

PLANNING PERMISSION

Town and Country Planning Act 1990

Correspondence Address:

DLA Piper Uk LLP
Mr Howard Bassford
3 Noble Street
London
EC2V 7EE

Applicant: Hutchinson Ports (UK) Ltd

Date Received: 24 February 2010
Date Valid: 26 February 2010

Application No: C10/0544/

Particulars and location of development:

Application for replacement planning permission subject to a new time limit (to December 2018) in respect of planning permission for proposed works to dual approximately 7km of the Ipswich to Felixstowe branch line & to carry out improvements to the Ipswich yard & Westerfield level crossing.

FELIXSTOWE BRANCH LINE AND WESTERFIELD LEVEL CROSSING

Recommendation:

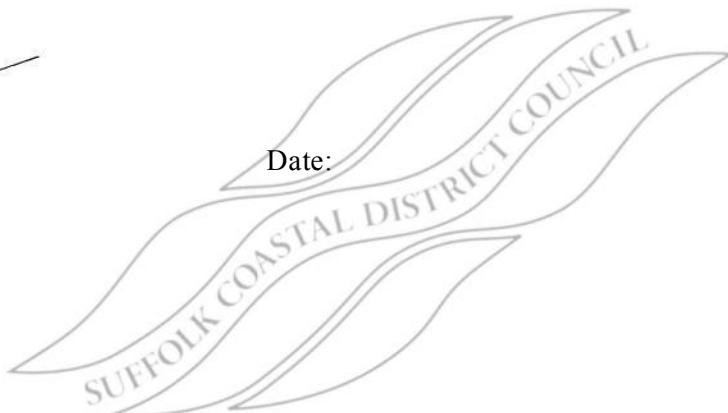
That Planning Permission be granted subject to the conditions set out in the annexe to this decision notice.

The Local Planning Authority acknowledges the justification for the commencement of works to be deferred in the light of current economic circumstances and the downturn in world trade. The physical characteristics of the scheme are identical to those previously approved by the Secretary of State for Transport as part of the Felixstowe Branch line and Ipswich Yard Improvement Order 2008.

A handwritten signature in cursive script, appearing to read 'P J Ridley'.

P J Ridley
Head of Planning Services

Date:



Annexe**Conditions attached to Planning Permission C10/0544**

1. In these conditions, unless the context otherwise requires:

“building” means any structure or erection above the surface of the ground, but does not include any level crossing barrier, traffic light or sign or any plant or machinery;

“the development” means the works authorised by the Order:

“the Environmental Statement” means the Environmental Statement submitted with the application for the Order on 13 December 2005 as supplemented by the Addendum to the Environmental Statement, submitted to the Secretary of State on 5 May 2006;

“the Order” means The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008;

“the Planning Drawings”, “the Works and Land Plans” and the “Rights of Way Plans” mean the drawings and plans of that description accompanying the application for the Order submitted on 13 December 2005 as replaced in part by the amended drawings and plans submitted to the Secretary of State on 5 May 2006;

“the railway” means any railway authorised to be constructed or altered by the Order;

“the relevant limits” means the limits shown on the drawings and plans referred to above within which, under the deemed planning permission to which these conditions relate, the development may be carried out; and

“stage” means a defined section or part of the development, the extent of which is shown in a scheme submitted to and approved by the local planning authority pursuant to condition 2, and references to numbered works are references to the works set out in Schedule 1 to the Order.

1. Time limits

The development shall commence no later than 31 December 2018.

Reason: to ensure that the applicants have sufficient time to secure the necessary approvals from Network Rail and that the timescale takes account of the downturn in trade currently being experienced.

2. Stages of Development

No development shall commence until a scheme setting out the stages of the development has been submitted to and approved by the Local Planning Authority.

Reason: to provide certainty for the discharge of planning conditions.

