

Brimmscombe Port Infrastructure – Updated Conditions Schedule – S.19/1502/FUL

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 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 all respects in strict accordance with the approved plans listed below:

5159615-ATK-ZZ-BP-DR-C-0101-P03 Infrastructure – Site location plan - 10 Feb 2021

5159615-ATK-ZZ-BH-DR-C-0500-P01 Brimmscombe Hill – Drainage general arrangement

5159615-ATK-ZZ-BH-DR-C-0700-P01 Brimmscombe Hill – Proposed highway contours

5159615-ATK-ZZ-BP-DR-C-0100-P13 Infrastructure – General arrangement

5159615-ATK-ZZ-BP-DR-C-0102-P04 Infrastructure – General arrangement (Phase 2)

5159615-ATK-ZZ-BP-DR-C-0103-P08 Infrastructure – General arrangement (Phase 1)

5159615-ATK-ZZ-BP-DR-C-0150-P01 Infrastructure – Cross-section location plan

5159615-ATK-ZZ-BP-DR-C-0151-P01 Infrastructure – Proposed cross-sections 1-3 (Sheet 1 of 5)

5159615-ATK-ZZ-BP-DR-C-0152-P01 Infrastructure – Proposed cross-sections 4-6 (Sheet 2 of 5)

5159615-ATK-ZZ-BP-DR-C-0153-P02 Infrastructure – Proposed cross-sections 7-9 (Sheet 3 of 5)

5159615-ATK-ZZ-BP-DR-C-0154-P01 Infrastructure – Proposed cross-sections 10-14 (Sheet 4 of 5)

5159615-ATK-ZZ-BP-DR-C-0155-P01 Infrastructure – Proposed cross-sections A-C (Sheet 5 of 5)

5159615-ATK-ZZ-LR-DR-C-0100-P06 London Road – General arrangement

5159615-ATK-ZZ-LR-DR-C-0500-P02 London Road – Drainage general arrangement

5159615-ATK-ZZ-LR-DR-C-0700-P06 London Road – Proposed highway contours

5159615-ATK-ZZ-LR-DR-C-0701-P05 London Road – Proposed highway long-sections (Sheet 1 of 2)

5159615-ATK-ZZ-LR-DR-C-0702-P03 London Road – Proposed highway long-sections (Sheet 2 of 2)

5159615-ATK-ZZ-LR-DR-C-0703-P02 London Road – Proposed highway cross-sections (Sheet 1 of 2)

5159615-ATK-ZZ-LR-DR-C-0704-P02 London Road – Proposed highway cross-sections (Sheet 2 of 2)

Reason:

To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.

3. No above ground works shall commence on site until full details of a scheme of hard and soft landscaping have been submitted to and approved by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping areas including the crane loading area and boundary treatments (including the type and colour of materials), written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant size and proposed numbers/densities.

Reason:

In the interests of visual amenity, biodiversity and the character of the area in accordance with Policies CP8, CP14, ES10 and ES11 of the adopted Stroud District Local Plan, November 2015.

4. All hard and soft landscape and boundary treatment works shall be completed in full accordance with the approved scheme, within the first planting season following the first occupation of the development hereby approved, or in accordance with a programme submitted to and approved by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of visual amenity, biodiversity and the character of the area in accordance with Policies CP8, CP14, ES10 and ES11 of the adopted Stroud District Local Plan, November 2015.

5. No development including demolition shall take place until a detailed phasing plan has been submitted to and approved by the Local Planning Authority. The phasing plan shall include a timetable and sequence of the works proposed and include the demolition and construction phases of the proposed development and details of the surfacewater drainage. The approved scheme shall then be implemented in accordance with the approved phasing plan.

Reason:

To retain control of the development and require a timely provision of the public benefits of the scheme, including the reinstatement of the canal and de-culverting of the River, which require the demolition of a curtilage building and were given significant weight. In accordance with Policies CP14, ES10 and ES11 of the adopted Stroud District Local Plan, November 2015 and paragraph 195-6 of the National Planning Policy Framework.

