

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION
SUBJECT TO CONDITIONS

This Decision Notice supersedes that dated 17 May 2011
in order to correct the date of issue.

TO: Ms J Daly
Managing Director
Harrow Estates plc
Bridgemere House
Chester Road
Preston Brook
Cheshire
WA7 3BD

The Council hereby grants permission for the Demolition of Buildings (including 90, 92 and 96 Church Road), Remediation of Land and Formation of a Development Platform

at Land to the East of the A10 Known as the Former Bayer CropScience Ltd Site, Hauxton (for Harrow Estates Plc)

In accordance with your application dated 20th December 2010 and the plans, drawings and documents which form part of the application as amended by revised wording to Remediation Method Statement- April 2009- Revision 6 date-stamped 21 January 2011, subject to conditions set out below.

[N.B: In the interests of continuity, the numbering of conditions has been carried forward from previous planning permission S/2307/06/F. This planning permission does not contain a substantive condition number 1 or a substantive condition number 14, as condition number 1 and condition 14 under S/2307/06/F have been discharged by that previous planning permission].

1. Not used
2. **Remediation approved by this planning permission shall be carried out in accordance with the Remediation Method Statement April 2009 - Revision 6 as amended at Paragraphs 12.6 and 17.3 by the application, hereby approved, (“the Amended Remediation Method Statement”) and the remedial targets contained within the Amended Remediation Method Statement. No changes to the agreed target concentrations shall be accepted without full justification in the form of a Quantitative Risk Assessment being submitted to and agreed in writing by the Local Planning Authority.**
(Reason - To prevent the increased risk of pollution of the environment or harm to human health.)
3. **No spoil or material shall be deposited or stored in the floodplain, nor any ground raising allowed within the floodplain, until the flood relief channel referred to in Condition 7 has been implemented or unless expressly authorised in writing by the Local Planning Authority.**
(Reason - To prevent increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.)
4. **Remediation progress reports shall be submitted to the Local Planning Authority and the Environment Agency at not less than monthly intervals. These should include all monitoring results detailed within the Amended Remediation Method Statement**

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including laboratory analysis and weekly ground water level graphs. As part of the characterisation stage of the treatment train a single representative sample from each grid square area of the development as shown on drawing D907 07 included in the Amended Remediation Method Statement shall be analysed by an agreed method of gas chromatography/mass spectrometry scans for the purpose of identifying any contaminants not previously identified during site investigations. Any such contaminants identified shall be dealt with in accordance with Condition 9.

(Reason - To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that any development can be carried out safely without unacceptable risks to workers, occupiers, neighbours and other offsite receptors.)

- 5. No works shall be undertaken on the Bentonite wall, other than investigative works to establish its condition. Upon the conclusion of such investigations a method statement including an options appraisal shall be submitted in writing to the Local Planning Authority detailing proposals for a long-term solution for the Bentonite wall. Once approved in writing by the Local Planning Authority such works as proposed shall be carried out in strict accordance with the method statement.**

(Reason - To prevent the increased risk of pollution of the environment or harm to human health.)

- 6. No raising of ground levels shall take place until the Flood Relief Channel referred to in Condition 7 has been constructed and is fully operational.**

(Reason - To ensure no loss of flood storage due to the proposed development.)

- 7. The physical dimensions of the Flood Relief Channel, Inlet Weir and Outlet control shall be strictly constructed in accordance with drawing nos. 17657/R/CVD/002/B and 17657/R/CVD/003/A and modelling report dated September 2007 (see informative below) unless otherwise agreed in writing by the Local Planning Authority. Any changes in these dimensions will require further modelling in order to ensure no increased flood risk elsewhere and shall be agreed in writing by the Local Planning Authority.**

(Reason - In order to ensure the Flood Relief Channel is operational, as designed, during times of flood.)

- 8. As part of the remediation approved by this planning permission monitoring and sampling will be required to demonstrate the effectiveness of the remediation and the control of groundwater, to ensure that any migration of contaminants either inward or outward of the development site will be identified and managed, in accordance with the Amended Remediation Method Statement [or any revisions to such Amended Remediation Method Statement approved in writing by the Local Planning Authority.]**

Such monitoring and sampling shall be undertaken during the period whilst the remediation works are carried out and for a minimum period of 6 months following the completion of the remediation works. The Local Planning Authority may require the period of 6 months to be extended by notice in writing in any circumstances where it considers that doubt exists as to the effectiveness of the remediation.

(Reason - To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

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ecological systems, and to ensure that any development can be carried out safely without unacceptable risks to workers, occupiers, neighbours and other offsite receptors.)

- 9. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified it must be reported in writing immediately to the Local Planning Authority and: -**
- (a) An investigation and risk assessment must be undertaken by competent persons as soon as practical and in any event within 28 days of such report (or such longer period as shall be agreed in writing by the Local Planning Authority) and which shall be copied forthwith to the Local Planning Authority; and**
- (b) A written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**
- (i) a supplemental strategy in respect of proposals to deal with contamination not previously identified**
 - (ii) a survey of the extent, scale and nature of contamination not previously identified;**
 - (iii) an assessment of the potential risks to:**
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments,
 - (iv) an appraisal of remedial options, and proposal of the preferred option(s).**

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11"

Where remediation in respect of such contamination not previously identified is necessary then a supplemental strategy to the Amended Remediation Method Statement referred to in Condition 2 above shall be submitted to and approved in writing by the Local Planning Authority. The approved supplemental strategy shall be implemented in accordance with the details approved.

