

**SCHEDULE OF CONDITIONS (NUMBERED 1 - 52) ATTACHED TO PLANNING PERMISSION ISSUED UNDER APPLICATION NUMBER 5/1570-05 (CM 091a) FOR AN INERT WASTE RECYCLING OPERATION TO PRODUCE SECONDARY AGGREGATES AND SOILS FOR EXPORTATION INCORPORATING RECLAMATION OF EXISTING DERELICT LAND AT COLE GREEN LANE/BIRCHALL LANE, WELWYN GARDEN CITY HERTS**

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**TIME SCALES: Conditions: 1 - 4**

**General Time Limit**

- 1. The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.**

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

**Notice of Commencement**

- 2. Not less than one week's prior notice in writing shall be given to Waste Planning Authority of the dates of commencement of the development hereby permitted, the date of the first importation of waste and the first date of the exportation of recycled aggregate.**

Reason: To enable the Waste Planning Authority to control the development and to monitor the site and to ensure compliance with the planning permission.

**Dated: ..... day of January 2006      Signed: .....**

**DEVELOPMENT CONTROL MANAGER**

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**Restoration Season and soil handling conditions**

3. Unless otherwise agreed in writing by the Waste Planning Authority, restoration works at the site shall only be carried out when soils are dry and friable<sup>1</sup> and only between 1 April to 30 September, inclusive, in any one calendar year. No restoration works shall be carried out at the site from 1 October to 31 March except with the prior written approval of the Waste Planning Authority. For the purposes of this condition, restoration shall include the carrying out of all earthworks and related operations authorised or required by the permission but excluding the importation, exportation and processing of materials and also exclude those operations relating to tree planting, site maintenance and aftercare. The use of a soil moisture meter may be required to demonstrate that operations can take place outside this period. Unless otherwise agreed in writing by the Waste Planning Authority, operations shall be suspended:-
- a) if there is any standing water on the soil or soil storage bunds; and
  - b) if the surface of the material over which the machinery has to pass is wet or has exceeded its plastic limit.

Reason: To ensure that soils and other restoration material are handled and stored in such a way as to achieve the best possible standard of restoration and to minimise compaction and damage to the soil.

**Time Limit for Completion**

4. The development to which this planning permission relates shall be completed within 7 years of the date of commencement. All plant, structures, hard standings, buildings, debris and temporary mounds shall be removed from the site on completion of the development hereby permitted. Access tracks shall be ripped to a minimum depth of 600mm and any resulting spoil shall be removed from the site and the access removed unless otherwise agreed in writing by the Waste Planning Authority. For the purposes of this condition 'completion' shall include all operations authorised or required by the permission, including restoration, but shall exclude those relating to aftercare.

Reason: To minimise the impact on amenity and to ensure that the development is completed within a reasonable timescale.

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<sup>1</sup> See informative (ii)

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**WORKING AND RESTORATION: Conditions 5 - 20**

**Limit of operations**

5. The operations authorised by this planning permission shall, except where modified by this Schedule of Conditions, be undertaken in accordance with the provisions of the planning application dated 20 July 2005, accompanying supporting statement (including appendices) dated July 2005 and drawings as referenced below:

<u>No.</u>	<u>Title</u>	<u>Drawing No.</u>	<u>Received</u>
1.	Proposed compound	EA/016/03/Rev E	08:12:05
2.	Proposed levels	EA/016/0426/Rev B	20:10:05
3.	Topographical survey	EA/016/SURV/01/RevA	30:09:05
4.	Proposed sections	EA/016/0426/CS/Rev A	05:10:05
5.	Cut and fill summary	EA016/CUT-FILL	05:10:05
6.	Proposed layout	EA/016/02/Rev A	05:10:05
7.	Proposed Access	33186/105	19:12:05
8.	Establishment Programme	Project 2	03:11:05
9.	<b><u>SUPPORTING STATEMENT</u></b> (as amended by above no. drawings)		
	Plans	(all received 20:07:05)	
	Location Plan	0426/L	
	Application Plan	0426/A	
	Site Plan	0426/S	
	Aerial Photograph	0426/Photo	
	Illustrative Details Plant	0426/Plant	
	Operation Plan (Phases A-F)	0426/0/1/-/7	
	Site Reclamation Completed	0426/RC/1	
	Illustrative Cross Sections	0426/CS/1	

Reason: To ensure that an orderly programme of operations is carried out in such a way that adverse effects on the local amenity are kept to a minimum.