3. Design, external appearance and materials

No stage of the development shall be commenced until details of the design, siting, scale, appearance and facing materials of the following elements of the development within that stage have been submitted to and approved by the Local Planning Authority:

- a) Any other building comprised in Work Nos. 1 and 2 (railways); and
- b) The realigned highway at Grimston Lane comprised in Work No.5

Reason: to enable proper control to be exercised over the design of the development.

4. Fencing and Means of Enclosure

No stage of the development shall commence until details of all permanent boundary fencing or other means of enclosure within that stage of the development have been submitted to and approved by the Local Planning Authority.

Reason: to protect the amenity of residents, occupiers and highway users.

5. Details of Permanent or Temporary Highway Accesses

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 Order, and any highway junction improvements, have been submitted to and approved 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.

Reason: to ensure highway safety.

6. Implementation and Maintenance of Fencing

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. Permanent boundary fencing shall be completed before the permanent works comprising the new railway are brought into use. Such fencing shall be maintained in a secure condition for a period of 5 years from completion of the development, or until the works comprising the development and any land acquired under the Order for the purposes of those works are transferred to Network Rail, whichever is the sooner.

Reason: to ensure public safety

7. Landscaping

No later than six months after the commencement of that stage of the development to which it relates, a landscaping scheme shall be submitted to the local planning authority for approval.

That scheme shall include the details of:

- a) any hard surfaced areas to be constructed, including permanent vehicular or pedestrian access, parking and circulation areas;
- b) any structures not shown on the Planning Drawings, such as street furniture and lighting, other than structures which may be provided by the highway authority or a local authority, and
- c) any trees or shrubs to be planted, including the location, number, species, size and planting density.

Reason: to ensure appropriate landscaping of the development.

8. Implementation and Maintenance of Landscaping

All landscaping works shall be undertaken in accordance with the relevant landscaping scheme approved under Condition 7. Unless otherwise agreed by the local planning authority, planting shall take place no later than the first available planting season after the completion of the permanent works.

Any tree or shrub planted as part of an approved landscaping scheme that, within five years of the date of planting, is removed, dies or becomes, in the opinion of the local planning authority, seriously damaged or seriously diseased, shall be replaced in the first available planting season with a specimen of the same species and size as the original planted unless otherwise agreed by the local planning authority.

Reason: to ensure satisfactory implementation of the landscaping.

9. Protection of Trees

No stage of the development shall commence until measures to protect existing trees and woodland within that stage of the development which are to be retained within the relevant limits, including that at Gun Lane, Trimley St Martin, have been implemented. These measures shall conform to BS 5837: 2005 'Trees in relation to construction'. The measures shall be maintained throughout the construction period.

Reason: to ensure appropriate protection of trees and woodland during construction.

10. Archaeology

No development shall commence until a written scheme for the investigation of areas of high and medium archaeological potential (as defined in Table 4.40 in the Environmental Statement) has been submitted to and approved by the local planning authority. That scheme shall provide for further detailed walk-over surveys and document study; intrusive investigation before construction is commenced, in any location where this is necessary; a watching brief during construction, where this is necessary, and the recording, preservation and publication of the results of the investigation.

Reason: to ensure adequate protection and recording of archaeological remains.

11. Protection of Levington Park Trial Grounds

Throughout the period of occupation for the purposes of construction of any land within the relevant limits, which adjoins that part of the Levington Park Trial Grounds marked pale blue on Planning Drawing Nos. 218593-DKB-FEL-01300-1179 Rev A and 218593-DKB-FEL-01375-1180 Rev A, that part of the Levington Park Trial Grounds shall be securely fenced or otherwise protected by a structure designed to prevent damage by construction vehicles and plant, the incursion of rabbits, the deposit of construction materials or waste, or pollution by fuel or other substances.

Reason: to protect agricultural and crop research.

12. Protection of Residential Amenity at Morston Hall Cottages

The areas of land at Morston Hall Cottages (marked in purple on the Planning Drawing No. 218593-DKB-FEL-01600-1183 Rev B) shall be securely fenced throughout the construction period and shall not be used by vehicles, for the stationing of plant, for the storage of materials or for any other construction purpose.

Reason: to protect residential amenity.

