

<u>Application Number</u>	WND/2022/0393
Location Description	LAND TO NORTH & SOUTH OF STATION ROAD & WEST OF BRAMPTON VALLEY WAY, BRIXWORTH, NORTHAMPTONSHIRE
Site Details	ENGINEERING WORKS TO CREATE A NATURAL FLOOD MANAGEMENT SCHEME, INCLUDING REPROFILING OF RIVERBANKS, CREATING SCRAPES, PONDS AND A BUND, 0.4M IN HEIGHT, DEPOSITING MATERIALS ON FIELDS, 100M IN DEPTH

Applicant **ALASTAIR MACDONALD-BUCHANAN, THE COTTESBROOKE ESTATE COMPANY**

Agent **IAIN ARMSTRONG, JBA CONSULTING**

Case Officer **JONATHAN DOE**

Ward **MOULTON WARD
BRIXWORTH WARD**

Reason for Referral **MAJOR APPLICATION**

Committee Date **7 SEPTEMBER 2022**

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal is for engineering work to create a natural flood management scheme.

Historic mapping indicates that the stretch of river to which the application relates has been straightened, possibly when a former railway line was constructed. The proposal is essentially to re-create the natural form of the river and its associated natural features. The scheme would reduce the speed of the flow of water following heavy rain, the scheme is likely to reduce in-channel velocities. The increased sinuosity of the channel would reduce stream power and channel incision associated with historic straightening.

The proposal has come about in relation to Natural England's Countryside Stewardship Scheme.

Consultations

The following consultees have raised **objections** to the application:
Parish Council

The following consultees have raised **no objections** to the application:
Natural England, Archaeology, Landscaping Officer, Ecology, Rights of Way,
Environmental Health

The following consultees are in **support** of the application:
Environment Agency

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:
Principle of Development
Biodiversity
Impact on Character of Area
Impact on Amenity
Heritage Assets

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

APPLICATION SITE AND LOCALITY

The site is in open countryside to the northwest of Brixworth and to the east of Creton. The proposal relates to a length of the Brampton Branch of the River Nene. The site comprises land mainly in the parish of Creton though also partly within the parish of Brixworth.

The application site is defined as two parcels of land which are essentially agricultural land, arable and permanent pasture. Part of a branch of the River Nene passes through the northern parcel of land and the river forms the eastern boundary to the southern parcel of land. A length of Station Road divides the northern parcel of land from the southern parcel of land.

The northern part of the site is an area of open pasture/arable land with a small wooded area and has an area of some 20.5 hectares. The south part of the site is open pasture/arable land bounded by hedgerows and woodland. The southern area of the site has an area of some 24 hectares.

A public footpath, the Brampton Valley Way, runs to the east of the site, adjoining the eastern boundary at the northern parcel of land. The footpath is on raised land, a former railway line.

The site has an area of 44.5 hectares. It should be noted however that this area includes land over which spoil would be deposited to a very shallow additional level; the site is essentially the banks and land behind the banks of a stretch of river some 1.8km in length.

CONSTRAINTS

The application site is outside of any village confines.

Part of the application site is within a Special Landscape Area as defined in the Local Plan.

The site is in Flood Zone 3.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposal is for engineering work to create a natural flood management scheme.

The banks of the river would be re-profiled such that, rather than having a shallow embankment next to the course of the water to contain the river, an embankment would be cut into to create a shelf of a relatively low lying area of land next to the course of the water. Behind these areas of cutting into the existing ground level, along the western side of the river, ponds would be dug.

In places the former course of the river still visible as standing water or elongated dips in the ground, paleochannels, would be re-instated such there would no longer be a single, relatively straight course of the river but additional ribbons of flowing water following heavy rain and higher flow rates.

Excavated materials would be spread over fields, to the south of Station Road, to a depth of 100mm. This would avoid any need to dispose of material off-site.

Wooden features would be installed along the existing watercourse to encourage the deposition of gravel for an increased range of habitat areas. The plans show 25 of these wooden features. The wooden features would

appear as and serve the purpose of a tree trunk or other sizeable log having been naturally fallen into the river and then stuck into the bank of the river.

