

NORTH YORKSHIRE COUNTY COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

NOTICE OF PERMISSION FOR CARRYING OUT COUNTY COUNCIL DEVELOPMENT

TO: Corporate Director, Business & Environmental Services
County Hall
Northallerton
North Yorkshire
DL7 8AH

C/o: Jacobs UK Ltd

The above-named Council, being the Local Planning Authority for the purposes of your application accompanied by an Environmental Statement dated 17 May 2013 (and the further environmental information contained within the Environmental Statement Addendum dated 22 June 2012) in respect of the Application for the variation of condition 2 of planning permission reference C2/10/00791/CCC which relates to minor junction and access amendments at land to the north of Bedale, Aiskew and Leeming Bar, have considered your said application pursuant to Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 having first taken the environmental information into consideration, have **GRANTED** planning permission for the proposed development **HAVING CONSIDERED** the development to comply with the development plan for the area and there being no material considerations to indicate a decision other than in accordance with the development plan.

AND SUBJECT TO THE FOLLOWING CONDITIONS imposed for the reasons thereafter given:

(please see attached sheets for conditions)

Date: 21 November 2013



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Corporate Director, Business and Environmental Services

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

Dated: 21 November 2013

Conditions:

1. The development to which this permission relates must be implemented no later than the expiration of five years from the date of this Decision Notice.
2. The development hereby permitted shall be carried out in accordance with the application details dated the 17 May 2013 and those previously approved dated 12 March 2010 including the Planning Application Supporting Statement (dated March 2010); the Environmental Statement (received 12 March 2010); the Environmental Statement Addendum (received 22 June 2012); the schedule of plans attached to appendix A; and, the following conditions which at all times shall take precedence.
3. Notwithstanding the details contained within the approved drawings, no development shall commence, until detailed drawings of the proposed lighting, signage and hard and soft landscaping (including materials proposed for the construction of the highway) for the construction of the Bedale roundabout and its approaches, have been submitted to and approved in writing by the County Planning Authority. The detailed scheme shall be informed by the further assessment of the impact of the proposed development upon heritage assets submitted on 15th August 2012 and the 'Bedale Conservation Area Appraisal Document (2010)', and shall include measures to further integrate the proposed highway development with the setting of the adjacent listed buildings and Bedale Conservation Area, demonstrably taking into consideration the impact of the proposed Gateway Car Park and Bedale Market Town Renaissance project. Once approved, the development shall be carried out entirely in accordance with the approved scheme.
4. The development hereby permitted shall not be commenced until such time as a scheme to construct the proposed balancing ponds on approved drawings B1055900/EGHI/4731 P1, 4735P1 and 4736 P1, has been submitted to, and approved in writing by, the County Planning Authority. Thereafter, the scheme shall be implemented as approved.
5. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by the County Planning Authority. The scheme shall be implemented as approved.
6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (ref. October 2009/B0714100/FRA/D02/Jacobs) and the following mitigation measures detailed within the FRA:
 1. Limiting the surface water run-off generated by the development so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This is to be achieved by the use of Sustainable Drainage Techniques.
 2. Provision of compensatory flood storage on / or in the vicinity of the site to a 1 in 100yr standard.

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7. No development shall commence until details of a maintenance regime to be put in place for the drainage scheme, for the lifetime of the development, have been submitted to and approved in writing by the County Planning Authority.
8. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compounds shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of the inter-connected tanks plus 10%. All filling points, vents and 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 shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
9. Prior to the commencement of any development within the area of the Romano British villa site (including ground preparation), as shown within the submitted 'Cultural heritage Desk Based Study' (dated November 2009), the applicant shall submit to the County Planning Authority a supplementary Desk Based Assessment to include the results of a review of the geophysical survey, detailed comparanda of the main enclosure and villa site, and consideration of the option for additional trial trenching at the villa site.
10. No development shall commence until a written scheme for a programme of archaeological investigation and/or recording has been submitted to and approved by the County Planning Authority in writing. The scheme shall include:
 - (i) Site investigation in accordance with the agreed scheme and programme;
 - (ii) Community involvement and outreach proposals;
 - (iii) Proposals for post-investigation assessment and analysis of the results;
 - (iv) Proposals for post-investigation analysis, submission of a publication report, preparation of site archive and deposition at a store approved by the County Planning Authority.

