

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995**



IPSWICH
BOROUGH
COUNCIL

To: Mr Howard Bassford
3 Noble Street
London
EC2V 7EE

Grafton House
15-17 Russell Road
Ipswich Suffolk
IP1 2DE

Agent for:
Hutchison Ports (UK) Limited

Switchboard:
01473 432000

Minicom:
01473 432526

www.ipswich.gov.uk

Council's Reference Number: IP/10/00154/FUL

GRANT OF FULL PLANNING PERMISSION

Ipswich Borough Council, as local planning authority, hereby **GRANT** Full Planning Permission for:

The laying and re-laying of railway tracks at Ipswich Goods Yard, including consequential retaining structures and noise attenuation screens previously granted by Secretary Of State in conjunction with TWA Order (TWA/05/APP/04) for Felixstowe Branch Line.

at: Land Between Ipswich Railway Station And London Road Railway Line (Bramford To Wherstead) Ipswich
Suffolk

in accordance with your application reference number IP/10/00154/FUL received 24.02.2010 .

By virtue of Section 91 of the Town and Country Planning Act, 1990 this permission is granted subject to the condition that the development to which it relates must be begun not later than 31st December 2018.

This permission is also subject to the following condition(s): -

1. The development shall not be commenced until details of the design, siting, scale, appearance and facing materials of the noise attenuation barrier to be provided at the rear of 11 to 79 Ranelagh Road, Ipswich have been submitted to and approved in writing by the Local Planning Authority. The noise attenuation barrier shall be installed as soon as possible after, and no later than 6 months after, the commencement of the works.
2. No stage of the development shall commence until details of the layout and design of any new or altered vehicular access to the highway (which will serve the works within that stage) as set out in Schedule 5 to the Felixtowe Branch Line and Ipswich Yard Improvement Order, and any highway junction improvements, have been submitted to and approved in writing by the Local Planning Authority. All such works necessary to

ensure highway safety shall be completed before any other construction activity, served by such accesses, is commenced in that stage.

3. The railway, and any construction sites, shall remain securely fenced at all times during construction of the development and any temporary fencing shall be removed on completion of the development.
4. Development shall not commence until a scheme to deal with contamination which is likely to cause significant harm to persons, pollution of controlled waters or the environment has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency.

The scheme shall include an investigation and assessment report, prepared by a specialist consultant approved by the Local Planning Authority, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for the intended purpose, together with a management plan which sets out long term measures with respect to any contaminants remaining on the site.

Any approved remedial measures shall be undertaken before development is commenced, unless otherwise agreed in writing by the Local Planning Authority.

Upon completion of the approved remedial measures, a validation report shall be submitted to and agreed in writing by the Local Planning Authority.

5. Development shall not commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water and the Environment Agency. The approved scheme shall be provided before the development is brought into use.

All reasonable steps shall be taken to prevent the pollution of watercourses and groundwater, including the following:

- (a) no contaminated material, or polluting construction or demolition material or refuse, shall be deposited within the relevant limits;
- (b) no water from the construction areas shall be permitted to discharge to any watercourse, well, spring or soakaway if it is contaminated with foul sewage, suspended soil or other pollutant;
- (c) any railway ballast which is to be reused shall be lifted and cleaned to remove pollutants before being relaid; and
- (d) the prior approval of the design and means of construction of any storage facilities for oils, fuels or chemicals shall be obtained from the Local Planning Authority before that facility is installed.

6. No development shall commence until a scheme for the protection or translocation of any nationally scarce plant species (as identified in paragraph 4.5.45 of the Environmental Statement) has been submitted to and approved in writing by the Local Planning authority. Such protection measures or translocations shall take place before any construction activity commences in the vicinity of those plants.
7. No development shall commence until a strategy for the protection or translocation of any reptiles likely to be adversely affected by the works (as identified in Table 4.36 of the Environmental Statement) has been submitted to and approved in writing by the Local Planning Authority and such measures have been implemented.
8. Any land within the relevant limits which is used temporarily for construction shall be reinstated to its former condition, or such condition as the Local Planning Authority may approve, within one year of completion of the permanent works.
9. No development shall commence until a Code of Construction Practice, which shall cover all matters specified in the Revised Draft Code of Construction Practice, dated 20

September 2007, has been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in accordance with that Code, unless otherwise agreed in writing by the Local Planning Authority.

10. No development shall commence until a scheme for noise monitoring and attenuation during construction has been submitted to and approved in writing by the Local Planning Authority. This scheme shall contain predictions of likely noise levels and durations during construction at sensitive receptors as identified in Table 5.4 in the Environmental Statement. It shall set out proposals for the attenuation of significant adverse noise impacts at locations where these are likely to occur during construction. The noise attenuation measures shall be implemented before and maintained throughout construction of the relevant stage of the development.
11. Where the siting of any works is to deviate materially, horizontally from the centre line or vertically from the sections shown on the Works and Land Plans, an appropriate scheme of environmental mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. This approval shall not be withheld unless the Local Planning Authority considers that the scheme is insufficient to mitigate any environmental impact arising from the proposed deviation that was not taken into account in the Environmental Statement.

The reasons for the above conditions are as follows: -

1. To enable proper control to be exercised over the design of the development.
2. To ensure highway safety.
3. To ensure public safety.
4. To ensure that any necessary remediation is undertaken.
5. To ensure that pollution of watercourses and groundwater is prevented.
6. To ensure that impacts on nationally scarce plants are properly mitigated.
7. To ensure that reptiles are properly protected.
8. To protect amenity and restore landscaping and habitats.
9. To protect residents and amenity during construction.
10. To ensure that construction noise is adequately mitigated.
11. To ensure that mitigation of any additional environmental impacts arising from any deviation from the centre line or sections is properly assessed and provided.

INFORMATIVE

1. There is now a planning fee payable for applications in writing to discharge planning permission conditions. The rates as prescribed by Central Government are £85 for each written request.

The following is a summary of the reasons for the grant of permission:-

1. The proposed extension to the time limit for implementation would be acceptable in this instance given the current economic climate and the delay in the implementation of the Felixstowe South Reconfiguration development, which constitutes an important factor behind the need for the proposed railway works. The proposal constitutes improvements to rail infrastructure and would be acceptable having regard to government guidance and development plan policy. Furthermore there has been no change in development plan policy nor are there any other material considerations that would justify its refusal.

The following is a summary of the policies and proposals in the development plan that are relevant to this decision:-

1. Ipswich Local Plan - Policies NE16, NE20, NE21, NE22 and T1.

Dated: 17th June 2010

Signed:



Mike Tee BSc MIIE
Head of Planning, Transport and Regeneration
Grafton House,
15 -17 Russell Road
Ipswich IP1 2DE

SEE NOTE BELOW/OVERLEAF

N.B. This permission is not an approval under the Building Regulations; Approval under those regulations may also be required

NOTES

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the "Secretary of State" in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. (Appeals must be made on a form which is obtainable from "The Planning Inspectorate, 4/09 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN"). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (*), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local Planning Authority/authorities was based on a direction given by him.
2. If permission to develop land is refused or granted subject to conditions, whether by the

Local Planning Authority or by the “Secretary of State”, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1990.

3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

(*) The statutory requirements are those set out in section 78(6) of the Town and Country Planning Act, 1990, namely sections 70 and 72(1) of the Act.