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**Landscaping**

6. Within six months of the date of commencement as notified under Condition 2, details of a phased scheme of landscaping shall be submitted for the approval of the Waste Planning Authority. The approved details shall be implemented in full and shall be in accordance with the phased restoration scheme required by Condition 13 of this planning permission. The details shall incorporate the general principles indicated in the application and shall include provision for:-
- a) The creation of habitat as required by the Protected Species Mitigation Programme specified by Condition 8 of this planning permission;
  - b) the retention of established trees and hedgerows within the site and on the site boundaries, these being accurately defined on a plan, and measures to protect these trees and hedgerows from damage during operations (including the construction of the new site access as required by Condition 22), including a defined buffer zone;
  - c) where the Waste Planning Authority agrees that any existing trees or hedgerows should be replaced, the replacement tree should be identified and protected in the same manner as existing trees or hedgerows;
  - d) additional tree, shrub and hedgerow planting prior to the commencement of waste processing operations, formation of earth bunds, fencing or other measures to screen the working area;
  - e) as working and restoration proceeds additional tree and shrub planting required to ensure the land is absorbed into the local landscape;
  - f) details of the planting specification, species<sup>2</sup>, size, spacing and number of trees, shrubs and hedgerows to be planted, and measures to protect and maintain the trees, shrubs and hedgerows in accordance with good silvicultural practice;
  - g) a timetable within which the approved scheme shall be implemented, and;
  - h) a long term landscape management plan, including design objectives, management responsibilities and maintenance schedules for all landscape areas.

Contd.

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<sup>2</sup> See informative "i".

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Condition 6 Contd.

**Any trees, shrubs and hedgerows planted under the scheme shall be maintained throughout the duration of the operations permitted by this permission and for a period of five years following completion of the development. Any trees, shrubs or hedgerows which within 5 years of planting die, are removed or become seriously damaged or diseased shall be replaced during the first available planting season following such occurrences with a species and size approved under the scheme.**

Reason: To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interest of visual amenity, to screen the workings, assist in absorbing the site back into the local landscape and protect existing habitats.

**Drainage scheme/flood risk assessment**

- 7. Within six months of commencement of the development a detailed drainage scheme in accordance with Flood Risk Assessment Ref PD/eh/4109 shall be submitted to an approved in writing by the Waste Planning Authority. The scheme shall include a timescale for full implementation and shall include where necessary any intermediate or provisional drainage measures to be employed. The approved details shall be implemented in full unless otherwise agreed in writing by the Waste Planning Authority.**

Reason: To ensure that the site supports tree and vegetation growth and that the site is suitable for after use purposes, free from water logging and to prevent an increased risk of flooding.

Contd.

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**Protected species mitigation**

8. Before any development takes place on land outside the plant and operations area or the proposed access area as defined on drawings (1.) Proposed compound (EA/016/03/Rev E) received 08:12:05 and (2.) Proposed Access (33186/105) received 21:11:05 a mitigation scheme to protect species protected by the Wildlife and Countryside Act 1981 and, if necessary, elements of the support habitat shall be submitted to and approved in writing by the Waste Planning Authority. The work shall be carried out in accordance with details that shall have been submitted to and approved in advance in writing by the Waste Planning Authority.<sup>3</sup>

Reason: To ensure that protected species are moved to alternative habitats.

**Facilities for oils, fuels or chemicals**

9. Within six months of the commencement of the development hereby permitted details of facilities for oils, fuels or chemicals shall be submitted to and be approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full. Any oil, petrol, diesel oil, lubricant, paint or solvent within the site shall be so stored or used as to prevent such materials from contaminating topsoil, subsoil or soil making materials, or polluting any surface or groundwater.

Reason: To prevent pollution of the water environment.

**Hours of operation**

10. Unless otherwise approved in writing by the Waste Planning Authority no operations shall be carried out for the purposes of the development hereby permitted outside the following times:-

07:00 hours – 18:00 hours      Monday to Friday  
07:00 hours – 13:00 hours      Saturday

Unless otherwise approved in writing by the Waste Planning Authority no materials shall be imported to the site and/or earthworks carried out for the purposes of the development hereby permitted on Sundays or Public Holidays.