The purpose of the proposal is to improve flood water storage, water quality and biodiversity. The original channels would be reinstated along this part of the course of the river and river banks would be re-profiled. In sections of wide channel an inset floodplain would be constructed for ecological benefits by reducing the flow rate under heavy rain fall events.

The works also involve the creation of a bund, scrapes, and refuge islands for heavy rainfall events within the fields forming the site. The works would improve the connectivity between this stretch of the river and its floodplain, making some flooding along the river more likely such that more serious flooding further downstream would be less likely.

RELEVANT PLANNING HISTORY

Application Ref.	Proposal	Decision
P/22/022	Pre-application Enquiry and Formal Screening Opinion Request	Not applicable.

RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Daventry Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

The relevant polices of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S10 – Sustainable Development Principles
- BN1 – Green Infrastructure Connections
- BN2 – Biodiversity

- BN5 – The Historic Environment and Landscape
- BN7 – Flood Risk
- BN8 – The River Nene Strategic River Corridor
- BN9 – Planning for Pollution Control

Daventry District Local Plan (Part 2) (LPP2)

The relevant policies of the LPP2 are:

- SP1 – Daventry District Spatial Strategy
- RA6 – Open Countryside
- ENV1 – Landscape
- ENV2 – Special Landscape Areas
- ENV4 – Green Infrastructure
- ENV5 – Biodiversity
- ENV7 – Historic Environment
- ENV11 – Local Flood Risk Management

Brixworth Neighbourhood Plan (NHP)

The relevant policies of the (NHP) are:

- Policy 2 - Development in the Open Countryside
- Policy 9 – Heritage Assets

Material Considerations

Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG) – Natural environment
- Supplementary Planning Document – Biodiversity

RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report.

Consultee Name	Position	Comment
Brixworth Parish Council	Object	It was resolved to object to this application as the need for it isn't justified, the risks can't be clearly defined, there is no definite improvement, there are issues with the bat survey and the works may negatively impact wildlife.
Creaton Parish Council	No response	
Cottesbrooke Parish Council	No response	

Spratton Parish Council	No response	
Local Lead Local Flood Authority	No response	
Environment Agency	Support	We have been heavily involved in the planning of this development and very much support it. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included: The development shall be carried out in accordance with the submitted flood risk assessment prepared by JBA Consulting, dated April 2022 for Cottesbrooke Estate NFM Construction and the following mitigation measures 1. Works to not increase flood risk to the area 2. Any excavated material to be removed from the floodplain. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. A Flood risk activity permit will be required.
Natural England	No objection	Natural England has no specific comments to make on this proposal or issue. Please refer to our general advice.
Landscape	No objection	Generally in support of the proposals, only concerns are the loss of riverside vegetation through the regrading of the banks as well as the design of the numerous pools as part of the flood management.
Archaeology	No objection	The site is known to contain sub-surface archaeological remains identified as cropmarks. There are two main clusters of these remains; one in the southern most field and one in the northernmost field. A field of surviving

		Ridge and Furrow cultivation earthworks is also recorded immediately north of Station Road. I recommend a condition is placed on the application worded as follows: 'The consented development shall take place in accordance with a programme of archaeological works as detailed in the approved written scheme of investigation. Any variation in the scope or timing of the approved works must be referred back to the Planning Authority for authorisation in advance of any further action being taken.'
Ecology	No objection	The ecological survey reports have been reviewed with no major constraints to the proposal envisaged. The extensive biodiversity enhancements are particularly welcomed.
Rights of Way	No objection	I have rectified the plan into our system and can see that the nearest edge of the body of water is approximately 8m away. The footpath is 4ft wide.
Ramblers	No response	
Environmental Health WNC	No objection	The primary consultee for this application should be the Environment Agency with regard to flood issues and releases to controlled waters. The site appears to show historical agricultural and sewage treatment use. Therefore, it is reasonable to recommend the full contaminated land condition.

RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

No letters were received in response to the site notices or neighbour notifications.

