



## PLANNING PERMISSION

### TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010

DC/14/4224/FUL

**Agent**

Miss Carly Vince  
EDF Energy Ltd  
EDF Energy - Nuclear New Build  
The Qube  
90 Whitfield Street  
London  
W1T 4EZ

**Applicant**

Miss Carly Vince  
EDF Energy Ltd  
EDF Energy - Nuclear New Build  
The Qube  
90 Whitfield Street  
London  
W1T 4EZ

**Parish**

Leiston

**Date Valid**

23rd December 2014

**Proposal:**

Creation of approximately 6ha of wetland habitat, including wet reedbed, open-water and perimeter ditches within 4 ground water basins together with marginal drier reed habitat. Soils excavated to create the basins, would be used across the wider site to establish a landscape including grassland, heathland, scrub and scattered trees. Other associated works include realignment of the existing watercourse, the relocation of groundwater abstraction boreholes, a new pump house and fencing.

**Site:**

Land South And West Of, Lovers Lane, Leiston

**PERMISSION IS HEREBY GRANTED** by **SUFFOLK COASTAL DISTRICT COUNCIL** as Local Planning Authority for the purposes of the **TOWN AND COUNTRY PLANNING ACT 1990**, for development in complete accordance with the application shown above, the plan(s) and information contained in the application, and subject to compliance with the following conditions as set out below. Your further attention is drawn to any informatives that may have been included.

In determining the application, the Council has given due weight to all material planning considerations including policies within the development plan as follows:

**Conditions:**

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be carried out in accordance with the drawings and documents listed below and any other drawings approved subsequently by the Council as local planning authority pursuant to any conditions on this decision letter.

Documents:

- Design Statement (December 2014) ;

- Ecology and Landscape Management Plan (December 2014) ;
- Water Framework Directive Assessment (December 2014);
- Land Contamination Assessment (December 2014);
- Design and Access Statement (December 2014);
- Planning Statement (December 2014);
- Landscape and Visual Appraisal (December 2014);
- Ecological Appraisal (December 2014);
- Heritage Statement (December 2014);
- Flood Risk Assessment (December 2014);
- Materials Management Plan (December 2014) ; and
- Construction Management Strategy (December 2014).

Drawings:

- 35242-LON-CVD-0001 Site Location Plan;
- 35242-LON-CVD-0003 Proposed Wetland Habitat Area (Sheet 1 of 3);
- 35242-LON-CVD-0004 Proposed Wetland Habitat Area (Sheet 2 of 3);
- 35242-LON-CVD-0005 Proposed Wetland Habitat Area (Sheet 3 of 3);
- 35242-LON-CVD-0007 Proposed Fencing;
- 35242-LON-CVD-0008 Water Level Control Structure General Arrangement;
- 35242-LON-CVD-0009 Maintenance Access Structure General Arrangement;
- 35242-LON-CVD-0010\_B Proposed Access Design;
- 35242-LON-CVD-0012 Temporary Watercourse Crossing across WWTW drain;
- 35242-LON-CVD-0013 Temporary Watercourse Crossing across Aldhurst Valley Stream;
- 35242-LON-CVD-1001 Tree Retention and Removal Plan;
- 35242-LON-CVD-1002 Landscape Masterplan;
- 35242-LON-CVD-1003 Landscape Sections; and
- 35242-LON-CVD-1004\_B Proposed Levels and Soil Distribution plan.

Reason: For the avoidance of doubt and to ensure a properly planned and detailed development.

3. (a) Notification of the commencement of Preliminary Works as outlined in Section 2.2 of the Construction Management Strategy shall be provided to the local planning authority 10 working days prior to commencement of the works.  
(b) Notification of the commencement of Main Works as outlined in Section 2.3 of the Construction Management Strategy shall be provided to the local planning authority 10 working days prior to commencement of the works.

Reason: To provide notification of commencement of works.

4. All construction traffic (including HGV movements) shall be managed in accordance with the Construction Traffic Management Plan (Appendix B of the Construction Management Strategy) unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway and public safety.

5. The construction works shall be undertaken in accordance with the methodology set out in Sections 2.2 and 2.3 of the Construction Management Strategy. Construction management measures and controls identified in Section 3 of the Construction Management Strategy shall be complied with and implemented unless otherwise agreed in writing by the local planning authority.

Reason: To ensure environmental protection and to minimise impacts on the environment and human receptors during the construction phase of the development.

6. There is to be no construction traffic entering or exiting the development site from Carr Avenue / Valley Road.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in residential areas.

7. No part of the development that includes the bringing of heavy machinery / HGV's to the site shall take place until the existing vehicular access to Abbey Road has been improved, laid out and completed, in accordance with submitted drawings (except for vehicles bringing the necessary plant and materials to complete these access works). This is to include properly surfaced with a bound material for a minimum distance of 20 metres from the edge of the metalled carriageway and clearance of the ditch to Abbey Road.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

8. Prior to development commencing on site details of the siting of the construction compound and a programme for its implementation, are to be submitted to the local planning authority for approval.