Reason: To minimise the adverse impact of operations on the surrounding area in terms of noise, traffic generated and general disturbance.

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<sup>3</sup> If the development involves the exclusion of Great Crested Newts, a licence will need to be issued by DEFRA.

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**Protection of water resources**

11. Throughout the period of working and aftercare the operator shall ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not adversely affected.

**No storage of waste within 30 metres of Cole Green way**

12. During the construction of the development hereby permitted no solid matter shall be stored within 30 metres of the land known as the Cole Green Way other than material permanently placed as part of the final restoration scheme unless the Waste Planning Authority otherwise agrees in writing.

Reason: To preserve the visual amenity of users of the Cole Green Way.

**Phased restoration plan to be submitted**

13. Within six months of the commencement of the development the applicant shall submit a phased restoration scheme that details both a methodology and landform in each completed phase and the arrangements to be made for temporary acoustic and environmental bunding of the site. The details so approved shall be implemented in full unless otherwise approved in writing by the Waste Planning Authority.

Reason: To ensure the proper restoration of the site in accordance with the submitted plan.

**Restoration phases**

14. Unless otherwise agreed in writing by the Waste Planning Authority, the development shall progress sequentially in accordance with the phased restoration scheme to be submitted under Condition 13.

Reason: To enable the Waste Planning Authority to adequately control the development and to minimise its impact on the amenities of the area.

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**Number of operational phases restricted**

15. Unless otherwise agreed in writing by the Waste Planning Authority, at any given time during the development, no more than three sequential phases of the development, of the approved scheme referred to under Condition 13 of this permission, shall be subject to any of the operations between the stripping of topsoil and its replacement at any one time.

Reason: To ensure an orderly programme of operations and completion of the development within a reasonable timescale.

**Revised drawing required for compound and processing area**

16. Within three months of the commencement of the development a revised drawing shall be submitted that details the proposed compound area showing the environmental and acoustic bunding notwithstanding the details shown on drawing EA/016/03/Rev E (Proposed compound) received on 08:12:05. The drawing shall specify the footprint, height, profile, and seeding arrangements and shall be implemented in full prior to the importation or exportation of waste to the site unless otherwise approved in writing by the Waste Planning Authority.

Reason: To ensure the proper restoration of the site in accordance with the submitted plan.

**Erection of restoration profile markers**

17. Prior to the deposit of material on the site for restoration or land raising purposes in any one phase, profile markers showing the finished levels of the waste, subsoil and topsoil layers shall first be erected on site in positions and in a manner which shall be approved in writing by the Waste Planning Authority. Such level markers shall correspond to the finished restoration levels as shown on the Plan No. EA/016/0426/Rev B and shall be retained at all times until the completion of the restoration operations hereby permitted in each phase.

Reason: To aid monitoring of activities and to ensure that the approved levels and gradients are adhered to.

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**Japanese knotweed remediation strategy**

18. **Within six months of commencement of the development a detailed method statement for the removal or long term management of Japanese knotweed present on the site shall be submitted and approved in writing by the Waste Planning Authority. The method statement shall include proposed measures to prevent its spread during any operations relating to the proposal, such as mowing, strimming or soil movement. Development shall proceed only in accordance with the approved method statement.**  
**Reason:** - Japanese Knotweed is an invasive alien plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981.

**Material types and waste acceptance and control procedures**

19. **All wastes received at the site shall be inspected on receipt to confirm their description and composition. Such wastes shall not be covered by other wastes until they have been confirmed for acceptance at the site.**  
**Reason:** To ensure the effective restoration to the proposed after use and prevent pollution of the water environment.

**Removal of permitted development rights**

20. **Prior to completion of the development hereby permitted, other than is permitted under the terms of this planning permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, or any enactment that may revise or replace the Order, planning permission shall be obtained for the erection of any building, fixed plant, fixed machinery or structures on the land. Other than is hereby permitted under the terms of this planning permission, the written approval of the Waste Planning Authority shall be obtained prior to placing on site any portable buildings or structures for the purposes of the development hereby permitted.**  
**Reason:** To minimise the adverse impact of operations on the surrounding countryside in terms of visual intrusion and to help maintain the openness the Green Belt.

