



**TOWN & COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

NOTICE OF DECISION OF COUNTY PLANNING AUTHORITY

To: Mr John Gough Gough Planning & Development Ltd, Hawksley Cottage, 28 Town Street, Sutton-Cum-Lound, Retford DN22 8PT

The **WARWICKSHIRE COUNTY COUNCIL**, having considered the application for the extended ecological enhancement of Bishops Bowl Fishery by importation of suitable inert material to the Greenhill Lake complex at Bishops Bowl Fishery, Bishops Bowl Lakes, Bishops Itchington, CV47 2SR [Grid ref: 438325.259056] made by you on behalf of Mr Shaun Smart, Bishops Bowl Lakes, Bishops Itchington, Southam, CV47 2SR and deposited with the County Council on 16 July 2018

HEREBY GIVE YOU NOTICE that **PERMISSION** is **GRANTED** for the above mentioned development subject to the following conditions:-

COMMENCEMENT DATE

1. The development hereby approved shall be commenced no later than 3 years from the date of this permission.

Reason: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

GENERAL OPERATIONS

2. The development hereby permitted shall be carried out in accordance with the details submitted with application reference no. SDC/18CM019 and in accordance with the approved plans reference; BBF-18/1, BBF18/2, BBF-18/3, BBF-18/4, Figure A, and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development.

3. No works shall be undertaken on site in connection with the development hereby approved unless the County Planning Authority has first been advised in writing of the date of commencement.

Reason: In order to ensure a satisfactory standard of development.

4. The development hereby permitted shall cease, the site be restored in accordance with the approved restoration scheme and site access reduced in scale in accordance with the requirements of condition 9 within four years of the date of commencement.

Reason: In order to secure satisfactory and timely restoration of the site.

5. Phase 2 of the development hereby permitted (as shown on Fig. A) shall not be commenced until an Environment Protection and Protected Species Plan for works has been submitted to and approved in writing by the County Planning Authority. The plan shall include:

- a) An appropriate scale plan showing the “Environment Protection Zones” where any construction or engineering activities (“works”) are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during works;
- c) A timetable to show phasing of works activities to avoid periods of the year when sensitive wildlife could be harmed;
- d) Persons responsible for:
 - i) compliance with legal consents relating to nature conservation;
 - ii) compliance with planning conditions relating to nature conservation;
 - iii) installation of physical protection measures during works;
 - iv) implementation of sensitive working practices during works;
 - v) regular inspection and maintenance of the physical protection measures and monitoring of working practices during works;
 - vi) provision of training and information about the importance of “Environment Protection Zones” to all works personnel on site.

All works shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the County Planning Authority.

Reason: To protect features and species of recognised nature conservation importance.

6. Phase 2 of the development hereby permitted (as shown on Fig A) shall not be commenced until a Habitat Management Plan has been submitted to and approved in writing by the County Planning Authority. The plan shall include:

- a) a scaled drawing clearly showing the area covered by the management plan
- b) a description and evaluation of the features to be managed;

- c) ecological trends and / or constraints on site that may influence management;
- d) aims and objectives of management;
- e) appropriate management options for achieving aims and objectives;
- f) prescriptions for management actions;
- g) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually;
- h) personnel responsible for the implementation of the plan;
- i) monitoring and remedial/contingencies measures triggered by monitoring to include Biodiversity Impact Assessment (Defra Metrics).
- j) financial funding model to ensure that the actions identified within the approved plan are enabled for a 30 year period from commencement of development.

The plan shall be carried out as approved, unless otherwise approved in writing by the County Planning Authority.

Reason: This is to ensure that the development results in a net biodiversity gain in accordance with the NPPF and to protect features of recognised nature conservation in accordance with Local Plan Policies, NPPF and ODPM Circular 6/2005.

7. Phase 2 of the development hereby permitted (as shown on Fig A) shall not be commenced until the biodiversity impact of the development has been measured by the County Planning Authority in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time following approval of a Habitat Management Plan in accordance with Condition 6 and a habitat restoration scheme in accordance with Condition 8. In the event that such measurement reveals that a net biodiversity loss cannot be avoided without off-site offsetting measures ("Offsetting") Phase 2 shall not commence until a biodiversity offsetting scheme has been submitted and approved in writing by the County Planning Authority. Such a scheme shall include:

- 1. proposals for offsetting;
- 2. a methodology for the identification of any receptor site(s) for offsetting measures;
- 3. the identification of any such receptor site(s);
- 4. the provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
- 5. a management and monitoring plan (making provision for the maintenance of any offsetting measures in perpetuity).

The written approval of the County Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

Reason: This is to ensure that the development results in a net biodiversity gain in accordance with the NPPF and to protect features of recognised nature conservation in accordance with Local Plan Policies, NPPF and ODPM Circular 6/2005.

