DELEGATED FILE NOTE

CASE OFFICER: ...Richard Tiffin.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01312/FP	Earthworks comprising ground raising/levelling using fill material from the construction activity.	Land Between A505 And York Way Royston Hertfordshire

Submitted Plan Nos

70040953-001 Rev A; 70040953-004 Rev A; SK-JT-00550-004; ROYS-WSP-12-XX-DR-0001 P03; ROYS-WSP-12-XX-DR-0002 P02; 11 PRA 2; 11 PRA 3; 11 PRA 4; 11 PRA 5

1.0 Policies

LP6 Rural Areas Beyond the Green Belt

LP14	Nature Conservation
LP9	Royston's Development Limits
XHE4	Archaeology
SECT1	Building a Strong, Competitive Economy
XNE1	Landscape
XNE7	Reducing Flood Risk

4.1 Site and Surroundings

4.1.1 The application site comprises open land between the new roundabout being constructed to serve the new Marks and Spencer store and the industrial development to the north east parallel to the A505.

4.2 Proposal

4.2.1 The application proposes the re-modelling of the land form in this area filling with spoil from construction to a maximum depth of around 2m tapering down from the south west to the north east. A low spot in the middle of the site would be managed to provide flood water storage. The site measures just over 1Ha. The applicant's description is as follows:

The application seeks consent to utilise existing material from the adjacent construction activity to bring an area of depression level with the existing landform around the site. The works include a topsoil strip and movement of approximately 6,700 cubic metres of fill material (chalk) with a topsoil cap of 0.3m.

All vehicular movements connected to this proposal will be internal to the application site and the adjacent land in the same ownership. There is no requirement to use public roads to redistribute the excavated material. Overall,

this will reduce the need to export the material off-site to landfill which will have a benefit to the wider construction traffic impacts.

2.0 **Site History**

2.1 Permission granted for a new relief road and retail stores approved under ref 17/01024/1.

3.0 **Representations**

3.1 **Royston Town Council -** No objection

3.2 **Environment Agency** – No objection (inofrmatives)

3.3 **LLFA** – No objection.

3.4 **Archaeology** – No objection.

3.5 **Env Health** – No comments

3.6 **Herts Highways** – No objection

3.7 **Ecology** – No response

4.0 **Planning Considerations**

4.3 **Key Issues**

4.3.1 The key issues in this case centre on the impact the works would have on groundwater conditions post development, the appearance of the site and matters related to ecology. There are no rights of way crossing the site.

4.3.2 Having discussed the application with the Council's landscape officer we are of the view that the proposed changes in topography resulting from the implementation of the scheme to re-distribute spoil from the approved construction of new access onto the A505 and retail stores, would not materially impact on the visual amenities of the site. We reach this conclusion on the basis that the changes in level would be modest over such a large area. The site currently slopes down from the north east corner (from the TESCO end of the site) and the plan is to level this up to a depth of around 2m with a flood water discharge area at the terminus of the filled area. Moreover, the area will eventually form part of the RY9 employment area.

4.3.3 The Council's landscape officer did raise some concern about the presence of a marked step in the levels between the fill area and the flood basin and that this may look unnatural in some way. This could be mitigated by creating a contoured step

rather than having it run straight across the site. This said this is an industrial area and the land will likely be developed with further employment uses in the future. Concern was also expressed about the lack of details about ground cover and general planting once the topsoil has been replaced. In summary, I consider a condition would be appropriate in respect of both landscaping detail and contouring at the fill / discharge basin interface.

4.3.4 No objections have been received from environmental health or the flood and highway authorities. The County archaeologist has indicated that he considers the amount of work already precludes further investigation. While no response has been received at the time of writing this report I would assume the same of the County ecologist. The applicant's commentary on ecology is as follows:

Policy 14: Nature Conservation identifies the need to preserve wildlife through conservation designations and ensuring development will not cause ecological harm. The wider development activity has assessed the ecological impacts and no constraints are identified. The site ecologist has undertaken regular checks and will continue to do so prior to any works commencing in a particular location. The approved reptile briefing note is included with the application for ease of reference.

The resulting ground levelling will have limited harm on the landscape. The topsoil will be stripped and replaced following the earthworks. We do not consider there will be any material harm to draft Policy NE1: Landscape.

4.4 **Conclusion**

4.4 That permission be granted subject to standard conditions.

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

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

   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

   Reason:To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Notwithstanding the details accompanying the application, details of landscaping and ground level contour at the junction of the flood basin and the shall be submitted to and approved by the Local Planning Authroity.

The details to be submitted shall include the following :

a) what new hedges, ground cover and grassed areas are to be planted, together with the species proposed and the size and density of planting

b) details of any earthworks proposed at the edge of the flood drainage basin showing a more natural contour.

Reason:To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be be given to the appearance of the completed development.

Proactive Statement:
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
- Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.

The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

- From www.gov.uk:
The Environment Agency's approach to groundwater protection (2017)
Our Technical Guidance Pages, which includes links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC (Environment Agency's Guiding Principles for Land Contamination) in the 'overarching documents' section
Use MCERTS accredited methods for testing contaminated soils at the site

- From the National Planning Practice Guidance:
Land affected by contamination
- British Standards when investigating potentially contaminated sites and groundwater:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011+A1:2013 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.
You may wish to consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

Advice to applicant - Environmental Permit

If any waste is to be used on site, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.
The applicant is advised to contact our National Customer Call Centre (Tel: 03708 506 506) to discuss the issues likely to be raised.

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 18 July 2018	