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**HIGHWAYS, ACCESS RIGHTS OF WAY: Conditions 21 -31**

**Off site highway works signage**

21. The importation or exportation of materials shall not take place until a scheme of off-site highway works to provide additional signage along Cole Green Lane and/or Birchall Lane has been submitted to and approved in writing by the Waste Planning Authority in consultation with the Highway Authority. The scheme so approved shall be completed prior to commencement of any importation or exportation of materials to or from the site.

Reason: In the interest of highway safety.

**New Access**

22. Within six months of the commencement of the development full details of the new access (shown in principle on Drawing No. 33186/105) shall be submitted to the Waste Planning Authority. No material shall be imported or exported from the site until the new access so approved has been constructed and the existing eastern access stopped up and the verge reinstated to the satisfaction of the Waste Planning Authority. Unless the Waste Planning Authority agrees otherwise in writing, on completion of the development the "new" access so approved shall be removed and the highway verge reinstated and the original Eastern access reopened.

Reason: To ensure that the site is served by an access which will provide a safe means of access to users of the site and the adjacent highway network and to restore the rural character of the area on completion of the development.

**Construction/Establishment Plan**

23. Prior to the commencement of the development a construction and establishment schedule for the construction of the plant, ancillary buildings and works shall be submitted to the Waste Planning Authority. The details shall include the number and type of vehicle movements and the provisions to be made for construction of the access to the site. The details so approved shall be implemented in full unless the Waste Planning Authority otherwise agrees in writing.

Reason: In the interest of highway safety.

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**Closure of the western access**

24. **Within three months of the commencement of the development the existing western access to the site onto Birchall Lane/Cole Green Lane is to be closed and the verges reinstated unless the Waste Planning Authority otherwise agrees in writing.**

Reason: In the interest of highway safety.

**Provision of sight lines**

25. **Sight lines of 4.5 x 160 metres shall be provided and maintained in each direction from the site access within which there shall be no obstruction to visibility between 600mm and 2 metres above carriageway level for the duration of the development hereby permitted.**

Reason: To provide adequate visibility for drivers entering and leaving the site.

**Limit on vehicle movements**

26. **Unless otherwise agreed in writing by the Waste Planning Authority, there shall be no more than 120 Heavy Goods Vehicle<sup>4</sup> movements ( 60 in, 60 out) at the site in any one working day and no more than 60 HGV movements (30 in and 30 out) on Saturdays.**

Reason: To minimise the adverse effects upon the free and safe flow of traffic along the public highway in the vicinity of the site.

**Construction works not to interfere with highway**

27. **All parking, delivery and storage areas associated with the construction of the development, including the access works must be provided on land which is not public highway and the use of such areas must not interfere with the use of the public highway.**

Reason: In the interest of highway safety.

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<sup>4</sup> Heavy Goods Vehicles have a gross vehicle weight of 7.5 tonnes or more.

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**Mud on the road/wheelwashing**

28. The operator, at all times during the duration of the development, shall ensure that all vehicles leaving the site shall not deposit mud, debris or any other materials on to the public highway. Measures shall include the use of wheel and chassis washing equipment to ensure that no commercial vehicle exits the site onto the public highway unless its wheels and its underside chassis have been cleaned.

Reason: To prevent mud and debris being deposited on the road in the interest of highway safety.

**Metalled internal haul road**

29. The internal haul road, from the site compound to the junction with the Birchall Lane access, shall be metalled. This section of the haul road shall be maintained and kept in a good state of repair free from damage for the duration of the development.

Reason: In the interests of highway safety and so that there shall be no adverse effects upon the free and safe flow of traffic along the public highway in the vicinity of the site.

**HGV movement records**

30. For the duration of the development hereby permitted, a record of the number of Heavy Goods Vehicles entering and leaving the site in any one day shall be kept by the operator. The records shall be made readily available for inspection by the Waste Planning Authority. The records shall specify what time the first and last vehicles enter or leave the site in any working day.

Reason: To ensure that the operator does not exceed the vehicle movements authorised under Condition 26, thereby ensuring the operator does not prejudice safety on the public highway and in the interests of the free flow of traffic.

