

Appendix B

Temporary upgrade of an existing agricultural access off Higham Lane, St Nicolas Park, Nuneaton, CV11 6GS until March 2025

NBB/22CM010

Planning Conditions.

1. The development hereby permitted shall commence no later than 3 years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The temporary upgraded access hereby permitted shall not be brought into use until it has been laid out and constructed in general accordance with drawings numbered A7S14280-JMS-XX-ZZDR-T-0075 Rev-P02 and 1002_000407-08-MAE-XX-XX-DR-C-0003 Rev P03.

Reason: In the interests of highway safety.

3. The development hereby permitted shall be implemented and operated in accordance with the Hinckley to Hartshill Transfer Construction Management Plan – Access 10 & 12A Document no: A7S14280-JMS-XX-ZZ--PL-CO-0002 P02 dated 22.06.23. The development will be carried out in full accordance with the Plan (or any variation) so approved.

Reason: In the interests of highway safety

4. The development hereby permitted shall not commence until a detailed ecological and landscaping scheme has been submitted to and approved in writing by the County Planning Authority. The plan should include details of native species hedgerow planting and grassland creation and management of all new planting. Details of species used and sourcing of plants should be included. Such measures shall thereafter be implemented in full.

Reason: In accordance with NPPF, ODPM Circular 2005/06

5. The temporary access hereby permitted shall be removed and the land restored to its former condition on or before 31 March 2025 including the reinstatement of the verge and kerb line in accordance with the standard specification of the Highway Authority and the replacement of the hedgerow in accordance with the ecological and landscape scheme.

Reason: In the interests of highway safety and to mitigate harm to biodiversity.

Development Plan Policies Relevant to the Decision.

Warwickshire Waste Core Strategy Adopted Local Plan (July 2013)

Policy CS1: Waste Management Capacity
Policy CS2: The Spatial Waste Planning Strategy for Warwickshire
Policy DM1: Protection and enhancement of the natural and built environment
Policy DM2: Managing Health and Amenity Impacts of Waste Development
Policy DM3: Sustainable Transportation
Policy DM6: Flood Risk and Water Quality

Nuneaton and Bedworth Borough Plan (2011-2031) Adopted June 2019

Policy DS1: Presumption in favour of sustainable development
Policy DS3: Development principles
Policy HS1: Ensuring the delivery of infrastructure
Policy NE3: Biodiversity and geodiversity
Policy BE4: Valuing and conserving our historic environment

Reasons for the Grant of Planning Permission.

Notes

Highway Authority Notes:

- a. Condition number 2 requires work to be carried out within the limits of the public highway.
- b. In terms of design guidance this is carried out in conjunction with the County Road Construction Strategy 2022 on our website as referred to on the opening page. Please see link below:
<https://api.warwickshire.gov.uk/documents/WCCC-770-261>

Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall Post Room, Warwick, CV34 4SX or by email to: s38admin@warwickshire.gov.uk

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP or by email to: streetworks@warwickshire.gov.uk

For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.

Ecology Notes:

Nesting Bird note:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

Generic reptile and amphibian note:

In view of the nearby records, care should be taken when clearing the ground prior to development and when storing materials on site.

If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services (01926 418060) or Natural England (02080 261089) are contacted.

Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2017.

General trench note:

Particular care should be taken when clearing ground prior to development, and if evidence of badgers, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badger snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Failure to consider

this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080261089. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.