Thereafter, the investigations and analysis shall be carried out entirely in accordance with the approved written scheme of investigation.
11. The applicant shall formally notify the County Planning Authority in writing within 14 days of the completion of archaeological fieldwork.
12. Within 24 months of completing the archaeological field investigations required by condition 10 (above), a report which shall comprise of an assessment of the archaeological remains recovered from the site and an outline of the subsequent programme of analyses, publication (including a date for publication) and archiving, shall be submitted to and approved in writing by the County Planning Authority. The programme of analyses, publication and archiving shall thereafter be carried out in accordance with the details thus approved, and in accordance with a timetable agreed in writing with the County Planning Authority.

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13. Prior to the commencement of any construction on site, including any ground preparation or clearance, pre-commencement surveys shall be carried out for protected species likely to be affected by the development as outlined in Appendix 15 of the Environmental Statement (March 2010) (including bats, badger, otter and nesting birds), and submitted to the County Planning Authority for approval, with any recommendations to incorporate additional mitigation measures, should these be required. Work shall not commence on site until the submitted surveys have been approved in writing by the County Planning Authority.
14. Prior to the commencement of any construction on site, drawings showing the detailed design of all infrastructure required to accommodate protected species, including all mammal tunnels, badger and otter fencing and the box culvert proposed for the crossing of Terry House drain (as shown on the Environmental Masterplan dated May 2012), shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
15. No vegetation clearance works shall take place during the bird breeding season (1 March to 31 August (annually) inclusive). Where works must take place during this period all vegetation should first be checked by a suitably qualified ecologist.
16. Prior to the commencement of any development (including ground preparation), a detailed habitat creation and establishment scheme for the initial post construction period, shall be submitted to the County Planning Authority for approval. The habitat creation and establishment scheme shall focus on the period when the proposed new habitats will be created and for the 5 year after care period when habitats will be establishing. Once approved, the scheme shall be implemented at the site in accordance with and agreed timetable.
17. Prior to the opening of the development, a detailed long term habitat monitoring and management scheme, which should provide a framework for the long term objectives of the areas along the scheme and set out in detail the necessary monitoring and management works needed for the period immediately following the 5 year after care period, shall be submitted to the County Planning Authority for approval. The longterm management scheme shall cover a 15 year period following the completion of the initial 5 year habitat creation and establishment period (refer to condition 16 above). The plan should include measures to review and update interventions on a rolling programme every 5 years for the life of the scheme, to allow flexibility in the management and monitoring. The plan shall include all areas of habitat created as well as all infrastructure designed to accommodate protected species including the mammal tunnels, badger and otter fencing, and box culvert, which will all require monitoring and maintenance to ensure they operate effectively in the long term. Thereafter, the development shall be implemented in accordance with the approved scheme.
18. The road shall not be opened to vehicular traffic until the agreed provisions for Non-Motorised Users, as shown on the approved Engineering Layout Drawings sheets 1-7 have been provided and are available for use.

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19. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the County Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
20. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the County Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the County Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the County Planning Authority, agrees in writing to their withdrawal.
21. No development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the County Planning Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - (viii) advisory HGV routing.
22. Steps shall be taken in accordance with the details contained within the Environmental Statement (dated March 2010) and the Environmental Statement Addendum (dated June 2012), to ensure that the site is operated at all times to minimise dust emissions, and in particular during periods of high winds. Such measures shall include the spraying of roadways and stockpiles and discontinuance of soil movements during periods of high winds.
23. Prior to any works commencing at the site, a Construction Environmental Management Plan shall be submitted to and approved in writing by the County Planning Authority. Thereafter the works shall be carried out entirely in accordance with the approved plan.

