storage of chemicals during construction work shall be sited on impervious bases and surrounded by impervious bund walls, the details of which shall previously have been submitted to and approved in writing by the Local Planning Authority. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment, having regard to Proposals D1 and ENV30 of the Revised Trafford Unitary Development Plan.

13. Unless otherwise agreed in writing by the Local Planning Authority, no phase of development shall commence until the detailed design of the pedestrian and cycle routes as illustrated on plan number M05013-A-041C Revision C (including width, typical sections, surfacing materials) and details of the design and width of pedestrian crossings, details of pedestrian barriers, street furniture, street lighting and the design and materials of retaining walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of improving pedestrian and cycle routes and facilities, highway safety and visual amenity, having regard to Proposals D1, T18 and T19 of the Revised Trafford Unitary Development Plan.

14. Unless otherwise agreed in writing by the Local Planning Authority, prior to the first opening for public use of any part of the road network hereby permitted, routes for public transport and bus priority lanes shall be provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority and these routes shall be safeguarded thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ensuring appropriate provision for public transport, having regard to Proposals T1 and T2 of the Revised Trafford Unitary Development Plan and Policies DP6, DP9, RT1 and RT3 of the Regional Spatial Strategy for the North West.

15. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of the proposed link road connection to Junction 10 of the M60, double glazed windows shall be installed to the residential dwelling at 1 Primrose Terrace.

Reason: In the interests of residential amenity, having regard to Proposal D1 of the Revised Trafford Unitary Development Plan and Planning Policy Guidance Note 24, Planning and Noise.

16. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development, details of the design of the junctions at Bridgewater Circle and Ellesmere Circle shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, the provision of satisfactory routes for pedestrians, cyclists and public transport and visual amenity, having regard to Proposals D1, T1, T2, T3, T18 and T19 of the Revised Trafford Unitary Development Plan.

17. Unless otherwise agreed in writing, within 3 months of the date of this permission, the applicant shall set up and hold an initial meeting of a Port Salford / WGIS Highway Design Group. This grouping shall meet regularly based upon a frequency agreed by all parties at the first meeting.

Reason: To assist in ensuring that the mechanism for delivering the necessary additional statutory orders is clearly set out and the detailed design is progressed well in advance of any intention of operating the site by the applicant.

18. Unless otherwise agreed in writing, prior to the commencement of the development pursuant to this planning permission, the applicant shall set up the Port Salford Transportation Steering Group (PSTSG) by meeting with, as a minimum, representatives of the two local highway authorities (Salford and Trafford), the Highways Agency and the Greater Manchester Passenger Transport Executive.

Reason: To ensure that the Highways Agency and other bodies have a formal forum in which to discuss any transportation issues that may arise in the future during the design, construction and operation of the site.

19. Unless otherwise agreed in writing by the Local Planning Authority in conjunction with the Highways Agency, no construction pursuant to this planning permission beyond site remediation measures, shall be commenced unless and until:

- a) the detailed design, construction details and traffic management details broadly in accordance with the highway works set out in Plan A ("Part WGIS") have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency;
- b) the statutory orders necessary under the Highways Act 1980 (or any other Act) required for the construction of the additional crossing of the Ship Canal (MSC) have been confirmed;
- c) details of the periods of closure to vehicular traffic of the proposed additional crossing of the Ship Canal set out in Plan A have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency;
- d) the necessary Harbour Revision Orders (should such an order be necessary) under the Harbours Act (or other such necessary Act) to limit the navigable rights of way of water based traffic passing along the MSC through the proposed additional crossing shown in Plan A to the times specified in Part c) above have been confirmed;
- e) details of a traffic management and advanced driver information strategy to inform drivers and the Highways Agency's Regional Control Centre (RCC) of the occurrence of the swing bridge shown on Plan A (as part of "Part WGIS") being closed to vehicular traffic has been agreed;
- f) the necessary Transport and Street Works Act order or orders (should such orders be necessary) required to implement the rail connection to the development have been confirmed.