APPRAISAL

Principle of Development

The NPPF, at section 14, is concerned with meeting the challenge of climate change, flooding and coastal change. Paragraph 152 of the NPPF refers to how the planning system should help minimise vulnerability and improve resilience (to a changing climate). Paragraph 161 refers, at c), to how opportunities provided by improvements in green and other infrastructure to reduce the causes and impacts of flooding should be used. At this part of the NPPF it is specifically stated, in a parenthesis, 'making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management'.

Although not directly relevant, it is considered noteworthy that paragraph 167 of the NPPF says that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. The proposal would decrease flood risk elsewhere, by allowing limited flooding adjacent the river and slowing the speed of river flow following heavy rain.

Policy SA of part 1 of the Local Plan reiterates the NPPF at paragraph 11 in stating that decisions should apply a presumption in favour of sustainable development which, for decision making, means approving developments that accord with an up-to-date development plan without delay, unless material considerations would indicate otherwise. In this case the proposed development is considered to accord with the up-to-date development plan as set out in this report.

Policy S10 of part 1 of the Local Plan states, at h), that development should promote sustainable drainage. Policy S10 therefore supports the proposal. Policy BN7 of part 1 of the Local Plan is concerned with flood risk. Policy ENV11 of part 2 of the Local Plan is concerned with local flood risk management and supplements Policy BN7. Policy BN7 would normally address a situation whereby it would be necessary to evaluate the risk of flooding to development, for example to a proposed housing development. In the case of the application the subject of this report, the proposal is aimed to reduce the risk of flooding downstream (by encouraging predictable, localised flooding within the site after heavy rain fall). In the case of the proposal the subject of this report Policy BN8 is not directly relevant. However, the text of the policy taken in the round supports the proposal. The text of the policy refers to compliance with a Flood Risk Assessment. A Flood Risk Assessment forms part of the application documentation.

Policy SP1 of part 2 of the Local Plan generally seeks to protect the open countryside and ensure a sustainable pattern of development by spatial principles to encourage development within existing settlements.

Policy RA6 of part 2 of the Local Plan states that the intrinsic character, beauty and tranquillity of the open countryside will be recognised. The site is in a rural area though its siting is dictated by the nature of the proposal. Accordingly the proposal is considered acceptable with regard to Policies SP1 and RA6 of part 2 of the Local Plan and with regard to Policy 2 of the Brixworth Neighbourhood Plan. It is considered that the proposal would not adversely affect the tranquillity, character or beauty of the countryside. Figure 6 of the Local Plan part 1 indicates a Green Infrastructure Network. The locality of the site can be seen to be part of a Sub Regional Corridor, The Brampton Arm (Northampton-Market Harborough). Policy BN8 is concerned with the River Nene Strategic Corridor. Policy BN8 states that the natural and cultural environment of the Nene corridor through the plan area, including its tributaries, will be enhanced and protected in recognition of its important contribution to the area's green infrastructure network, landscape, townscapes, regeneration, recreation and historic environment. Supporting text to the Policy, at paragraph 10.59, refers to how the Nene offers opportunities to restore, enhance and create wetland landscapes and other natural habitats. Paragraph 10.61 relates to the river east of Northampton (the application site is to the north of Northampton) but refers to flood risk management requirements and provision of ways to adapt to climate change. It is considered that taken in the round, the thrust of Policy BN8 generally supports the proposal.

Policy BN9 is generally concerned with development likely to cause pollution or result in development exposed to pollution and is therefore not directly relevant to the proposal. However, the text of the policy refers to a need to demonstrate provision of opportunities to where possible reduce pollution. Improving surface water quality is referred to at b) of Policy BN9. The Planning, Design and Access Statement forming part of the application documentation concludes (page 8) that improved water quality would result. Therefore Policy BN9 can be said to give some support to the proposal. In conclusion with regard to the principle of development, the proposal is supported by policy albeit that, due to the exceptional nature of the proposal, no specific policy relates to this proposal.

Biodiversity

Paragraph 180, at d), of the NPPF states that development whose primary objective is to conserve or enhance biodiversity should be supported. The objectives of the proposal are to both improve flooding resilience at a broad scale and to also enhance biodiversity. Therefore, whilst it cannot be said that the primary objective of the proposal is solely to enhance biodiversity, it is considered that this part of the NPPF broadly supports the proposal.