Following completion of measures identified in the approved supplemental strategy referred to above, a verification report in respect of such measures shall be submitted to and approved in writing by the Local Planning Authority in accordance with Condition 10.

The Local Planning Authority may, within 28 days of receiving notice that contamination has been found that was not previously identified and/or within 7

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days of receiving the investigation and risk assessment provided under (a) above, require the works in the immediate area affected by the unforeseen contamination to be halted to the extent specified by written notice and which notice may provide that works shall be halted until completion and approval of a report approved under (b) above.

(Reason - To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that any development can be carried out safely without unacceptable risks to workers, occupiers, neighbours and other offsite receptors.)

- 10. Other than development connected with the remediation works hereby permitted no development shall commence until the completion of the remediation works hereby permitted and until the approval in writing by the Local Planning Authority of a verification report (“the Verification Report”). The Verification Report shall not be submitted to the Local Planning Authority until completion of the monitoring and sampling period specified by condition 8 which monitoring and sampling demonstrates the effectiveness of the remediation carried out. The Verification Report shall address all monitoring and sampling carried out and shall demonstrate that the remediation works has been completed and the effectiveness of the remediation works. The verification requirements and the preparation of the Verification Report shall be conducted in accordance with DEFRA and the Environment Agency’s “Model procedures for the Management of Land Contamination, CLR 11”. The Verification Report submitted for approval shall include details of a scheme for post remediation surface water drainage management and maintenance and shall also include details of any necessary post remediation monitoring (“the Post Remediation Scheme”).**

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that any development can be carried out safely without unacceptable risks to workers, occupiers, neighbours and other offsite receptors.)

- 11. Any necessary Post Remediation Scheme recommended in the Verification Report shall be implemented in accordance with its requirements.**

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that any development can be carried out safely without unacceptable risks to workers, occupiers, neighbours and other offsite receptors.)

- 12. Any soil materials brought on to the site shall be subject to appropriate sampling and analysis by a suitably qualified person. Details of the sampling and analysis shall be submitted to the Local Planning Authority for approval in writing within one month of the soils arrival on site and in the Verification Report.**

[Please note that sampling and analysis certificates submitted by the supplier of the soil material will not be accepted].

(Reason - To ensure that any materials brought on to the site are not contaminated.)

- 13. Sampling of material imported on to the development site should comprise random sampling for every 90m³ of soil from a single source (see soil definition below). The required sampling frequency may be modified by the Local Planning Authority when the source is known.**

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Soil Source - the location of which the soil was loaded on to the truck prior to delivery at the site.

(Reason - To check the quality of soils and materials being imported on to the site.)

14. *Not used.*

15. No soils or materials shall be exported from the site other than in accordance with a scheme, which shall include the provision of wheel washing equipment, which has been submitted to and approved in writing by the Local Planning Authority.

(Reason - To protect the amenity of local residents and businesses and in accordance with the proposals in the Method Statement.)

16. The details of an emergency telephone contact number shall throughout the period of the development hereby permitted be displayed in a publicly accessible location on the site, and shall remain so displayed unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interest of local amenity.)

17. No work or other activities involving the use of heavy plant and equipment shall take place on site on Sundays or Bank Holidays, and all work and other activities involving the use of heavy plant and equipment on other days shall be confined to the following hours 8.00 a.m. until 6.00 p.m. Monday-Friday and 8.00 a.m. until 1.00 p.m. Saturdays.

(Reason - To safeguard the amenities of nearby residents during development.)

18. No works shall take place within North Meadow, except for the Flood Relief Channel referred to in Condition 7 unless otherwise agreed in writing with the Local Planning Authority.

(Reason - To ensure the floodplain of the River Cam is protected.)

19. Prior to the commencement of flood relief works an Ecological Management Plan for North Meadow, Riddy Brook and its banks shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall include details on:

- (a) **Mitigation during site preparation and construction of the flood relief works to ensure minimal impact upon habitats and wildlife, such as timing and methodology of work;**
- (b) **Management measures including a work programme to maintain and enhance the value of the site for wildlife once the flood relief works are completed;**
- (c) **Sensitive planting plans, including appropriate locally native species that will be of benefit to wildlife, to include details for providing plants of a local provenance, ideally from seed collected from suitable habitats in the surrounding area;**
- (d) **A monitoring programme that establishes appropriate baseline information on species, including fish and aquatic invertebrates, in order to ensure that**

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**mitigation and enhancement is successful, and to guide future management
of the site against agreed objectives for key species and habitats;**

- (e) The appointment of an Ecological Clerk of Works to ensure that all staff
working on-site are familiar with appropriate Environmental and Wildlife
legislation and are suitably briefed on the site's sensitivities.**

(Reason - In the interests of safeguarding the long term benefits of the local wildlife at the site and in accordance with advice within PPS9 and the Wildlife and Countryside Act 1981.)