6. All works shall be carried out in full accordance with the recommendations contained in the report entitled Bat, GCN & CEMP, by Wild Service, dated 2020, Addendum to the Preliminary Ecological Appraisal – Fish, by Severn Rivers Ecology, dated 2020, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason:

To protect functionally linked habitats associated with the Severn Estuary SAC and Ramsar site and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). The condition further protects and enhances the sites biodiversity in accordance with paragraph 175 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the

Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

7. Prior to commencement (excluding demolition above slab level) an ecological design strategy (EDS) shall be submitted to and approved by the Local Planning Authority. This shall address mitigation and enhancement and include the following:
 - a) Full details of habitat creation/ enhancement features
 - b) Details of planting, such riparian planting, wildflower planting and establishment.
 - c) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - e) Details for the erection of bird/bat boxes.
 - f) Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason:

To protect and enhance the sites biodiversity in accordance with Policy ES6 of the Stroud District Local Plan 2015 and paragraph 175 of the NPPF. This is required prior to the commencement to ensure Biodiversity Net gains are achieved.

8. Prior to commencement (excluding demolition above slab level) a landscape and ecological management plan (LEMP) shall be submitted to and approved by the Local Planning Authority. The content of the LEMP shall include the following:
 - a) Description and evaluation of the features to be managed.
 - b) Aims and objectives of management
 - c) Appropriate management options for achieving aims and objectives
 - d) Prescription for management actions
 - e) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 20 year period)
 - f) Details of body or organisation responsible for implementation of the plan.Ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason:

To protect and enhance the sites biodiversity in accordance with Policy ES6 of the Stroud District Local Plan 2015 and paragraph 175 of the NPPF. This is required prior to the commencement to ensure Biodiversity Net gains are achieved and that long term management ensures success of implemented biodiversity enhancement features.

9. The development (excluding above slab level demolition) hereby permitted shall not begin until a scheme to deal with ground contamination, controlled waters and/or ground gas has been submitted to and approved by the Local Planning Authority.

The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined. No deviation shall be made from this scheme without prior written approval from the Local Planning Authority. No part of the development hereby permitted shall be occupied until:
2. Any previously unidentified contamination encountered during the works has been fully assessed and an appropriate remediation scheme submitted to and approved the Local Planning Authority.
3. A verification report detailing the remediation works undertaken and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology has been submitted to, and approved by, the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason:

To protect the health of future users of the site from any possible effects of contaminated land in accordance with the guidance within the NPPF, in particular, Section 15, paragraph 178.

10. No development shall take place in each phase of development, as outlined by the details approved under condition 5, until a Construction Method Statement and a Construction Traffic Management Plan for that phase has been submitted to and approved by the Local Planning Authority. The Method Statement and Management Plan shall be shall provide for: -
 - i. The parking of vehicles of site operatives and visitors;
 - ii. The unloading and loading of materials;
 - iii. The storage of plant and materials used in constructing the development;
 - iv. Wheel washing facilities to be utilised by vehicles leaving the Site;
 - v. Measures to control the emission of dust and dirt during construction;
 - vi. A scheme for recycling/disposing of waste resulting from construction works;
 - vii. Details of the Site access, routeing strategy and signage during the construction period;
 - viii. External construction works and external operation of plant and equipment;
 - ix. Working hours.

The approved Statement and Construction Traffic Management Plan shall be strictly adhered to throughout the relevant phase of the construction period.

Reason:

To reduce the potential impact on the public highway, accommodate the efficient delivery of goods and supplies and protect the amenities of local residents in accordance with Policies CP13, EI11, ES1, ES3 and ES6 of the adopted Stroud District Local Plan, November 2015 and Paragraphs 102, 108 and 110 of the National Planning Policy Framework.

11. Prior to the demolition of each unit hereby approved to be demolished, a full Asbestos Survey of that unit shall be required to be undertaken. No demolition works on each unit shall commence unless and until a scheme detailing methods, controls and management procedures relating to the removal and disposal of any identified Asbestos Containing Materials for that unit have been submitted and approved by the Local Planning Authority. The development shall then take place in accordance with the approved details.

Reason:

Details are required to be submitted prior to commencement of development to ensure that the risks from asbestos to the local environment, future users of the land and neighbouring land are minimised and that the development can be carried out safely in accordance with Policies CP14 and ES3 of the adopted Stroud District Local Plan, November 2015.

12. No development (excluding demolition above slab level) shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved by the Local Planning Authority.

Reason:

It is important to agree a programme of archaeological work in advance of the commencement of development so as to make provision for the investigation and recording of any archaeological remains that may be revealed or destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework.