Policy BN1 of the Local Plan (Part 1) states that measures to enhance existing and provide new green infrastructure will meet a number of criteria.

Policy BN2 of the Local Plan (Part 1) states development that has the potential to harm sites of ecological importance will be subject to an ecological assessment. Development management decisions will reflect the hierarchy of biodiversity designations.

Policy ENV4 of the Local Plan (Part 2) states that the Council will protect, enhance and restore green infrastructure assets in order to create a comprehensive network that contributes to the full range of ecosystem services including quality of life, biodiversity and climate change mitigation by a number of measures. These measures include (i) working with partners to plan for green infrastructure at a landscape scale and (iv) supporting proposals that would reconnect green infrastructure linkages.

Policy ENV5 of the Local Plan (Part 2) is concerned with biodiversity and states that the Council will support proposals that enhance designated and undesignated sites of importance for biodiversity and contribute towards a resilient ecological network.

The site has no statutory biodiversity designation. The proposal would result in the loss of improved grassland and arable habitats but these would be replaced with wetland, scrape and pond habitats. An Ecological Impact Assessment forms part of the application documentation.

The WNC Ecologist has commented that the extensive biodiversity enhancements are particularly welcomed and Natural England has no specific comments to make.

The proposal would on balance create an enhancement to biodiversity and is considered acceptable with regard to ecology policy matters.

Impact on Landscaping and Character of Area

The NPPF states, at paragraph 174, that planning decisions should contribute to and enhance local environment by protecting and enhancing valued landscapes (in a manner commensurate with identified quality in the development plan). This paragraph also refers to recognising the intrinsic character and beauty of the countryside.

Policy ENV1 of the LPP2 seeks to protect the landscape. Proposals are supported that maintain the distinctive character and quality of the District's landscape and incorporate mitigation measures to integrate development into its surroundings and enhance or restore the local landscape.

Policy ENV2 states, at A, that the Council will protect the special qualities of the District's areas of high quality landscape which are designated as Special Landscape Areas. The text of the Policy ENV2 continues, at B, to state that

the Council will consider the impact of proposals on the special qualities of the Special Landscape Areas, including cumulative impacts, and will resist proposals that would have a harmful effect on their special qualities that cannot be successfully mitigated.

Given the text of Policy ENV2 it is important to define what the special qualities of the site and its Special Landscape Area setting are. Two documents are considered of relevance to address this point; the Daventry Landscape Character Assessment and the Daventry Landscape Study.

The Daventry Landscape Character Assessment is a decision-making tool which systematically classifies the landscape into distinctive areas based on the interaction between landform, geology, land use, vegetation pattern and human influence. Its role is to ensure that future changes do not undermine the intrinsic character or features of value within a landscape.

The Daventry Landscape Character Assessment refers to landscape character types which in turn are divided into landscape character areas. The site is within landscape character area, 13d Cottesbrooke and Arthingworth (page 18 at [Environment - Daventry Landscape Study - Part A Landscape Character Appraisal section 2.pdf](#) refers). The study provides a guideline to conserve and enhance the cohesive and recognisable unity of character across the Undulating Hills and Valleys and ensure that the integrity of this quintessential rural agricultural landscape is not diminished through inappropriate development that results in loss of the characteristic combination of fields, hedgerows, trees and woodlands.

The Daventry Landscape Study 2017 formed part of the evidence for Part 2 of the development plan (paragraph 9.0.04 of the Local Plan Part 2 refers). A list of the evidence base for the Local Plan Part 2 is available at [Daventry District Council - Evidence Base \(daventrydc.gov.uk\)](#) More specifically, the Special Landscape Area Study Daventry District (at [Environment - Daventry Landscape Study - Part B Special Landscape Area Study \(1\).pdf](#)) refers, at paragraph 4.17, to the Special Landscape Area having characteristics which include the following:

- Along some sections of the peripheral ridge around the SLA the undulating profile is emphasised by hedgerows and trees in addition to copses that help to emphasise landform and create a patchwork effect that adds texture and interest to the landscape. This is particularly notable around Creaton, Guilsborough, Holdenby, Great Brington, Little Brington;
- A mix of arable and pastoral land bound by generally intact and well maintained hedgerows and frequent hedgerow trees. Hedgerows are an important feature of the landscape contributing to enclosure within valleys and lower slopes and adding interest and diversity to views from higher ground;
- Rural character to the landscape reinforced by the narrow winding rural lanes connecting villages. These are often bordered by intact tall hedgerows and frequent hedgerow trees.