8. Within 6 months of the development commencing full details of a Habitat Restoration Scheme shall be submitted to the County Planning Authority for approval in writing. The submitted details

shall include:

- i) purpose, aims and objectives for the scheme;
- ii) a review of the site's ecological potential and any constraints;
- iii) description of target habitats and range of species appropriate to the site;
- iv) selection of appropriate strategies for creating/restoring target habitats or introducing/encouraging target species;
- v) selection of specific techniques and practices for establishing vegetation;
- vi) sources of habitat materials (e.g. plant stock) or species individuals;
- vii) method statement for site preparation and establishment of target features;
- viii) extent and location of proposed works;
- ix) aftercare and long term management;
- x) the personnel responsible for the work;
- xi) timing of works;
- xii) monitoring;
- xiii) disposal of wastes arising from the works.

All habitat creation and restoration works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the County Planning Authority.

Reason: To ensure that there is no net biodiversity loss in accordance to NPPF.

9. Upon completion of the importation of the material and associated ancillary works, the geometry of the access shall be reduced to provide an overall access width of 6.0 metres for a distance of 20.0 metres with 10.0 metre radius turnouts in accordance with full design details which shall first have been submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of highway safety.

10. The existing measures employed on site, including the wheel wash facility, to ensure that mud and debris will not be deposited on the highway as a result of construction traffic leaving the site shall be retained on site and in operation for the duration of the development.

Reason: In the interests of highway safety.

11. No more than 25 HGVs per day shall turn right from the site so as to travel in a southerly direction on the B4451.

Reason: In order to reduce the impact of HGVs through the village of Bishops Itchington.

12. No construction or engineering works or waste importation to the site shall take place except between the following hours:

0700 – 1800 hours Monday to Friday

0700 – 1300 hours Saturdays

There shall be no such operations or uses on Saturdays, Sundays and Bank Holidays.

Reason: In order to protect the amenity of nearby residents.

13. No vehicle shall enter or leave the site other than via the existing/improved access off the A4451 Gaydon Road.

Reason: In the interests of highway safety.

14. All loaded lorries entering the site shall be sheeted or netted as appropriate.

Reason: In order to protect the amenity of the area.

15. In order to minimise the raising of dust, the following steps shall be taken:

- an operational bowser shall be available on site at all times;
- all haul roads within the site shall be laid out with hardcore or other similar suitable material and maintained in good condition and damped down as necessary during dry conditions;
- the working areas shall be damped down as necessary during dry conditions.

Reason: To minimise the impacts, relating to the generation of dust, on the amenities of the area.

16. At no time during the implementation of the development shall any operations take place which, despite the use of the dust control measures, would give rise to airborne dust levels sufficient to cause nuisance to habitable properties located beyond the boundary of the site.

Reason: In order to protect the amenity of the area and nearby residents

17. The level of noise from the site shall not exceed the following noise limits at residential properties at the specified locations. All measurements shall be made in accordance with the methodology of 5228-1:2009 and its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Location	Noise Limit LAeq, 1 hour
Greenhill Farm	51dB
Walworth Farm	47dB
Model Farm	47dB
Residential Properties to east of B4451	53dB

Reason: In order to protect the amenity of the area and nearby residents.

18. Machinery and vehicles used on the site implementing this development shall be maintained and silenced to comply with the best practicable standard and shall be located as far from nearby properties as possible.

Reason: In order to protect the amenity of the area and nearby residents.

19. No lighting shall be installed or operated on the site in connection with the operations permitted by this permission unless full details have been submitted to and approved in writing by the County

Planning Authority. Following approval the lighting shall be operated in accordance with the approved details.

Reason: In order to protect the amenity of the area and nearby residents.

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION

Waste Development Framework Core Strategy – Adopted July 2013

Policy CS1 Waste Management Capacity

Policy CS2 The Spatial Waste Management Strategy for Warwickshire.

Policy CS7 Proposals for Disposal Facilities

Policy DM1 Protection of the Natural and Built

Policy DM2 Managing Health and Amenity Impacts of Waste Development

Policy DM3 Sustainable

Policy DM6 Flood Risk and Water Quality

Minerals Local Plan for Warwickshire – February 1995 (saved policies)

Policy M9 Restoration of mineral workings to a high standard and a beneficial afteruse.

Stratford-on-Avon District Core Strategy 2011 to 2031

Policy CS.1 Sustainable Development

Policy CS.5 Landscape

Policy CS.9 Design and Distinctiveness

Policy CS.22 Economic Development

Policy CS.24 Tourism and Leisure


Policy AS.10 Vitality of Rural Communities

Harbury Cement Works Masterplan 2007

STATEMENT REQUIRED BY ARTICLE 35(2) OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015.

In considering this application the County Council has complied with paragraphs 186 and 38 contained in the National Planning Policy Framework

DATED *12th October 2018*


Joint Managing Director

Shire Hall
Warwick
CV34 4RL

**IT IS IMPORTANT THAT YOU READ
THE NOTES AT THE END OF THIS NOTICE**

NOTES:

Appeals to the Secretary of State

1. 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 in accordance with Section 78 of the Town and Country Planning Act 1990.
2. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:

28 days of the date of service of the enforcement notice, or
6 months of the date of this notice,

whichever period expires earlier.
3. If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
4. 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 or online at www.gov.uk/government/organisations/planning-inspectorate
5. 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 an appeal.
6. 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.
7. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

8. 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 the owner 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.
9. In these circumstances the owner may serve a purchase notice on the Council (that is where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no 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 the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.