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**Rights of Way**

- 31. Within six months of commencement of the development a detailed method statement shall be submitted in relation to the protection and retention of the definitive line of public footpath "Hertingfordbury 14" as shown on plan 101262 as supplied to the applicant. The measures so approved shall be implemented in full unless otherwise agreed in writing by the Waste Planning Authority.**

**The method statement shall include a phasing plan and shall include the following measures:**

- 1) That the Definitive line as shown purple on plan 101262 is cleared of all obstructions. (For the avoidance of doubt the following can constitute an obstruction: -fences, vegetation, piles of rubbish/earth, materials, machinery, plant, excavations, culverts etc or anything else that prevents easy pedestrian use of that line);**
- 2) That the Definitive line from points A and D on the plan shall be cleared of all obstructions and that the surface shall be left in a level, compacted and well drained condition;**
- 3) No construction work or temporary buildings shall be placed on the footpath, that no vehicles including plant cross the path, (apart from the main access road section), without prior consultation with Hertfordshire County Council's Rights of Way Unit;**
- 4) If any works including construction works are needed and encroach onto the Footpath, or affect the safety of users, then contact with the H.C.C Rights of Way Unit should be sought immediately and a request made for the temporary closure of the path;**
- 5) A gap shall be left for to allow for 'a margin of error' between the edges of the Footpath and any new structures to be constructed (for example fences);**
- 6) Any fences constructed along the sides of the path shall be visually permeable;**
- 7) That pedestrian refuges are constructed at points A and E.**

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Condition 31 Continued.

Reason: In order to maintain unobstructed use of the footpath throughout the development period, to ensure that the footpath is maintained in a good and safe condition and to ensure that the footpath remains unobstructed and in a good and safe condition for use by walkers.

**NOISE CONTROL Conditions 32 -34**

**General noise levels**

- 32. Between the hours of operation as defined in Condition 10, except for temporary operations defined in Condition 33, the noise levels (LAeq) (1 hour), arising from the development shall not exceed the LA<sub>90</sub> (1hour) values (measured when the site is not operational) at any noise sensitive property by more than 10dB(A) and shall not in any event exceed 55dB (LAeq) (1 hour), freefield<sup>5</sup> at any noise sensitive property in the vicinity of the site.**

Reason: To minimise the adverse impact of noise generated by the operations on the nearest noise sensitive properties.

**Temporary noise levels**

- 33. For temporary operations such as site preparation, soil stripping, bund formation and removal and final restoration, the noise levels arising from the development shall not exceed 70dB (LAeq) (1 hour), freefield at any noise sensitive in the vicinity of the site. Such temporary operations shall not exceed a total of eight weeks in any one calendar year for work proximate to noise sensitive properties.**

Reason: To minimise the adverse impact of noise generated by the operations on the nearest noise sensitive building.

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<sup>5</sup> For the purposes of Condition 14, freefield is defined as being at least 3.3 metres away from the façade of a property or building at a height of 1.5 metres.

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**Noise Amelioration**

- 34. Within six months of the commencement of the development full details of the proposed arrangements for ensuring that reversing vehicles do not emit warning noise, that would have an adverse impact on residential or rural amenity, shall be submitted to and be approved by the Waste Planning Authority. The approved details shall be implemented and maintained throughout the duration of the development. Effective sound insulation shall be employed for all machinery on the site. All chutes and hoppers shall be lined with rubber or a similar noise-absorbent medium. All machinery shall be maintained to manufacturers specifications so as to avoid any unnecessary noise.**

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

**DUST CONTROL**

- 35. The operator shall, at all times during the duration of the development, ensure that areas outside the boundary of the site are not affected by dust nuisance resulting from the operations hereby permitted. This shall include (but without prejudice to the foregoing) the following steps as appropriate:**
- a) the use of water bowsers, or by other means, to dampen the working and tipping areas, soil storage areas and haul roads;**
  - b) the use of best working practice to minimise the emission of dust during the loading, deposit and screening of materials and in relation to soil handling and stockpiling of soils;**
  - c) the enclosure and maintenance of plant and machinery likely to give rise to dust emissions, in accordance with best working practice where required;**
  - d) the temporary suspension of operations upon the reasonable request of the Waste Planning Authority should, in their opinion, unacceptable levels of dust be produced as a result of the operations at the site which cannot be satisfactorily controlled. Operations shall only recommence when conditions allow without giving rise to unacceptable levels of dust.**

Reason: To protect the amenities of the locality from the effects of dust arising from the operations.

