

## Appendix 7

### SCHEDULE

#### Schedule I

##### 5. WHAT YOU ARE REQUIRED TO DO

(NOTE: FOR THE PURPOSES OF THIS NOTICE THE SITE IS DIVIDED INTO TWO AREAS, AREAS A & B IDENTIFIED ON THE ACCOMPANYING PLAN 2)

- (i) Cease bringing waste materials onto the land within one day of this notice taking effect.
- (ii) Cease the use of the land for the recycling and reclamation of waste materials within one month of this notice taking effect.
- (iii) Remove from the land all scrap metal within 3 months of this notice taking effect.
- (iv) Remove from the land
  - (i) All other unrecycled or reclaimed materials
  - (ii) All earth bunds, and
  - (iii) All mobile plant, machinery, concrete bases, buildings, partly erected buildings, skips and lorries associated with the uses specified in 3 above within 6 months of this notice taking effect.

The buildings and hardstanding set out in Annex 1 and shown on Plan 3 are permitted to be retained on the site.

- (v) Within 12 months of the date of this notice taking effect the land in Area A shall be regraded to a level of 21 AOD consistent with surrounding land levels and the boundary of the Area shall be delineated by fencing or bunding in accordance with a landscaping scheme to be submitted under Section vi.
- (vi) Within two months of the date of this notice taking effect a landscaping scheme shall be submitted for the approval in writing of the Local Planning Authority. This shall relate to both areas and shall include provision for:
  - (a) The positions, species, density and initial sizes of all new trees and shrubs.
  - (b) The position of any fencing/bunding to delineate Area A and the type of fencing or extent of bunding and associated planting.
- (vii) The current access to the site shall be reduced in width to 3m with kerb radii of 5m within 12 months of the date of this notice. The excess width of the access to the site, including all foundations, shall be removed and the site of the excess width of the access restored in accordance with the conditions attached to this

permission. This will ensure that the access is in keeping with the rural nature of the site and in the interests of amenity.

- (viii) No tipping or works shall take place within 10 metres of the Colne Brook and any works potentially affecting groundwater will require the necessary authorisation from the Environment Agency.
- (ix) Within 12 months of the date of this enforcement notice taking effect carry out and complete the reinstatement of the site to agricultural land. The following conditions will ensure that proper restoration is achieved in line with current practice:
  - (a) Regrade the area (Area B) to 300 mm below surrounding ground levels (i.e. 300mm below 21 AOD).
  - (b) Thoroughly treat the regraded land to a depth of 700 mm so as to remove all contaminants and to break up and remove all compacted layers and to remove compacted layers and to remove large solid objects exceeding 150 mm in any direction which may damage cultivation machinery.
  - (c) Place a minimum of 300mm of general purpose grade topsoil (to BS:3882 standard) over the regraded area such operations to be carried out when the soil is in a dry and friable condition with a minimum of working and compaction.
  - (d) Take measures to prevent further tipping on such land by installing appropriate fencing (to be submitted to the Local Planning Authority as part of the Landscaping Scheme) and a lockable gate to be situated at point A as indicated on the attached Plan 4.
  - (e) In the next seeding season following the placement of topsoil to seed such land to a specification to be agreed in writing by the Local Planning Authority and to repeat cultivation and seeding until the grass is well established.

## Schedule 2:

The Appeals : T/APP/J0350/C/99/1029704-5

1. It is directed that the enforcement notice be corrected by the deletion of the whole of Section 3 and the substitution therefor of the following :

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

*The breach of planning control alleged in the notice is the failure to comply with Condition 2 of the planning permission granted on 31<sup>st</sup> March 1995 (Ref No SP91/0701) by using the land for the depositing, stockpiling, recycling and processing of waste materials and the storage of waste and processed materials beyond 1<sup>st</sup> April 1998 in contravention of Condition 2.*

2. It is directed that the enforcement notice be corrected by the substitution, for Plan 2, of Plan A attached to this decision.
3. It is directed that the enforcement notice be varied by the deletion of the whole of Section 5 and the substitution therefor of the following :

5. **WHAT YOU ARE REQUIRED TO DO**

**(NOTE: FOR THE PURPOSES OF THIS NOTICE THE SITE IS DIVIDED INTO TWO AREAS, AREAS A & B IDENTIFIED ON THE ACCOMPANYING PLAN 2)**

(i) *Cease bringing waste materials onto the land;*

*Time for Compliance : 1 Day*

(ii) *Cease the use of the land for the recycling and reclamation of waste materials;*

*Time for Compliance : 18 Months*

(iii) *Remove from the land all scrap metal, unrecycled or reclaimed materials, all earth bunds, and all mobile plant, machinery, concrete bases, buildings, partly erected buildings, skips and lorries associated with the uses specified in Section 3 of this notice; \*\* (See Note)*

*Time for Compliance : 21 months*

(iv) *Regrade the land in Area A to a level consistent with surrounding ground levels so as to permit, on that part of Area A shown to the west of the dotted line on Plan 2, a total storage volume of 3500 cubic metres between 20.28 AOD and 20.61 AOD, all such volume to be available for flood storage and constructed to permit a flood route to all parts of Area A to the west of the dotted line.*

*Time for Compliance : 21 months*

(v) Reinstatement of the site to a condition appropriate to allow its use as agricultural land by carrying out the following :

(a) The regrading of Area B to 300 mm below surrounding ground levels (i.e. 300 mm below 21 AOD;

(b) The thorough treatment of the regraded land to a depth of 700 mm so as to break up and remove all contaminants and compacted layers, and to remove solid objects exceeding 150 mm in any direction which may damage cultivation machinery;

(c) The placing of a minimum of 300mm of general purpose grade topsoil (to BS:3882 standard) over the regraded area, such operations to be carried out when the soil is in a dry and friable condition with a minimum of working and compaction;

(d) The taking of measures to prevent further tipping on such land by the installation of fencing and a lockable gate to be situated at point A as indicated on the attached Plan 4.

(e) In the next seeding season following the placement of topsoil the seeding of such land with grass seed and the repeated cultivation and seeding of the land until the grass is well established.

Time for Compliance : 24 months

**\*\*Note :** The buildings and hardstanding set out in Annex 1 and shown on Plan 3 are permitted to be retained on the site as exceptions to requirement (iii).

4. Subject thereto the appeals are dismissed, the notice as corrected and varied is upheld, and planning permission is refused on the applications deemed to have been made under S177(5) of the amended Act.