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TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

FULL PLANNING APPLICATION

PERMISSION

Applicant Mr Mathew Beddoe
Nestle Waters UK Ltd
C/O Agent

Agent Cass Associates
Studio 104 The Tea Factory
82 Wood Street
Liverpool
L1 4DQ

Application no. HPK/2011/0077

Registered on 18/02/2011

Determined on 18/04/2011

High Peak Borough Council hereby **PERMIT** this application for **FULL PLANNING PERMISSION** for

Installation of pipeline generally below ground level to provide a mineral water supply from The Crescent to Waterswallow Lane. at incorporating (in parts) The Square, George Street, Station Road, Charles Street, Lightwood Road Hogshaw Villas Road, land around hogshaw playing field, land at Nunsfield Farm, land at the Buxton and High Peak Golf Club and waterswallows Road. Buxton

in accordance with the submitted application, details and accompanying plans listed below subject to the following conditions and reasons:-

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.

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Andy Ellis – Development Control Manager

High Peak Borough Council, Development Services, Municipal Buildings, Glossop, Derbyshire SK13 8AF
Tel 0845 129 77 77 Fax 01457 860290 Minicom 0845 129 48 76
E-mail planning@highpeak.gov.uk Website www.highpeak.gov.uk

2. No development shall take place until the applicant has secured the implementation of an archaeological watching brief in accordance with a written scheme of investigation (WSI) submitted by the applicant and approved by the Development Control Archaeologist acting on behalf of the Local Planning Authority.

3. No development shall commence until a detailed method statement identifying the pipeleine route, hours of construction, location of contractors compound, phasing of construction, traffic/parking management measures and means for public engagement for the duration of the construction period have been submitted to and approved in weriting by the LPA. The approved details shall be implemented in full unless otherwise agreed in writing with the LPA.

4. Before any part of the development hereby permitted is first commenced a scheme detailing the measures proposed to reduce noise from the construction activities in accordance with best practice means and in accordance with BS 5228 Parts 1 & 2 has been submitted to and approved in writing with the LPA. Details shall include:

   (a) Hours or work on each section of the pipeline.
   (b) Hours of delivery of materials to each section of the pipeline.
   (c) Type of construction equpiment.
   (d) Methodsto be used to minimise noise output.

   The approved details shall be implemented in full unless otherwise agreed in writing with the LPA.

5. Before any part of the development hereby permitted is first commenced a scheme detailing the measures proposed to suppress dust during the construction process has been submitted to and approved in writing with the LPA. The approved details shall be implemented in full unless otherwise agreed in writing with the LPA.

6. Before any part of the development hereby permitted is first commenced a scheme detailing the measures proposed to prevent the release of asbestos fibres into the air has been submitted to and approved in writing with the LPA. The scheme shall include air nonitoring on the boundary of the releavnt works to verify that the methods are working. The approved details shall be implemented in full unless otherwise agreed in writing with the LPA.

7. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

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1) A preliminary risk assessment which has identified:

" all previous uses
" potential contaminants associated with those uses
" a conceptual model of the site indicating sources, pathways and receptors
" potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

9. The development hereby permitted shall not be commenced until a method statement outlining a materials management plan for the excavation, re-use and disposal of soil has been submitted to, and approved in writing by, the local planning authority. The method statement should also detail measures to be implemented to prevent the lateral migration of contaminants through the backfilled material and sand and granular bed surround. The scheme shall be implemented as approved.

10. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of ground levels on the floodplains of the watercourses has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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11. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to protect the archaeological interests of the site, in accordance with Policy BC10 of the High Peak Saved Local Plan Policies 2008.
3. In the intersts of amenity and highway safety.
4. In the interests of amenity
5. In the interests of amenity
6. In the interests of public health and to prevent polution.
7. To ensure the protection of controlled waters.
8. To ensure the protection of controlled waters
9. To ensure the protection of the water environment.
10. To avoid adverse impact on flood storage and potential flood flow routes from the Hogshaw Brook and Nunn Brook.
11. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.

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Andy Ellis – Development Control Manager

Summary of reasons for granting permission

The proposed pipeline raises very few planning issues in that it will not cause any long term harm above ground. Although temporary disruption is not specifically a planning matter, officers have worked with the applicants to consider possible routes that would cause minimum disruption possible. It is considered that the chosen route is the least invasive option of those considered. Other issues – including contamination issues and the effect of the development on archaeological matters and residential amenity can be dealt with by condition.

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

BC5 - Conservation Areas
Archaeological and Other Heritage Features
EMP 6 - Industry and business within the built-up area boundaries and homeworking
EMP 7 - Industry and business in the countryside
GD1 - Sustainability and Development Control
GD2 - Built up area boundaries
GD3 - Improvement Corridors
GD4 - Character Form and Design
OC1 - Countryside Development
TC1 - Town Centres
TC2 - Town Centre Environment
TC15 - Regeneration areas in Buxton
TR5 - Access, parking and design

National Planning Policy

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable economic growth
PPS5 Planning for the Historic Environment
PPS7 Sustainable Development in rural areas
PPS25 Development and Flood Risk

Notes to Applicant

The pipeline is scheduled to pass through Hogshaw Tip. Until proven otherwise, it should be assumed that asbestos is present withion this area. Any air monitoring scheme should make provision for reporting any airborne asbestos detected to Environmental Health and the HSE
The Environment Agency notes that some of the proposed pipeline route in and around Buxton Town Centre will be located through land formerly occupied by railway land. There may be contaminating material associated with this former land use.

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The Environment Agency would expect a preliminary risk assessment/ phase 1 desk study to be undertaken to confirm potentially contaminating historical uses along the pipeline route, particularly in the Buxton Town area. Should the pipeline route go through any land with potentially contaminating historical uses, a site investigation should be undertaken on those parts which may contain contamination.

It is noted that there will be a sand and granular bed surround and the trench will be backfilled with selected excavated material. The sand and granular bed surround has the potential to create a preferential pathway for the movement of contaminants in the event of a pollution spill. The Environment Agency requires details of measures to be implemented to prevent the lateral migration of contaminant through the sand and granular bed surround. Any material proposed to be re-used within the new factory site should be strictly inert.

There should be no discharge of contaminated drainage from the pipeline into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches. If flush-out points are to be included on the system any discharge will require an appropriate permission from the Environment Agency.

We understand that any development of a treatment/bottling facility at Waterswallows will be covered by a separate proposal.

Any facilities for the storage of oils, fuels or chemicals during construction shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filing points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws , the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Hogshaw Brook and Nunn Brook, designated a 'main rivers'.

Plans

The plans to which this Notice refers are listed below:
1069-26E
1069-27D
1069-28E
1069-29E
1069-30D
28144/R/CVD/102/C

1069/32/Rev A

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Andy Ellis – Development Control Manager

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section on 0845 129 7777.

Any other statutory consent necessary must be obtained from the appropriate authority.

Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority, Derbyshire, County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.highpeak.gov.uk for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
(b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

The permission is granted in strict accordance with the approved plans. It should be noted however that:
(a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
(b) Variation to the approved plans will require the submission of a new planning application.

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Andy Ellis – Development Control Manager