**Dated: ..... day of January 2006      Signed: .....**

**DEVELOPMENT CONTROL MANAGER**

SCHEDULE OF CONDITIONS (NUMBERED 1 - 52) ATTACHED TO PLANNING PERMISSION ISSUED UNDER APPLICATION NUMBER 5/1570-05 (CM 091a) FOR AN INERT WASTE RECYCLING OPERATION TO PRODUCE SECONDARY AGGREGATES AND SOILS FOR EXPORTATION INCORPORATING RECLAMATION OF EXISTING DERELICT LAND AT COLE GREEN LANE/BIRCHALL LANE, WELWYN GARDEN CITY HERTS

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**SOIL STRIPPING, HANDLING, MOVEMENT AND REPLACEMENT**

**Defined temporary haul routes**

36. Except where placing subsoil, topsoil or soil making material, plant or vehicle movement shall be confined to clearly defined temporary haul routes and shall not cross areas of topsoil or topsoil substitute except for the express purpose of soil stripping or replacement operations.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site.

**Soil to be stripped from haul routes**

37. Before any part of the site is traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil or topsoil substitute on that part), or is surfaced or built upon, or used for the stacking of subsoil, soil making material, or for the construction of a haul road, all available topsoil and subsoil shall be stripped from that part.

Reason: To conserve soils and to avoid structural damage and compaction of soils.

**Stripping and replacement of top soil and soil making material**

38. All topsoil or soil making material shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil or sub-soil forming material. If this immediate re-spreading is not practicable the topsoil shall be stored separately, in accordance with Conditions 37 and 38, for subsequent replacement.

Reason: To ensure the retention of the existing soils and the best possible standards of restoration.

Contd.

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DEVELOPMENT CONTROL MANAGER

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**Storage of topsoil, subsoil and soil making material**

- 39. Unless otherwise agreed in writing by the Waste Planning Authority, all topsoil, subsoil and soil making material shall be stored in separate mounds which do not overlap in locations to be approved in advance by the Waste Planning Authority. The toe of the mounds shall be located at least 10 metres away from any watercourse, 5 metres from the outer canopy of peripheral and retained trees and 3 metres from any retained hedgerow. The minimum distance between such mounds and any excavated areas shall be agreed in writing by the Waste Planning Authority. All topsoil mounds shall not exceed 3 metres in height and all subsoil mounds shall not exceed 5 metres in height and shall be constructed with only the minimum amount of compaction necessary to ensure stability. All topsoil and subsoil stockpiles shall not be traversed by heavy vehicles, plant or machinery.**

Reason: To ensure that soils are handled in such a way as to minimise damage to the soil structure in order to achieve the best possible standards of restoration, to minimise the mixing of any of the different soil types to aid the final restoration and to ensure that the storage of soils does not encroach onto neighbouring property boundaries.

**Longer term storage of topsoil, subsoil and soil making material**

- 40. Soil bunds which are stored for over 6 months shall be constructed with a slightly domed top and shall be seeded and maintained to control weeds and avoid erosion and/or waterlogging.**

Reason: To ensure that soils are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration and to ensure that the bunds are visually absorbed into the local landscape.

**All topsoil, subsoil and soil making material to be retained on site**

- 41. All topsoil, subsoil and soil making material shall be retained on the site.**

Reason: To ensure the satisfactory restoration of the land.

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**Soil stripping notifications**

- 42. Written notification shall be given to the Waste Planning Authority of the day on which it is the intention of the operator to strip soils. Such notification shall be given at least 2 working days and no more than 21 days prior to the date that is specified.**

**Reason:** To allow the Waste Planning Authority to check that conditions are suitable for soil stripping and to have the ability to monitor any soil stripping.

**Written notification required to commence final subsoil and topsoil placement on each phase, or part phase**

- 43. Written notification shall be given to the Waste Planning Authority of the day on which it is the intention of the operator to commence final subsoil and topsoil placement on each phase, or part phase. Such notification shall be given at least 2 working days and no more than 21 days prior to the date that is specified.**

**Reason:** To allow the Waste Planning Authority to inspect the site is ready for topsoil spreading.

**Dated: ..... day of January 2006      Signed: .....**

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**Ground preparation, ripping and debris clearance**

