

BUCKINGHAMSHIRE COUNCIL**Town and Country Planning Act 1990****21/03578/APP**

Mr John Grimshaw
18 Park Row
Bristol
BS1 5LJ
England

Greenways and Cyclerooutes Ltd
18 Park Row
Bristol
BS1 5LJ

Subsequent to your application that was valid on the **9th September 2021** and in pursuance of their powers under the above mentioned Act and Orders, Buckinghamshire Council as Local Planning Authority **HEREBY PERMIT:**

The project is to provide an all weather shared use path linking Berryfields with Buckingham Park via St.Peter's Chapel.

AT:- Berryfields Mda Bicester Road Quarrendon Buckinghamshire

Subject to the following conditions and reasons:

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

Reason: To comply with the requirements of Section 91(1) 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 in accordance with the details contained within the following document/plans, and in accordance with the conditions imposed on this planning permission:

- o Proposals to extend the Berryfields Paths with a Greenway route through to Buckingham Park - Greenways & Cyclerooutes Limited, dated June 2021 with landscape revisions October 2021
- o Location Plan
- o Map 1 - Village Field 260m Long
- o Map 2 - Farm Track 160m and Avenue Field
- o Map 3 - Oil Pipeline
- o Map 4 - Paddock Field
- o Map 5 - Wildlands

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the NPPF

3. Prior to surfacing works of the development hereby permitted full details of the materials to be used on the surfaces of the cycleway hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out using the approved materials unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

4. No site clearance shall take place until the tree and hedge protection measures identified on the drawings: Hedge and Tree Protection Plan, Hedge and Tree Protection Plan 1of2, and Hedge and Tree Protection Plan 2of2 (Greenway and Cycleways Limited, July 2022) received 16th August 2022 have been installed. This shall comprise a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area. The development shall be carried out in accordance with these details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To minimise damage to trees and hedgerows during building operations and to ensure the development is carried out in such a way that ensures a satisfactory standard of tree and hedge care and protection to comply with Policy NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

5. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:
1. There shall be no changes in ground levels;
 2. No materials or plant shall be stored;
 3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan.
 4. No materials or waste shall be burnt nor within 20 metres of any retained tree;
 5. and.
 6. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

Reason: In order to minimise damage to the trees during building operations and to comply with policy NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

6. Notwithstanding the details set out in "Proposals to extend the Berryfields Paths with a Greenway route through to Buckingham Park - Greenways & Cycleroles Limited, dated June 2021 with landscape revisions October 2021", prior to the first use of the cycleway hereby permitted full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include proposed finished levels or contours; means of enclosure; gates; hard surfacing materials; details of picnic/seating areas, including their locations and detailed design; and details of the information boards/entrance features. For soft landscape works, these details shall include details of new trees to be planted showing their species, spread and maturity, planting plans (tree planting and bund creation shall be designed to retain visibility for a path user, thus enabling path users to appreciate the setting of the historic remains in the wider landscape); written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved prior to the first use of the cycleway hereby approved so far as hard landscaping is concerned and for soft landscaping, no later than the end of the first planting season following the first use of the cycleway.

Reason: To ensure a satisfactory appearance to the development and to better reveal the heritage asset, and to comply with policies BE1, BE2, and NE8 of the Vale of Aylesbury Local Plan and the guidance set out in the National Planning Policy Framework.

7. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies BE2 and NE8 of the Vale of Aylesbury Local Plan and the guidance set out in the National Planning Policy Framework.

8. The development will be undertaken subject to the archaeological requirements set out in the Oxford Archaeology written scheme of investigation dated 1st June 2022 submitted with the application.

Reason: To ensure that adequate opportunity is provided for archaeological research and to comply with Policy BE1 of the Vale of Aylesbury Local Plan and to comply with the National Planning Policy Framework.

9. The development shall be implemented in accordance with the agreed mitigation, compensation and enhancement measures detailed in the revised Preliminary Ecological Appraisal from Two Wheels Ecology dated December 2021 and the enhancement plans set out in the revised Landscape Master Plan from Greenways and Cycleroles Ltd dated October 2021. Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made.

Reason: To ensure satisfactory ecological and environmental details and to comply with policy NE1 of the VALP and with the requirements of the National Planning Policy Framework,

ODPM 05/2006, The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended).

10. Notwithstanding the details set out in "Proposals to extend the Berryfields Paths with a Greenway route through to Buckingham Park - Greenways & Cycleroles Limited, dated June 2021 with landscape revisions October 2021", there shall be no raising of existing ground levels and no storage of spoil or materials within Flood Zone 3.

Reason To ensure the development will not increase the risk of flooding to the site and surrounding area and to comply with policy I4 of the VALP and the guidance set out in the NPPF.