Reason: For:

- a) To ensure the design of the mitigation works are to the relevant standards that will maintain the safe and reliable operation of the SRN and that these are agreed in sufficient time to allow construction of the works before operation.
- b) To ensure the closure of the bridge to vehicular traffic allowing passage of craft along the Manchester Ship Canal does not interfere with the safe and reliable operation of the Strategic Road Network (SRN).
- c) To ensure the impact of the closing to traffic of the proposed additional crossing of the MSC can be effectively managed and therefore is not detrimental to the safe and reliable operation of the SRN.
- d) As c) above.
- e) To ensure the impact of the closing to traffic of the proposed additional crossing of the MSC can be effectively managed and therefore is not detrimental to the safe and reliable operation of the SRN.
- f) To ensure this proposed multi-modal development has access to the rail network to help realise the benefits of freight transfer away from the SRN.

20. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highways Agency, no development pursuant to this planning approval shall be brought into use unless and until:

- a) The highway works as agreed in Condition 19 a) ("Part WGIS") have been fully implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure that the required mitigation works are implemented before the site is operational. The following are reasons specifically relating to the sub clauses:

- a) To ensure the safe and reliable operation of the M60 as part of the SRN and that the part WGIS scheme comes forward in its entirety.

21. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highways Agency, no development pursuant to this planning permission, beyond site remediation measures, of the Full WGIS scheme shall be commenced unless and until:

- a) the detailed design, construction details and traffic management details broadly in accordance with the highway works set out in Plan C ("Full WGIS") have been approved by the Local Planning Authority in consultation with the Highways Agency;
- b) The highway orders necessary under the Highways Act 1980 required for the mitigating highway works as identified in Plan C namely:
 1. the closure of the M60 Junction 11 southbound on slip;
 2. the closure of the M60 Junction 11 northbound off slip;
 3. the closure of the M60 Junction 10 southbound off slip;

have been confirmed;

- c) agreement of the periods of closure to vehicular traffic of the proposed additional crossing of the Ship Canal set out in Plan C has been reached with the Local Planning Authority in consultation with the Highways Agency;
- d) The necessary harbour revision orders (should such an order be necessary) under the Harbours Act (or other such necessary Act) to limit the navigable rights of way of water based traffic passing along the MSC through the proposed additional crossing shown in Plan C (as part of Full WGIS) to the times specified in part c) above have been confirmed;
- e) details of a traffic management and advanced driver information strategy to inform drivers and the Highways Agency's Regional Control Centre (RCC) of the occurrence of the swing bridge shown on Plan C being closed to vehicular traffic has been agreed.

Reason: Relating to

- a) To ensure the design of the mitigation works are to the relevant standards that will maintain the safe and reliable operation of the SRN and that these are agreed in sufficient time to allow construction of the works before operation.
- b) To ensure the necessary powers are obtained to implement the mitigating highway works agreed before the development is progressed to an advanced stage.

c) To ensure the closure of the bridge to vehicular traffic allowing passage of craft along the Manchester Ship Canal does not interfere with the safe and reliable operation of the Strategic Road Network (SRN).

d) As b) above.

e) To ensure the impact of the closing to traffic of the proposed additional crossing of the MSC can be effectively managed and therefore is not detrimental to the safe and reliable operation of the SRN.

22. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highways Agency, no development of the Full WGIS scheme pursuant to this planning permission shall be brought into use unless and until:

a) the works as agreed in Condition 21 (a) above (Full WGIS) have been fully implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure that the required mitigation works are implemented before the development site is operational to ensure the safe and reliable operation of the M60 as part of the SRN and that the "Full WGIS" scheme comes forward in its entirety.

23. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, no development of the proposed WGIS scheme pursuant to this planning permission shall be brought into use unless and until:

a) details of any phasing of any parts of the scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority;

b) the detailed design, construction details and traffic management details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority;

c) details of the periods of closure to vehicular traffic of the proposed additional crossing of the Manchester Ship canal have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority;

d) the necessary Harbour Revision Orders under the Harbours Act (or other such necessary Act), should such orders be necessary, to limit the navigable rights of way of water based traffic passing along the Manchester Ship Canal through the proposed additional crossing to the times specified in part c) above have been confirmed;

e) details of a traffic management and advanced driver information strategy to inform drivers of the occurrence of the swing bridge crossing of the Manchester Ship Canal being closed to vehicular traffic have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Unless otherwise agreed in writing by the Local Planning Authority, in consultation with the Local Highway Authority and GMPTE, the development shall be implemented in accordance with the details approved in relation to part a) above, the hours of closure of the Ship Canal bridge shall be limited to those approved in part c) above and the approved traffic management and advanced driver information strategy approved in relation to part e) above shall be operated thereafter. No part of the proposed WGIS scheme pursuant to this planning permission shall be brought into use unless and until the works approved in relation to part b) above have been fully implemented to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority.

Reason: In the interests of highway safety and the safe, reliable and efficient operation of the local highway network and to ensure adequate provision for pedestrians, cyclists and users of public transport, having regard to Proposals D1, TCA1, T1, T2, T3, T4, T8, T9, T15, T17 and T18 of the Revised Trafford Unitary Development Plan and Policies DP5, DP9, RT1, RT2, RT3, RT4 and RT9 of the Regional Spatial Strategy for the North West.

24. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority and GMPTE, the details submitted in relation to part a) of Condition 21 above shall include viable public transport measures to ensure that the approved scheme can contribute to the longer term public transport infrastructure requirements of the area and a timetable for implementation of the measures. The approved public transport measures shall be implemented in accordance with the approved timetable unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of ensuring satisfactory provision of public transport, having regard to Proposals D1, T1, T2 and T11 of the Revised Trafford Unitary Development Plan and Policies DP5, DP9, RT1, RT2 and RT3 of the Regional Spatial Strategy for the North West.

Informatives

1. Town and Country Planning (General Development Procedure) Amendment Order 2003

- Giving reasons for the grant of planning permission

This informative is only intended as a summary of the reasons for the grant of planning permission. For more detail on the decision please contact Planning & Building Control

2. The proposal would result in a satisfactory form of development that is considered to comply with the provisions of Proposals D1, TCA1, ENV4, ENV16, ENV27, ENV29, ENV30, ENV33, T1, T2, T3, T4, T8, T9, T16, T18 and T19 of the Revised Trafford Unitary Development Plan and related Supplementary Planning Guidance and Policies DP5, DP7, DP9, RT1, RT2, RT3, RT4, RT9 and MCR1 of the Regional Spatial Strategy for the North West.

3. In relation to Condition 17, the process for preparing the Highway Orders alone can be time consuming and this will be critical in determining the opening parts of the proposed development. It is recommended that the applicant closely works with the three highway authorities from an early stage to discuss how the orders will be progressed, who will promote which orders and how the detailed design process will be undertaken. This group shall consist of, as a minimum, highway design representatives from the applicant, the Highways Agency (Major Projects), Salford Council as Local Highway Authority and Trafford Council as Local Highway Authority and its object would be to facilitate the preparation and finalisation of the detailed design of any highway infrastructure which comprises part of the development.

4. In relation to Condition 18, it is suggested that the Steering Group should be permanently represented by a member of the following bodies should they wish to attend: Salford Council, Trafford Council, the Highways Agency and GMPTE and a representative of any Port Salford management organisation (such as the Travel Plan Co-ordinator for the site immediately before and during operation). Additional members could be invited depending upon the specific issues to be discussed at that point in time.

5. In relation to Condition 19, for the avoidance of doubt, the "Part WGIS" scheme spans the boundary between both Salford and Trafford and the need for it is determined by the level of development of Port Salford within the boundaries of Salford Council. Therefore, the "Part WGIS" scheme (the parts in both Trafford and Salford Council's areas) will be required to be brought forward as a complete scheme.