Reason: To ensure that the compound is appropriately sited in relation to neighbouring residential properties so as to cause minimal disturbance to occupiers of neighbouring properties.

9. There is to be no discharge of surface water from the site access on Abbey Road to the highway network.

Reason: To prevent hazards caused by flowing water or ice on the highway.

10. On the Abbey Road frontage, the gates are to be set back a minimum distance of 20m from the edge of the carriageway and are to open into the site only (as detailed on approved drawing no: 35242-LON-CVD-0010\_B).

Reason: In the interests of road safety.

11. .On the Lovers Lane frontage, the gates are to be set back a minimum distance of 10m from the edge of the carriageway and are to open into the site only (as detailed on approved drawing no: 35242-LON-CVD-0010\_B).

Reason: In the interests of road safety

12. Prior to first use of the Abbey Road access for HGV traffic, clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 90 metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

13. Prior to first use of the Lovers Lane accesses for traffic, clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 160 metres in each direction along the edge of the metalled carriageway from the centre of

the access. Notwithstanding the provisions of Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

14. (a) The hours of construction shall be limited to 07.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays, with no construction work to take place on Sundays or Bank Holidays. Between 18.00 - 19.00 Monday to Friday and 13.00 - 14.00 Saturday, work for the purposes of closing the site may take place. A 24 hour, 7 days a week security presence on site is permitted.  
(b) Paragraph 14 (a) excludes emergency or maintenance works.

Reason: To safeguard the amenities of residential neighbouring properties.

15. All excavated materials shall be managed in accordance with Sections 4 to 7 of the Materials Management Plan, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a safe and controlled re-use of material and to prevent pollution.

16. (a) Tree protection measures outlined in the Tree and Hedge Report (Appendix F of the Construction Management Plan), shall be implemented. Such protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site.  
(b) No retained trees and hedges (means an existing tree or hedge which is to be retained in accordance with the approved plans) shall be cut down, uprooted or destroyed without the prior written approval of the local planning authority.  
(c) If any retained tree dies or becomes seriously damaged or defective within a period of five years of the commencement of any works, another tree of a similar species shall be planted in a similar location and at such a time, as agreed in writing by the local planning authority.

Reason: To protect and improve the character and amenities of the area.

17. All works shall be undertaken, and existing ecology protected in accordance with the measures identified in Section 2.3 and Appendix C of the Ecological Appraisal (December 2014), unless otherwise agreed in writing with the local planning authority.

Reason: To protect existing ecology.

18. There is to be no fish stocking of the hereby approved basins without the prior written consent of the local planning authority.

Reason: To minimise risk from disease or alien species entering into the system.

19. (a) Prior to commencement, a written statement and timetable for the completion of the post-investigation archaeological assessments shall be submitted for written approval by the local planning authority together with Written Scheme of Investigations for monitoring any groundworks required for the temporary construction compound and for dealing with any chance finds from the waterlogged deposits within the basins.  
(b) Within 12 months of commencement, all post-investigation assessments shall be completed and provision made for publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological

assets affected by this development, in accordance with Strategic Policies SP1 and SP15 of SCDC DPD 2013 and the NPPF 2012.

20. (a) All planting works shall be carried out in accordance with Sections 3.1 and 3.2 of the approved Ecology and Landscape Management Plan unless otherwise agreed in writing with the local planning authority.  
(b) The habitats shall be managed and monitored in accordance with sections 4.2.2 and 5.3 of the approved Ecology and Landscape Management Plan unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the landscape scheme is implemented and maintained.

21. The development hereby permitted shall be carried out in accordance with the mitigation measures identified in Section 6.3 of the approved Flood Risk Assessment unless otherwise agreed in writing with the local planning authority. No material shall be placed below 5m AOD, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure there is no loss of floodplain storage or deflection of flow routes as a result of the proposed development.

22. Details of the location, scale, external appearance and servicing of the pumphouse(s) shall be approved in writing by the local planning authority prior to construction of the pumphouse(s).

Reason: To ensure the local planning authority is satisfied with the location and external appearance of the building.

23. (a) A scheme for monitoring groundwater levels downstream of the development is to be submitted to the local planning authority for approval prior to the commencement of the Main Works (as defined in section 2.3 of the Construction Management Strategy) dewatering. The approved scheme shall be implemented one month prior to the commencement of dewatering of any groundwater basin or perimeter ditch in the Main Works, and shall continue for one month following the cessation of all dewatering activities.  
(b) Dewatering shall be undertaken in accordance with Sections 2.3 of the Construction Management Strategy, unless otherwise agreed in writing with the local planning authority.  
(c) Recharge measures as detailed in Section 2.3 of the Construction Management Strategy shall be implemented during the Main Works if groundwater levels fall below a level agreed in the approved scheme for monitoring.