13. Implementation of Permanent or Temporary Footpath and Byway Closures

The permanent footpath and byway closures permitted by the Order shall not be implemented until the alternative or diversion routes specified in the Order and shown on the Rights of Way Plans are available for use. Temporary closures shall be for no longer than is necessary to enable the works to be undertaken.

Reason: to ensure that the integrity of the footpath network is maintained.

14. Bat Surveys

No stage of the development shall commence until a further survey of the trees specified in Table 4.37 of the Environmental Statement has been undertaken in respect of that stage to confirm whether bats are present in any of those trees to be removed or lopped during the works. No development of the relevant stage shall commence until the survey and any protection and mitigation measures proposed have been submitted to and approved by the local planning authority and undertaken in accordance with any relevant guidance produced by Natural England and/or Defra.

Reason: to ensure that any bat found is suitably protected.

15. Protection for Nationally Scarce Plants

No development shall commence until a scheme for the protection or translocation of any nationally scarce plant species (as identified in paragraphs 4.5.42 and 4.5.45 of the Environmental Statement) has been submitted to and approved by the local planning authority. Such protection measures or translocations shall take place before any construction activity commences in the vicinity of those plants.

Reason: to ensure that impacts on nationally scarce plants are properly mitigated.

16. Protection of Reptiles

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 by the local planning authority and such measures have been implemented.

Reason: to ensure that reptiles are properly protected.

17. Restoration of Land Used Temporarily for Construction

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.

Reason: to protect amenity and restore landscaping and habitats.

18. Code of Construction Practice

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 by the local planning authority. All works shall be undertaken in accordance with that Code, unless otherwise agreed by the local planning authority.

Reason: to protect residents and amenity during construction.

19. Noise Monitoring and Mitigation during Construction

No development shall commence until a scheme for noise monitoring and attenuation during construction has been submitted to and approved 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.

Reason: to ensure that construction noise is adequately mitigated.

20. Noise Monitoring and Mitigation during Operation

Before the permanent works on the Felixstowe Branch Line are brought into use, improvements to the existing track shall be completed by making good or replacing rail joints at Trimley Station, Morston Hall and Levington Level Crossings unless the same shall already have been provided prior to commencement of the works.

Reason: to ensure that operational noise is adequately mitigated at nearby residential premises.

21. New footways at Levington Bridge and Thorpe Lane Crossing

Development shall not commence within the relevant stage until details of the design of footway improvements at Levington Bridge, which shall accord with Drawing No 218593-DPA-FEL-01355-0055.P4, and at Thorpe Lane Crossing, which shall accord with Drawing No 218593-DPA-FEL-00000-0056.P2, have been submitted to and approved by the local planning authority. Such works shall be completed before the permanent works are brought into use.

Reason: to improve pedestrian safety and amenity at these locations.

22. Environmental Mitigation Measures

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 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.

Reason: to ensure that mitigation of any additional environmental impacts arising from any deviation from the centre line or sections is properly assessed and provided.

23. Reeve Lodge Construction Worksite

The area of land shown coloured Green, adjacent to Reeve Lodge and Trimley High Road, on Drawing AP004 shall not be used by vehicles or plant or for the storage of materials or for any other construction purpose, unless and until the replacement worksite indicated at RWS on Drawing AP004 forming part of Inquiry Document APP/163, ceases to be available on or after 1 January 2011. The area of land coloured Green shall not be used as a construction worksite, for any of the above purposes, until a scheme setting out the activities and hours of use to be permitted and any necessary mitigation measures, has been submitted

to and approved by the local planning authority.

Reason: to protect residential amenity, particularly at Reeve Lodge.

C10/0544

24. Approvals

Where under any of these conditions, the approval of the local planning authority is required, all such approvals shall be given in writing.

Reason: to ensure that approvals are properly recorded.

25. Implementation

All works or matters which require approval under these conditions shall be carried out in accordance with that approval, unless otherwise approved by the local planning authority.

Reason: to ensure that these works or matters are implemented as approved.