11. No lighting shall be installed or mounted on any part of the development hereby approved other than surface mounted solar powered LED lighting units to delineate the centre of the approved route.

Reason: To safeguard the rural amenities of the site and nearby heritage assets and to accord with Vale of Aylesbury Local Plan Policies BE1 and BE2 and advice in the National Planning Policy Framework.

12. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR112) and with the proposals detailed on plan 'Berryfields to Buckingham Park Cycle Path: Impact plan for great crested newt district licensing (Version 2)' dated 8th March 2022.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR112), and to comply with policy NE1 of the VALP and the guidance set out in the NPPF.

13. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR112 [and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts, and to comply with policy NE1 of the VALP and the guidance set out in the NPPF.

INFORMATIVES

- 1) In accordance with the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant/Agent and has focused on seeking solutions to the issues arising from the development proposal. Buckinghamshire Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, discussions have taken place with the agent who responded by submitting additional information. These details were found to be acceptable, and approval is recommended.
- 2) Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required if protected habitats or species are affected by development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England.

- 3) It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 4) No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
- 5) It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.
- 6) It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.
- 7) It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 12 (requiring authorised developers to comply with the District Licence) and condition 17 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).
- 8) Any new gates along Footpaths QUR/3/1 and QUR/4/1 will require highway authority permission under Section 147 Highways Act 1980.
- 9) The applicant is advised that the Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - o on or within 8 metres of a main river (16 metres if tidal)
 - o on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) on or within 16 metres of a sea defence
 - o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - o in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the EA National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the EA advise the applicant to consult with them at the earliest opportunity.

Your attention is drawn to the notes on the back of this form.



Steve Bambrick
Service Director Planning and Environment
On behalf of the Council
25th August 2022

1. APPEALS

If you are aggrieved by the decision of your Local Planning Authority to grant permission for the proposed development subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, you must do so within 6 months of the date of this Notice, using a form which you can get from the Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN . You can also lodge an appeal via the internet at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission without the conditions they imposed, having regard to statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If either the local planning authority or the Secretary of State grants permission to develop land subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

2. BUILDING REGULATIONS

This Approval under the Town and Country Planning Act DOES NOT operate as a consent under the provisions of the Building regulations. A further application may be required under this legislation. You are advised to seek advice from the Council's Building Control section on this matter, by emailing buildingcontrol.av@buckinghamshire.gov.uk

3. PROTECTED SPECIES

Certain wild plants and animals are protected under UK and European legislation. Approval under that legislation is required if protected habitats or species are affected by development. If you discover protected species proceeding with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England. Further details are contained in our leaflet 'Biodiversity and the Planning process'.

4. SUSTAINABILITY

We support the principles of sustainable design and construction, including: carbon management (energy efficiency and micro generation) as a central theme in design, build and use; the re-use of materials in construction projects; the sustainable management of water through water conservation (rainwater harvesting and water reuse) and the use of sustainable drainage systems (SUDS). We have published a Sustainable Construction Advisory Guide to help those involved in new build gain a better understanding and encourage the use of sustainable construction techniques in new developments. We will also provide basic guidance for interested parties on request. Further information can be found at CIRIA's SUDS website www.ciria.org/suds/icop.htm and the Building Research Establishment website www.bre.co.uk

5. MATERIALS

Please note that we cannot accept samples of materials at our offices. You should submit a Discharge of Conditions application (see note 6 below) with the materials fully specified, and then the case officer will make arrangements to view samples on site as required. Application forms are available on our web site (see link below).

6. DISCHARGE OF CONDITION(S)

A fee is payable for applications seeking confirmation that a) information submitted satisfies the requirements of a condition (including planning permission that has been granted on appeal) and b) a condition has been discharged.

For our current fees please visit our website www.aylesburyvaldc.gov.uk/section/application-guidance Please note that any number of conditions can be included on a single request but, if separate applications are made for each condition, a fee is required for each: i.e. if 4 separate application are made to discharge 4 conditions, total fees payable will be 4 x application fee.

You should submit a formal application using the standard 1APP form accompanied by the appropriate information, details or drawings. Applications can be made online via www.planningportal.co.uk or you can download from our website at www.aylesburyvaledc.gov.uk/section/apply

7. STANDING ADVICE FOR DEVELOPMENT SITES WHERE THERE IS NO KNOWN HISTORICAL CONTAMINATION

If during development works contamination is encountered which has not been previously identified please contact the Environmental Health department immediately at envhealth.av@buckinghamshire.gov.uk Works must cease on site until an appropriate remediation scheme is submitted to and agreed in writing by the local planning authority.

Failure to remediate site contamination during development could result in serious long-term health impacts to future users of the development.