The landscape character assessment undertaken as part of the preparation of the Neighbourhood Plan identified the area to the north, west and south of the village of Brixworth as highly sensitive to change. This study also noted the 'expansive, sometimes breathtaking views' across this area.

The Landscaping Officer has commented to the effect of general support for the proposal, the only concerns being loss of riverside vegetation through the regrading of the banks as well as the design of the numerous pools as part of the flood management.

The comment of the Landscaping Officer continues as follows:

'Much of the bank regrading is understandably on the inside of the river meanders to allow for clear run off when the level is high. This requires the removal of general bank vegetation including Willow and Hawthorn in particular as well as other intermittent established shrubs and trees. I understand the reasoning and the retention of said trees and shrubs would not only prevent physical regrading but during future floods the vegetation can catch material washed down and create more issues. That said there is one narrow area toward the northern end of the scheme that is outside the ownership redline which will result in the retention of not only riverside vegetation but a hedge to the north and south of the field which will be likely to create a bottleneck during times of flood but that is outside the remit of this proposal.

Within the extent of the application whilst as previously noted I appreciate the reasoning for the level of river bank vegetation removal it will significantly alter the appearance of the river channel, will remove wildlife habitats and result in a significant net loss in vegetation with given the reasoning for the works little opportunity for replanting in the immediate area. I am relieved that the old river channels now ponds are to remain unaltered given the habitats they provide and where necessary paleo channel reinstatement will be carried out. Also the stand of Poplar are shown for retention and I am aware that new wetland and riparian habitat to benefit biodiversity. Is there an opportunity to undertake native tree planting in the vicinity beyond the created flood pastures on land owned by Cottesbrooke. This could take the form of a condition for offsite native planting of benefit in terms of habitat variety through hedgerow tree planting, reestablishment of declining historic hedgerows, copse planting etc.. This would positively allow the proposed flood prevention measures and associated new wetland and riparian habitat to benefit biodiversity while addressing the loss of river channel trees and shrubs with replanting elsewhere but locally. In addition the inclusion of vegetation in the vicinity of the scrapes and ponds would possibly aid wildlife.

Ultimately I do not object to the proposals just wish consideration to be given to the loss of riverside trees with potential offsite native tree planting as described above and possibility to potentially consider selective limited tree

planting in the vicinity of the flood attenuation features toward the southern end of the scheme.'

In the absence of any formal objection from the Landscaping Officer, the proposal is considered acceptable with regard to its affect to the landscape and accordingly the proposal is acceptable with regard to Policies ENV1 and ENV2.

Impact on Amenity

The nearest residential properties are a pair of semi-detached houses, associated with a commercial use as kennels, to the northwest of the southern parcel of the site and residential properties to the east of an embankment to a former railway. Residential properties in the locality are a sufficient distance from the proposal such that there would be no material adverse effect to residential amenity.

Heritage Assets

Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Policy BN5 of the Local Plan part 1 states that designated and non-designated heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance.

Policy ENV7 of the Local Plan part 2 states that proposals affecting the historic environment must demonstrate a clear understanding of any potential impact on the significance of heritage assets and their setting; any description of significance and the contribution of setting should be proportionate to the asset's importance.

Policy 9 of the Brixworth Neighbourhood Plan is concerned with heritage assets including those below ground. Part of the text of Policy 9 states that proposals that sensitively promote and interpret heritage assets will be supported.

The site and its near surroundings have no heritage asset above ground. Specialist archaeological advice states that the site is known to contain sub-surface archaeological remains identified as cropmarks. Specialist archaeological advice is that more information should be submitted. However, given that any burying of archaeological remains would only be to a depth of 10cm it is considered that no objection can be raised in principle to the proposal on the basis of archaeology. The specialist archaeological advisor

recommends a condition to any approval that there be a programme of archaeological works.