- 44. Prior to the commencement of the spreading of subsoil, topsoil or soil-substitute in any one phase, the existing land surface shall be graded to a minimum of 1m below final levels as shown on the Plan No EA/016/0426/Rev B. Following initial ground preparation and before the commencement of the spreading of soil-making materials, subsoil or topsoil, the upper layer of the basal material shall be ripped to a minimum depth of 450mm and at a maximum spacing of 0.5m to ensure that after soil making materials, subsoil and topsoil are replaced, there shall be an adequate depth of loosened material with a combined depth of at least 1.4 metres. After ripping, the loosened material shall be cleared of debris or other obstacles to soil structure, drainage or plant growth, including:**

- a) sterile or toxic material injurious to plant growth;**
- b) brick and concrete rubble, rocks or stones exceeding 100mm in any one dimension;**
- c) wire, rope, cable, plastic, timber, fabric, road planings, asphalt or other foreign objects;**
- c) any excessively compacted zone.**

**Reason:** To ensure the best standard of restoration for the site.

**Dated:** ..... day of January 2006      **Signed:** .....

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**Soil placement and treatment**

45. Following completion of the preparatory works in any one phase as required by Condition 46, the subsoil, or subsoil substitute layers shall be spread in two layers of 350mm depth each onto prepared dry ground so as to produce an even, settled subsoil depth of at least 700mm. The completed subsoil layer shall be free from compaction and shall be ripped to a minimum depth of 600mm at a maximum spacing of 0.5m. After ripping, the loosened material shall be cleared of any debris or other obstacles to soil structure, drainage or plant growth.

On completion of subsoil placement, ripping and the removal of any debris, the final topsoil layer shall be spread to a minimum settled depth of 300mm over the reinstated subsoil so as to conform to the final approved contours shown on Plan No EA/016/0426/Rev B. The completed topsoil layer shall be free of compaction.

The completed subsoil and topsoil layers shall be laid to a minimum overall depth of 1m and shall be free of debris or other obstacles to soil structure, drainage or plant growth, including:

- a) sterile or toxic material injurious to plant growth;
- b) brick and concrete rubble, rocks or stones exceeding 100mm in any one dimension;
- c) wire, rope, cable, plastic, timber, fabric, road planings, asphalt or other foreign objects;

Reason: To ensure the best standard of restoration for the site.

**Perimeter hedgerows and trees**

46. Unless otherwise agreed in writing by the Waste Planning Authority, the deposit of materials, the construction of haul roads and the storage of any stripped soils shall not take place within 5 metres of the outer canopy of all peripheral or other retained trees nor within 3 metres of any hedgerows. Reason: In order to ensure that the possibility of damage to the retained trees and hedges is minimised.

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**AFTERCARE**

47. Within 12 months of commencement of the development an Aftercare Scheme shall be submitted to the Waste Planning Authority for approval in writing. Aftercare operations shall be carried out in accordance with the agreed aftercare scheme so approved. Before May of every year during the aftercare period, unless otherwise agreed in writing by the Waste Planning Authority, a site meeting shall be arranged by the operator, to which representatives of the Waste Planning Authority and the landowner/occupier shall be invited to monitor the performance of the land and to discuss and agree future aftercare proposals. The meeting shall also be attended by the persons responsible for undertaking the aftercare steps.

Reason: To ensure the satisfactory restoration of the site for grazing purposes.

**GENERAL**

**Skip, scrap and plant storage**

48. For the purposes of the development hereby permitted unless actively utilised in the restoration process, no scrap, fixed plant, mobile plant or equipment, shall be stored or retained on site unless otherwise agreed in writing by the Waste Planning Authority. No skips shall be kept, used or stored on the site other than in the skip holding area shown on drawing No. EA/016/03 Rev E unless otherwise agreed in writing by the Waste Planning Authority

Reason: To help minimise the visual impact of the development.

**Floodlighting plan**

49. Within six months of the commencement of the development a scheme for lighting and/or floodlighting shall be submitted for the approval of the Waste Planning Authority. The scheme so approved shall be implemented on site unless otherwise agreed in writing by the Waste Planning Authority.

Reason: In the interests of local amenity.

**Unauthorised access**

50. Precautions shall be taken at all times to prevent unauthorised access to the site.

Reason: To safeguard public safety.