The powers to implement the "Part WGIS" mitigating highway works need additional approval through separate consent regimes and statutory processes. It is thus possible the powers may not be granted. Nothing in this condition is intended to prejudice the outcome of any statutory process that is required to be followed in order to obtain the necessary powers to implement the mitigating works proposed. In addition, the agreement at this time or at any subsequent time in the design process of the proposed highway works does not constitute agreement that the Highways Agency will utilise its powers of Compulsory Purchase for any third party land required. Also note informative to Condition 21 regarding details of submissions to the Highways Agency.

6. In relation to Condition 21, for the avoidance of doubt, the "Full WGIS" scheme spans the boundary between both Salford and Trafford and the need for it is determined by the level of development of Port Salford within the boundaries of Salford Council. However, the "Full WGIS" scheme (the parts in both Salford and Trafford Council's areas) will be required to be brought forward as a complete scheme to sufficiently mitigate the SRN.

The powers to implement some parts of the mitigating highway works need additional approval through separate consent regimes and statutory processes. It is thus possible the powers may not be granted. It must also be noted that the sections hereto related are for orders required for mitigation works relating to the trunk road network only. Additional orders may be necessary for works that are or will form part of the local highway network. The applicant is advised to discuss the need for further orders with the Local Highway Authorities (Salford and Trafford) or relevant body relating to the Act under which any order is required. Nothing in this condition is intended to prejudice the outcome of any statutory process that is required to be followed in order to obtain the necessary powers to implement the mitigating works proposed. In addition, the agreement of any mitigating highway works (at this time or at any subsequent time in the process of implementing the proposed highway works)

does not constitute agreement that the Highways Agency will utilise its powers of Compulsory Purchase Orders for any third party land required.

The applicant is advised to pursue the detailed design and necessary orders as soon as is practicable as these can take a considerable time to secure. It is also advised that the applicant works closely with the Highways Agency's Major Projects Directorate during both the orders and detailed design stages. The details to be submitted under Conditions 19 a) and 21 a) shall include but may not be limited to: -

How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations;
Full signing and lighting details as appropriate;
Confirmation of full compliance with current Departmental standards (DMRB) and Advice Notes;
Independent Stage One and Stage Two Road Safety Audits (Stage Two to take account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes;
New Approach to Appraisal (NATA) / Project Appraisal Report (PAR) assessment;
Details of any proposed works that may put any embankment or earthworks relating to the structural integrity of the SRN at risk.

As the mitigating works to the SRN are not to be paid for with public monies, the developer will have to enter into a Section 278 Agreement with the Highways Agency on behalf of the Secretary of State. These legal agreements can take some time to prepare and the applicant is advised to commence discussions with the relevant persons within the Agency as early as is practicable to ensure there are no delays to the intended opening of the new development.

7. Any culverting of a watercourse requires the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991 / Water Resources Act 1991. The Agency seeks to avoid culverting and its consent for such works will not normally be granted except for access crossings. The Agency advises against building over any new or existing culverted watercourses.

No rainwater contaminated with silt / soil from disturbed ground during construction must drain to the surface water sewer or watercourse without sufficient settlement.

No building material or rubbish must find its way into the watercourse.

Under the terms of the Salmon and Freshwater Fisheries Act 1975, it is an offence to cause or knowingly to permit to flow, or put, into any waters containing fish, any liquid or solid matter to such an extent as to cause the water to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish.

It is the responsibility of the applicant / developer to ensure that the development will not affect any existing legal water interests in the area.

If the applicant is proposing to use specially constructed works to dewater the site, he must inform the Agency under Section 30 of the Water Resources Act 1991. The Agency may respond by serving a Conservation Notice specifying measures to be taken to protect existing abstractions and groundwater dependent features, and to conserve water resources. "Specially constructed works" includes a borehole, trench, pit or sump in, or close to, the site.