- 20. Prior to the importation of materials, if required, details of the supplier and
confirmation on the source(s) of any soil material should be supplied to the Local
Planning Authority. The soil should be free from metals, plastic, wood, glass, tarmac,
paper and odours associated with contaminated soils as specified in BS 3882: 2007 -
Specification for Topsoil and requirements for use. A description of the soil materials
should be forwarded to the Local Planning Authority based on BS5930 Code of
Practice of Site Investigations.**

(Reason - To ensure that no contaminated materials are brought onto the site.)

- 21. The development, hereby permitted, shall be carried out in accordance with the Site
Waste Management Plan incorporated within Appendix S of the Amended
Remediation Method Statement unless otherwise agreed in writing by the Local
Planning Authority.**

(Reason - To ensure that waste is managed sustainably during the development in
accordance with the objectives of Policy DP/6 of the Local Development Framework
Development Control Policies adopted July 2007.)

Informatives

1. The land to which this application relates is regulated by Planning Obligations dated 5 February 2010 and 18 May 2011 under Section 106 of the Town and Country Planning Act 1990.

Environment Agency Informatives

1. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of the main river (River Cam).
2. Any culverting of a watercourse requires the prior written consent of the Agency under the terms of the Land Drainage Act 1991. The Agency seeks to avoid culverting, and its consent for such works will not normally be granted except for access crossings. This is irrespective of any planning permission granted. Consent cannot be given retrospectively.

Reasons for Approval

1. In deciding to approve this planning application, the Local Planning Authority has taken into consideration the environmental information incorporated in the Environmental Statement prepared by GVA Grimley and dated November 2008, together with the Environmental Statement Addendum June 2009.

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2. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - a) South Cambridgeshire Local Development Framework
Development Control Policies 2007:
DP/1 (Sustainable Development)
NE/6 (Biodiversity)
NE/8 (Groundwater)
NE/9 (Water and Drainage Infrastructure)
NE/11 (Flood Risk)
NE/15 (Noise Pollution)
NE/16 (Emissions)
CH/4 (Development Within the Curtilage or Setting of a Listed Building)
3. In approving the application subject to the conditions on this planning permission, the Council considers that unacceptable risks to human health, buildings and the environment are identified, properly dealt with and monitored through the approval of a validation report. The Council also considers that the application and the conditions on this planning permission have properly taken account of flood risk.
4. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

General

1. Circular 04/2008 (Planning Related Fees) states that where an application is made under Article 21 of the Town and Country Planning (General Development Procedure) Order 1995, a fee will be payable for any consent, agreement or approval required by condition or limitation attached to the grant of planning permission (or reserved matter consent).
2. The fee is £85 per request or £25 where the permission relates to an extension or alteration to a dwellinghouse or other development in the curtilage of a dwellinghouse. The request can be informal through the submission of a letter or plans, or formal through the completion of an application form and the submission of plans. Any number of conditions may be included on a single request. The form is available on the Council's website www.scambs.gov.uk (application forms - 1app forms-application for the approval of details - pack 25.)
3. It is important that all conditions, particularly pre-commencement conditions, are fully complied with, and where appropriate, discharged prior to the implementation of the development. Failure to discharge such conditions may invalidate the planning permission granted. The development must be carried out fully in accordance with the requirements of any details approved by condition.
4. All new buildings that are to be used by the public must, where reasonable and practicable, be accessible to disabled persons and provide facilities for them. The applicant's attention is therefore drawn to the requirements of Section 76 of the Town and Country Planning Act 1990 and the Building Regulations 2000 (as amended) with respect to access for disabled people.
5. The applicant's attention is drawn to the requirements of the Party Wall etc. Act 1996 if works are proposed to a party wall.

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6. The approved plans for this application are as originally submitted unless otherwise specified in this Decision Notice. The development should be completed strictly in accordance with these plans. Any amendment to these approved plans must be first agreed in writing by the Local Planning Authority.
 7. If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from Building Control Services at South Cambridgeshire District Council. Their contact details are: tel. 08450 450 500 or building.control@scambs.gov.uk or via the website www.scambs.gov.uk.



Dated: 18th May 2011

Development Control Manager, Planning and New Communities

South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA

THIS PERMISSION DOES NOT CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS AND IS NOT A LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT. IT DOES NOT CONVEY ANY APPROVAL OR CONSENT WHICH MAY BE REQUIRED UNDER ANY ENACTMENT, BYE-LAW, ORDER OR REGULATION OTHER THAN SECTION 57 OF THE TOWN AND COUNTRY PLANNING ACT 1990.

SEE NOTES OVERLEAF

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NOTES

Appeals to the Secretary of State

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 for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so using a form which you can get from the Customer Support Unit, Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Alternatively, an online appeals service is available through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs. The Planning Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information you are happy will be made available to others in this way, including personal information belonging to you. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Fully completed appeal forms must be received by the Planning Inspectorate within six months of the date of this decision notice.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving the notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable 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 District Council 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.