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**Annual operations report**

51. The operator shall submit a written annual report to the Waste Planning Authority within one month of the completion of each phase of the development or by 31 October every year, whichever date first occurs, detailing progress of the working and re-restoration of the site. The report shall include:-
- a) a review of the operations at the site in relation to this scheme of conditions;
  - b) the current progress of working and restoration at the site; and
  - c) an outline of the future working programme in relation to (a) and (b) above.

This shall contain, amongst other things, details of:-

- i) the extent of areas already restored, areas where final restoration is being undertaken, and the location of soil bund storage areas. This will be achieved through a topographical site survey of these areas and features. The topographical survey data shall be shown on a plan not less than 1/2000 scale and shall include levels at ordnance datum;
- ii) details of the nature of the different types of materials deposited at the site, including a record of the results of the analysis of samples taken in such numbers, and at such locations at the site that they provide a reliable indication of the chemical composition of the deposited materials. The report shall show the number, the precise location and the depth the samples were taken.
- iii) the total volume of materials deposited, in cubic metres, at the site and the volume of each separate soil unit stored within the site;
- iv) an estimation of the volume, in cubic metres, to be deposited for the forthcoming phase/phases and the volume of materials to be deposited to complete the development in accordance with the approved levels;
- vi) a statement as to whether the operator considers that sufficient materials will be forthcoming in subsequent phases to complete the development in accordance with the approved levels;

Reason: To assist the Waste Planning Authority in monitoring the operations at the site and to assess the working and restoration of the site in relation to the approved scheme.

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**Conditions to be displayed at site office**

- 52. A copy of these conditions and any schemes submitted and approved pursuant to this consent shall be displayed in the site office and the contents shall be made known to any persons given responsibility for operational management or control of the site.**

**Reason:** To ensure that an orderly programme of operations is carried out in such a manner and any adverse effects on local amenity are kept to a minimum.

**INFORMATIVES**

- i. Ideally locally indigenous tree, shrub and hedgerow species should be planted.
- ii. The applicant is advised that for the purposes of these conditions and unless agreed otherwise in writing by the Waste Planning Authority, the criteria for determining “dry and friable” will be based on a field assessment of the soil’s wetness in relation to its lower plastic limit. An initial assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile (or plate glass surface) using light pressure from the flat of the hand. If a long thread of less than 3mm diameter cannot be formed, then the soil is not dry enough to move. This assessment shall be carried out on representative samples of each soil material to be moved.

**ENVIRONMENT AGENCY INFORMATIVES**

***Contact the Environment Agency on 01707 632498 for further details.***

**iii. Waste Management Licences**

The process to produce secondary aggregates will require a Waste management Licence or a Mobile plant Licence. The proposal to restore the former landfill will require a permit or an exemption from such.

**iv. Landfill Gas Risk Assessment**

The applicant is advised to commission a landfill gas risk assessment from a specialist consultant. Based on this assessment, there may be a need to incorporate certain precautionary measures into the design of any buildings or structures on site.

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**v. Ground Contamination (Environment Agency Informative continued)**

From the information provided, the Environment Agency cannot be confident that the proposed development will not lead to pollution of the groundwater. The number of boreholes and their positions must be agreed with ourselves to identify any increase in leachate migration. As outlined in the Environment Agency's "Guidance on Monitoring of Landfill Leachate, Groundwater and Surface Water", under the section titled "Monitoring locations and schedules. the number of monitoring boreholes required is outlined. For your site the guidance indicates at least 1 borehole should be provided per 100m width of the down gradient landfill site margin. From your site plan provided, we do not consider the 2 perimeter boreholes for the site to be sufficient to detect any leachate migration or even establish GW flow direction.

**HIGHWAYS INFORMATIVE:**

**Section 278 Agreement**

vi. Access improvement works within the highway will require a Sec 278 Agreement with the Highway Authority. Such an agreement will require the detailed design to be submitted, and approved prior to any works commencing on site.

**Footnote:**

**This application has been determined having regard to the relevant policies of the Development Plan, that is:**

- Hertfordshire Structure Plan Review 1991-2011 (adopted April 1998)**
- Hertfordshire Waste Local Plan 1995-2005 (January 1999)**
- East of England Regional Waste Management Strategy 2002**
- East Hertfordshire Local Plan 1986-2001 (Adopted December 1999)**
- East Hertfordshire Local Plan Second Review (Re-Deposit Version November)**
- Welwyn Hatfield District Plan Adopted March 2005**

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