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24. Prior to the commencement of any development at the site, a Detailed Design and Specification Scheme for the development hereby approved, shall be submitted to and approved by the County Council. The submitted scheme shall include details at an appropriate level of detail to demonstrate the following matters have been addressed:

- detailed specification of materials and finishes for the proposed road, including proposed kerbing and drains;
- the detailed design of any other additional highways infrastructure required, including any barriers;
- details of the design of boundary fencing and gates
- the detailed design of proposed street lighting, including its location, height, operation, specification and finished colour; and,
- the detailed design of all road signage, including its size and construction, location, operation and colour;

The above details shall be accompanied by a statement demonstrating how each element has been designed in a way to minimise its visual impact upon the surrounding landscape context. Once approved, the development shall be carried out in accordance with the approved scheme.

25. Prior to the commencement of any development at the site, a detailed landscape scheme that indicates the proposed schedule of planting on site and the relationship of existing planting to adjoining planting on the highway and on adjacent land, shall be submitted to and approved in writing by the County Planning Authority. The submission shall include a mitigation strategy that addresses the mitigation of the scheme including its integration to the wider landscape and shall also include details of new native tree species to be planted as part of the replacement planting scheme. Once approved, the replanting scheme shall be carried out in accordance with the approved details and no later than the first available planting season following completion of the development.

26. Prior to the commencement of development, a detailed 'Landscape Establishment and Management Plan' (including a delivery plan), shall be submitted to the County Planning Authority for approval. The detailed Establishment and Management Plan shall be based on the submitted 'Outline Management Plan' and shall include details of a proposed 5 year after-care period. Once approved, the landscape establishment and management plan shall be implemented on site in its entirety.

27. Works carried out in association with the construction of the development hereby granted planning permission, shall only take place between the hours of Monday to Friday (0700 - 1900 hours). No night-time working shall be undertaken at the site without the prior written approval of the proposed works period by the County Planning Authority. Any request for such night-time working shall specify the type of works and the length of time for which the night-time works are required.

28. All soil handling activity at the site shall take place in line with the current best practice guidelines for soil handling as set out in the Defra Good practice guide for handling soils (MAFF 2000) and Draft Code of Practice for the sustainable use of soils on construction sites, 2008. Any soils removed from the site shall be used in a sustainable manner.

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29. During the construction period, a copy of the planning permission and any agreed variations, together with all the approved plans and documents, shall be kept available in the site office at all times.

Reasons:

1. To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the development is carried out in accordance with the application details.
3. In the interests of safeguarding the potential impacts upon the designated Heritage Assets and Bedale Conservation Area.
4. In order to protect the groundwater associated with the Principal Aquifers beneath the balancing ponds.
5. In order to prevent the pollution of controlled waters.
6. In order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and in order to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
7. In order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and in order to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
8. In order to prevent pollution of the environment.
9. In order to ensure the archaeological resources at the site are adequately investigated, understood, and where necessary, safeguarded.
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11. In order to ensure the archaeological resources at the site are adequately investigated, understood, and where necessary, safeguarded.
12. In order to ensure the archaeological resources at the site are adequately investigated, understood, and where necessary, safeguarded.
13. In order to ensure the archaeological resources at the site are adequately investigated, understood, and where necessary, safeguarded.
14. In order to ensure essential mitigation for protected species is delivered successfully at the site.
15. In order to protect breeding birds.
16. In order to ensure the delivery of essential mitigation, compensation and enhancement set out in the approved Outline Landscape and Ecology Management Plan.