13. Prior to their construction or installation on site, detailed drawings and material finishes of all retaining structures, walls, fencing, bollards and other safety fencing or similar structures shall be submitted to and approved by the Local Planning Authority. The development shall then take place in accordance with the approved details.

Reason:

In the interests of the visual amenity and character of the surrounding Conservation Area and setting of nearby Listed buildings and to ensure the satisfactory appearance of the development in accordance with Policies CP14, E111, ES3, ES7, ES10, ES11 and ES12 of the adopted Stroud District Local Plan, November 2015 and the provisions of the Revised National Planning Policy Framework.

14. Prior to their construction or installation on site, detailed drawings and material finishes of the proposed swing bridge and other canal related features shall be submitted to and approved by the Local Planning Authority. The development shall then take place in accordance with the approved details.

Reason:

In the interests of the visual amenity and character of the surrounding Conservation Area and setting of nearby Listed buildings and to ensure the satisfactory appearance of the development in accordance with Policies CP14, E111, ES3, ES7, ES10, ES11 and ES12 of the adopted Stroud District Local Plan, November 2015 and the provisions of the Revised National Planning Policy Framework.

15. Prior to their first use, detailed drawings of the proposed canal moorings/pontoons and any associated structures shall be submitted to and approved by the Local Planning Authority. The approved canal moorings/pontoons shall then be implemented in accordance with the approved details and retained available for use thereafter.

Reason:

To enable the Local Planning Authority to ensure the satisfactory appearance of the development and the provision canal facilities which was given positive weight within the planning balance of the scheme, in accordance with Policies CP4, CP14, ES3, ES7 and ES10 of the adopted Stroud District Local Plan, November 2015.

16. No development (excluding above slab level demolition) hereby approved shall take place until a timetable for the implementation of the surface water drainage scheme shown on the approved plans has been submitted to and approved by the Local Planning Authority. The approved drainage scheme shall then be implemented in accordance with the approved timetable.

Reason:

To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with Policies CP14 and ES4 of the adopted Stroud District Local Plan, November 2015.

17. No development excluding demolition approved by this planning permission shall take place until a strategy that includes details of the measures required and how they are to be undertaken to deal with the treatment and restoration of the river Frome, has been submitted to and approved by the Local Planning Authority. The strategy shall include a phasing element detailing in which phase(s) each part of the strategy will be carried out and shall include the following elements:

1. The River diversion and restoration
2. Modifications to the weir and sluices to improve habitat connectivity and quality
3. River corridor planting and landscaping

Thereafter the strategy shall be implemented in accordance with the phasing and details contained therein.

Reason:

To protect the water environment in accordance with Policies CP14, ES3 and ES4 of the adopted Stroud District Local Plan, November 2015.

18. Prior to the commencement of the construction of the roads, accesses and highway alterations hereby permitted engineering details of these works shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be constructed in accordance with those details.

Reason:

To preserve Highway safety in accordance with Policies CP13, CP14 and ES3 of the adopted Stroud District Local Plan, November 2015.

19. On the completion of the letterbox culvert, a survey will be undertaken in order to establish flow velocity levels. If the survey concludes that flow velocity is greater than 0.75cm/s remedial measures will be detailed and submitted to and approved by the Local Planning Authority. Further to this an aquatic ecological landscape plan will be submitted to and approved the Local Planning Authority. The Aquatic ecological

landscape and management plan will include features which will aim to enhance the new channels capabilities of supporting Ramsar and SAC species of migratory fish.

- a) Description and evaluation of the features to be managed.
- b) Aims and objectives of management
- c) Appropriate management options for achieving aims and objectives
- d) Prescription for management actions
- e) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 20 year period)
- f) Details of body or organisation responsible for implementation of the plan.
- g) Ongoing monitoring and remedial measures.

The aquatic ecological landscape and management plan shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason:

To ensure that protected habitats and their qualifying species, the Severn Estuary SAC and Ramsar designations are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the National Planning Policy Framework (in particular section 11), and Policy ES6 of the Stroud District Local Plan 2015.

20. Prior to the installation of any external lighting for the development hereby approved, including during the construction phase, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:
- a) identify the areas/features on site (and adjacent) that are particularly sensitive for foraging bats;
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.
- All external lighting shall then be installed only in accordance with the specifications and locations set out in the strategy.

Reason:

To maintain dark corridors for nocturnal wildlife in accordance with Policy ES6 of the adopted Stroud District Local Plan, November 2015.