Reason: To ensure the groundwater environment in the vicinity of the site is adequately protected from dewatering.

24. Notification of the completion of the planting and habitat creation works shall be provided to the local planning authority within 28 days of completion.

Reason: To enable future public access to the site in line with Condition 25.

25. A plan setting out future public access arrangements across the site shall be submitted for approval by the local planning authority within 3 years of completion of the planting and habitat creation (the date notified in condition 24). Access arrangements shall then be carried out in accordance with the approved plan.

Reason: To open up parts of the site for quiet public recreation, in a manner that does not compromise the agreed habitat management objective.

26. If during development, contamination not previously identified is found, the development within a defined and agreed area (to be agreed with the local planning authority) is to stop until a

remediation strategy has been submitted for how to deal with this. The agreed remediation strategy is to be implemented as approved.

Reason: NPPF para. 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution, (see informative 10).

#### **Informatives:**

1. Public footpath no. 18 runs alongside proposed basin D, with an existing watercourse to the south. There must be sufficient width left for the footpath between the existing watercourse and the new basin. The statutory width of the headland path is 1.5m and there must be a safe margin between the edge of the path and the new basin.
2. Any measures that need to be taken to protect the public using footpath no. 18 must be undertaken in consultation with the Suffolk County Council Rights of Way team - 03456 066067.
3. The lorry movements associated with the importation of granular stone for construction of the compound and hardstanding should be spaced evenly throughout the working day.
4. The application refers to temporary signage within the public highway, this will need to be agreed by Suffolk County Council as Highway Authority and may require a legal agreement. SCC's Area Manager can be contacted at 01728 652400 for discussion and consultation.
5. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expenses. SCC's Area Manager must be contacted at 01728 652400. Further information can be found at: [www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-access/](http://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-access/). A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.
6. SCC highway apparatus appears to be affected by this proposal. The applicant must contact SCC's Area Manager for Highways on 01728 652400 to agree any necessary alterations to be carried out at the expense of the developer.
7. Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.
8. As recognised in the FRA, consent will be required from the Internal Drainage Board under section 23 of the Land Drainage Act for the two proposed temporary culverts, as well as for the channel realignment by the former irrigation pond and the diversion of the watercourse near Brick Kiln Farm. It has been recognised in the FRA that the regular inspection and clearance of the temporary culverts will be important to ensure they maintain their capacity and reduce the likelihood of blockages. Their removal at the end of the construction period will be important to retain the original channel conveyance capacity.
9. The Eels (England and Wales) Regulations 2009 (the Regulations) came into force on 15 January 2010 to support the UK in implementing EC Council Regulation (1100/2007) (the EC Eel Regulation). Under this European Regulation, the UK must take actions to halt and reverse the decline in the European eel stock, aiming to meet a target set for the number of

mature adult eels leaving each river basin to return to spawn at sea. The EC Eel Regulation requires eel passage to be considered as part of the solution. For in-river developments that pose a risk to eel, such as impoundments, passes must be provided as part of the development. The Minsmere Sluice is now passable to eels (as of April 2014). Any new in-river structures need to be designed to allow eel passage for use of the proposed wetland habitat.

10. It is recommended that the developer follows the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination. In addition, refer to the Environment Agency guiding principles for land contamination for the type of information required in order to assess risks to controlled waters from the site. The local planning authority can advise of risk to other receptors, such as human health.
11. In addition to planning permission, three water resource licences will be required from the Environment Agency.
12. Please note applications to discharge planning conditions will be charged at £97 per request (current fees).



Head of Planning Services

Date: 9th March 2015

#### **PLEASE READ NOTES BELOW**

##### **Note**

Most work, including change of use, has to comply with Building Regulations. Have you made an application or given notice before work is commenced?

##### **Note**

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to conditions, he may appeal to the First Secretary of State. The applicant's right to appeal is in accordance with the appropriate statutory provisions which follow:

Planning applications: Sections 78 and 79 Town & Country Planning Act 1990

Listed Building applications: Section 20, 21 and 22 Planning (Listed Buildings and Conservation Areas) Act 1990.

Advertisement applications: Section 220 and 221, Town and Country Planning Act 1990 Regulation 15 Town & Country Planning (Control of Advertisements) Regulations 1989.

2. **Notice of appeal** in the case of applications for advertisement consent must be served within **two months** of the date of this notice. Householder planning applications must be served within **twelve weeks** of the date of this notice. In all other cases, notice of appeal must be served within **six months** of the date of this notice. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Registry/Scanning Room, 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; or online at <http://www.planningportal.gov.uk/planning/appeals/>. The Planning Inspectorate website can be viewed at <http://www.planning-inspectorate.gov.uk/>.

3. The First Secretary of State has power to allow a longer period for the giving of 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 First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Order, and to any directions given under the Order. 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.

4. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the First Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development or works which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring 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.

5. 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 First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 114 and 116 of the Town and Country Planning Act 1990.