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17. In order to ensure the delivery of essential mitigation, compensation and enhancement set out in the approved Outline Landscape and Ecology Management Plan.
18. In the interests of safety of non-motorised users of the highway and general highway safety and the general amenity of the area.
19. In the interests of safety of non-motorised users of the highway and general highway safety and the general amenity of the area.
20. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
21. In the interests of safety of non-motorised users of the highway and general highway safety and the general amenity of the area.
22. In the interests of residential amenity and in order to prevent environmental pollution.
23. In the interests of residential amenity and in order to prevent environmental pollution.
24. In order to ensure that adequate landscape mitigation, as proposed in the accompanying Environmental Statement is delivered.
25. In order to ensure that adequate landscape mitigation, as proposed in the accompanying Environmental Statement is delivered.
26. In order to ensure that adequate landscape mitigation, as proposed in the accompanying Environmental Statement is delivered.
27. In the interests of residential amenity.
28. In order to protect the local soil resource and to ensure that soils representing the best and most versatile land are used appropriately.
29. In the interests of clarity to ensure that all documents are readily available on site to all contractors and operatives.

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Informatives:

1. Under the Environmental Permitting (England and Wales) Regulations 2010 permitted sites should not cause harm to human health or pollution of the environment. The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will be granted where the risk to the environment is acceptable. Further information on environmental permits and exemptions can be downloaded from the following link:

<http://www.environment-agency.gov.uk/business/topics/water/110593.aspx>

Or alternatively, please contact the National Customer Contact Centre on 08708 506506 and request to speak to a member of the permitting team.
2. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.
3. The Environment Agency has stressed the importance of the applicant contacting all relevant landowners who are to be affected by the negligible increase in flood risk upstream of the new bridge at Rectory Wood.
4. Under the terms of the Water Resources Act 1991, the prior agreement of the Agency is required for discharging dewatering water from any excavation or development to a surface watercourse.
5. The Environment Agency requests that procedures are put in place to prevent the spillage of oil from fixed and mobile plant and storage facilities and that all spillages and pollution incidents are reported to us on the incident number 0800 807060 immediately.
6. The applicant is advised that formal agreements may be required with utilities operators and infrastructure owners within the application site area where the route crosses or interferes with these assets. You are advised to contact the appropriate bodies separately to discuss your proposals. In particular, Sabic Petrochemicals have requested that detailed drawings showing the crossing points over their Ethylene pipeline are submitted to them for approval prior to implementation.
7. You are advised to contact the Bedale and Upper Swale Internal Drainage Board in respect of any permits required under Byelaw to cross, alter or affect any drainage channels under their control. In addition, you are advised to contact the IDB in respect of discharge rates from the proposed balancing ponds.

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**Statement of Compliance with Article 31 of the Town and Country Development
Management Procedure Order 2012**

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

| Schedule of Approved Drawings Drawing Number (All drawing numbers are preceded by B1055900 and were received 06 June 2012 unless otherwise stated) | Title |
|--|---|
| 4700 Rev P1 | Planning Application Red Line Boundary Plan |
| 4710 Rev P2 | General arrangement Western Link |
| 4711 Rev P5 (received May 2013) | General arrangement Eastern Link |
| 4720 Rev P1 | Preliminary Drainage Layout Ch 0 – 600 Sheet 1 of 7 |
| 4721 Rev P1 | Preliminary Drainage Layout Ch 600 – 1200 Sheet 2 of 7 |
| 4722 Rev P1 | Preliminary Drainage Layout Ch 1200 – 1850 Sheet 3 of 7 |
| 4723 Rev P1 | Preliminary Drainage Layout Ch 1850 – 2600 Sheet 4 of 7 |
| 4724 Rev P2 (received May 2013) | Preliminary Drainage Layout Ch 2600 – 3350 Sheet 5 of 7 |
| 4725 Rev P0 | Preliminary Drainage Layout Ch 2600 – 3350 Sheet 6 of 7 v1 |
| 4726 Rev P1 | Preliminary Drainage Layout Ch 3350 – 4100 Sheet 6 of 7 |
| 4727 Rev P1 | Preliminary Drainage Layout Ch 4100 – 4640 Sheet 7 of 7 |
| 4730 Rev P1 | Preliminary Engineering Layout Ch 0 – 600 Sheet 1 of 7 |
| 4731 Rev P1 | Preliminary Engineering Layout Ch 600 – 1200 Sheet 2 of 7 |
| 4732 Rev P1 | Preliminary Engineering Layout Ch 1200 – 1850 Sheet 3 of 7 |
| 4733 Rev P1 | Preliminary Engineering Layout Ch 1850 – 2600 Sheet 4 of 7 |
| 4734 Rev P2 (received May 2013) | Preliminary Engineering Layout Ch 2600 – 3350 Sheet 5 of 7 |
| 4735 Rev P1 | Preliminary Engineering Layout Ch 3350 – 4100 Sheet 6 of 7 |
| 4736 Rev P1 | Preliminary Engineering Layout Ch 4100 – 4640 Sheet 7 of 7 |
| 4737 Rev P1 | Boundary Edge Details v1 |
| 4738 Rev P1 | Mainline Typical Sections |
| 4740 Rev P1 | Road Lighting Traffic Sign and Road Marking Ch 0 – 600 Sheet 1 of 7 |
| 4741 Rev P1 | Road Lighting Traffic Sign and Road Marking Ch 600 – 1200 Sheet 2 of 7 |
| 4742 Rev P1 | Road Lighting Traffic Sign and Road Marking Ch 1200 – 1850 Sheet 3 of 7 |