Dewatering activities which do not involve specially constructed works may have an adverse impact on local wells and water supplies. These activities are exempt from control, in accordance with Section 29 of the Water Resources Act 1991 but could lead to problems for and representations by current water users, including litigation under Common Law. The applicant is strongly advised to notify the Agency prior to the commencement of dewatering proposals. "Specially constructed works" includes borehole, trench, pit or sump in, or close to, the site.

Dewatering the proposed excavation may lower groundwater levels locally and may derogate nearby domestic and licensed groundwater sources and other water features. The applicant should locate all these and agreement should be reached with all users of these supplies for their protection during dewatering.

The Government intends to bring all significant water abstractions under licensing control following the introduction of legislation (The Water Act 2003) to implement its review of the abstraction licensing

system (Taking Water Responsibly - Government decisions following consultation on changes to the water abstraction licensing system in England and Wales, DETR March 1999). This includes water abstracted for dewatering purposes, which is currently exempt from licensing requirements (Water Resources Act 1991, Section 29(2)). The proposal will mainly affect mining and quarry operators and the transport and construction industries. It is expected that the majority of such activities will be required to apply for one of the new types of transfer licence. The ending of this exemption is expected to bring about 1,000 abstractions for dewatering purposes into the licensing system. It will bring equity with other abstractors.

Under the proposals, dewatering transfers made in relation to mining, quarrying, engineering, building or other operations in emergencies or to prevent immediate danger to human health or to prevent damage to works or the environment will be exempt, subject to notice being given to the Environment Agency within 5 days.

If water abstracted from any of the dewatering works is required for other uses (such as dust suppression of roadways or wheel wash facilities) then, in accordance, with the terms of the Water Resources Act 1991, an abstraction licence will be required. The general rule is that, where water is abstracted under the Section 29 (2) (WRA 1991) exemption, it should not be used for other purposes. If it is, then a licence to abstract water is required.

The Water Act received Royal Assent on the 20th November 2003. Note that, whilst the Act has now been passed, it will not be implemented immediately. Implementation is by means of Commencement Orders issued by the Secretary of State. Sections of the Act can be commenced at different times. The timetable for implementation is a matter for the Secretary of State.

8. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

9. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency may be required for any discharge of sewage or trade effluent into water, including groundwater or soakaways, and may be required for any discharge of surface water liable to contamination of such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant or into waters which are not controlled waters. Such consents must comply with the requirements of the Groundwater Regulations 1998 including prior investigation, technical precautions and requisite surveillance and may be withheld. Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and coastal waters.

Under the terms of the Water Resources Act 1991, the prior agreement of the Environment Agency is required for discharging dewatering water from any excavation or development to a surface watercourse.

No building material or rubbish must find its way into the watercourse.

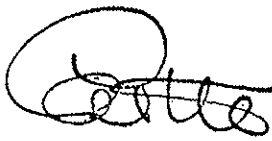
However, should the development involve the import or deposit of waste materials for the purpose of construction or landscaping, the activity may require a Waste Management Licence, or may be exempt under the Waste Management Licensing Regulations 1994. Such a decision cannot be made until all required information has been received.

If the developer is importing waste to the site for levelling or land raising purposes, for example, hardcore, rubble, demolition waste, excavated soil / sub-soil, this may require to be registered with the Environment Agency as exempt from the need for a Waste Management Licence, under the Environmental Protection Act 1990. The Environment Agency should be advised of the proposed means of site preparation.

10. The site contains the invasive, non-native plant species, Japanese Knotweed (*Fallopia Japonica*) and Giant Hogweed (*Heracleum mantegazzianum*), the spread of which is prohibited under the Wildlife and Countryside Act 1981. Care should be taken to prevent the spread during any operations relating to the proposal. Any soils brought onto the applicant's site should be free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act. Approval for herbicide

applications to eradicate Japanese Knotweed must be obtained from the Agency prior to use when near a watercourse.

Date of decision: 18th February 2009



Chief Planning Officer
Simon Castle

Note: This permission refers only to that required under the Town and Country Planning Act and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Please read notes provided