At 6.5 of the of the Planning, Design and Access Statement (page 12) which forms part of the application documentation it is stated that a Written Scheme of Investigation (WSI) will be submitted to the Council and approved prior to works commencing.

Subject to such a condition, the proposal is acceptable with regard to Policy BN5, Policy ENV7 and Policy 9.

Procedural matter

A pre-application enquiry, P/22/022, included a request for a screening opinion in relation to the Environmental Impact Assessment procedure. An informal opinion was expressed by email that the proposal was unlikely to be EIA development. Nevertheless the application has been reviewed with regard to EIA.

The proposal has been considered in the light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Schedule 2 of the Regulations defines, in Category 10 (h), 'Inland-waterway construction not included in Schedule 1, canalisation and flood-relief works;' where the area of the works exceeds 1 hectare. The proposal would meet this definition.

Having considered Schedule 3 of the regulations, it is concluded that, although the development would be Schedule 2 development by virtue of its size, the proposed works essentially relate to localised areas of works.

Regard has been given to the selection criteria in Schedule 3. The size and design of the proposed works would be of an extremely localised scale with no production of waste, pollution or nuisances or risk to human health.

In terms of the regulations, the site is not in a particularly sensitive area and the works would be compatible with the existing land use. The site is not located in a densely populated area.

The types and characteristics of the potential impact are likely to be extremely slight. The largest impacts are likely to come from the initial construction phase and would be very short term. The proposed works would not have any complex or cumulative impacts.

Overall, the design of the scheme would be of a high standard to minimise any visual and landscape impacts. Any potential impact to biodiversity at a detailed level could be addressed by condition. Overall the proposed development would bring long-term biodiversity enhancement.

The proposal has thereby been screened as part of an Environmental Impact Assessment and it has been found that planning permission could be granted with regard to Regulation 3 of the Regulations. Accordingly no Environmental Impact Assessment was required.

FINANCIAL CONSIDERATIONS

The nature of the proposal, with no floorspace to be created, is such that it would not trigger liability for CIL.

PLANNING BALANCE AND CONCLUSION

This proposal would enable many environmental benefits to be realised, including natural flood management, improved water quality and biodiversity enhancements. The proposal accords with the relevant policies within the development plan. The proposal is acceptable visually and does not harm the character or tranquillity of the countryside and there are no residential properties in close proximity to the site. In accordance with JCS policy SA and paragraph 11 of the NPPF planning permission should be granted without delay.

RECOMMENDATION / CONDITIONS AND REASONS

The proposed development is recommended for approval subject to conditions.

CONDITIONS

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development shall be carried out strictly in accordance with the drawings FNS-JBAU-00-00-DR-Z-0005 Revision P01, FNS-JBAU-00-00-DR-Z-0004 Revision P04, and FNS-JBAU-00-00-DR-Z-0003 Revision P03 received 29/04/2022.**
- 3. No spoil or excavated material shall be removed off-site.**
- 4. No development shall take place 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 by the applicant and approved in writing by the Local Planning Authority.**
- 5. The development shall be carried out in accordance with the submitted flood risk assessment prepared by JBA Consulting, dated April 2022 for Cottesbrooke Estate NFM Construction and the following mitigation measures 1. Works to not increase flood risk to the area 2. Any excavated material to be removed from the floodplain. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained**

thereafter throughout the lifetime of the development. A Flood risk activity permit will be required.

REASONS

- 1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).**
- 2. To clarify the terms of this planning permission, to ensure that the development is carried out in accordance with the submitted details and to allow the Local Planning Authority to consider the effect of any changes.**
- 3. For the avoidance of doubt as to the scope of the permission hereby granted and in the interest of the avoidance of disturbance by vehicles taking any spoil off the site.**
- 4. To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF paragraph 199.**
- 5. In the interest of flood risk management in accordance with Policy BN7 of the Local Plan Part 1, Policy ENV11 of the Local Plan Part 2 and the provisions of the NPPF.**

NOTES

- 1. As required by Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015 (as Amended) the following statement applies:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner with a view to seeking solutions to problems arising in relation to the consideration of this planning application.