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| 4743 Rev P1 | Road Lighting Traffic Sign and Road Marking Ch 1850 – 2600 Sheet 4 of 7 |
| 4744 Rev P2 (received May 2013) | Road Lighting Traffic Sign and Road Marking Ch 2600 – 3350 Sheet 5 of 7 |
| 4745 Rev P1 | Road Lighting Traffic Sign and Road Marking Ch 3350 – 4100 Sheet 6 of 7 |
| 4746 Rev P1 | Road Lighting Traffic Sign and Road Marking Ch 4100 – 4640 Sheet 7 of 7 |
| B105590/EGST/4402 Rev P2 | Bridge No 1 General Arrangement (Steel Option) |
| B105590/EGST/4402 Rev P5 | Bridge No 2 General Arrangement (Steel Option) |
| B1055900_EVST_3001_01_P7 | Environmental Master Plan Figure 2.3 |
| B1055900_EVST_3001_02_P7 | Environmental Master Plan Figure 2.4 |
| B1055900_EVST_3001_03_P7 | Environmental Master Plan Figure 2.5 |
| B1055900_EVST_3001_04_P7 | Environmental Master Plan Figure 2.6 |
| B1055900_EVST_3001_05_P8 (received May 2013) | Environmental Master Plan Figure 2.7 |
| B1055900_EVST_3001_06_P7 | Environmental Master Plan Figure 2.8 |
| B1055900_EVST_3001_07_P7 | Environmental Master Plan Figure 2.9 |
| B1055900_EVST_3001_08_P7 | Environmental Master Plan Figure 2.10 |
| 601620014-P-013 | BALB Leases Road Roundabout Proposed Amendment Priorities with Ghost Island Facilities |
| n/a | Clarification Statement on Potential Impacts: Bedale Conservation Area, Bedale Hall and the Church of St Gregory |
| B1055900/3000/001 Rev 0 (received July 2013) | Illustrative Environmental Design – Sheet 1 |
| B1055900/3000/002 Rev 0 (received July 2013) | Illustrative Environmental Design – Sheet 2 |
| B1055900/3000/003 Rev 0 (received July 2013) | Illustrative Environmental Design – Sheet 3 |
| B1055900/3000/004 Rev 0 (received July 2013) | Illustrative Environmental Design – Sheet 4 |
| B1055900/3000/005 Rev 0 (received July 2013) | Illustrative Environmental Design – Sheet 5 |
| B1055900/3000/006 Rev 0 (received July 2013) | Illustrative Environmental Design – Sheet 6 |
| B1055900/3000/007 Rev 0 (received July 2013) | Illustrative Environmental Design – Sheet 7 |
| B1055900/3000/008 Rev 0 (received July 2013) | Illustrative Environmental Design – Sheet 8 |
| B1055900/3000/009 Rev 0 (received July 2013) | Illustrative Environmental Design – Sheet 9 |