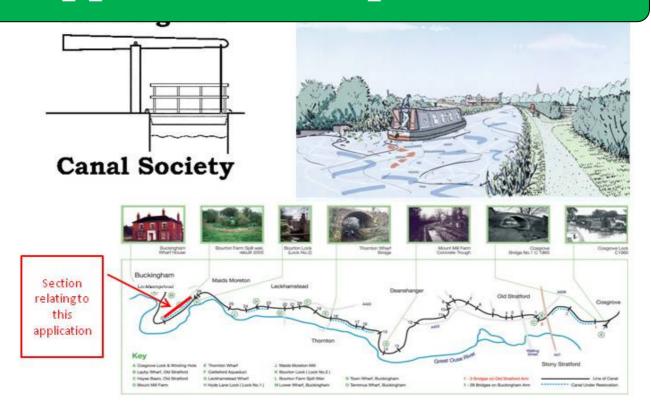
Application

to AVDC for full planning permission to rewater the Bourton Meadow section of the canal at Buckingham.



Approved 20th April 2012



AYLESBURY VALE DISTRICT COUNCIL

Town and Country Planning Act 1990

12/00249/APP

Mr Terry Cavender
7 Buckingham Road
Akeley
BUCKINGHAM MK18 5HL

Mrs Athina Beckett
Buckingham Canal Society
c/o Mallard Drive
BUCKINGHAM MK18 1GJ

Subsequent to your application that was valid on the 25th February 2012 and in pursuance of their powers under the above mentioned Act and Orders, Aylesbury Vale District Council as Local Planning Authority HEREBY PERMIT:

Restoration of Buckingham Canal at Bourton Meadow

AT:

Grand Union Canal - Buckingham Arm Stratford Road Leckhampstead

Approved Drawing Numbers:

Subject to the following conditions and reasons:

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(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

No development shall take place until full details of both hard and soft landscape works and proposed earth bunds have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [trees to be retained showing their species, spread and maturity; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. The approved landscaping scheme shall be carried out not later than the first planting season following the completion of the development. Please also see note nos. 5 and 6 on the back of this notice.

Reason: In the interests of the visual amenities of the locality and to comply with policy GP35 of the Aylesbury Vale District Local Plan.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.



Reason: In the interests of the visual amenities of the locality and to comply with policy GP35 of the Aylesbury Vale District Local Plan.

The scheme for parking and manoeuvring shown on the submitted plan shall be laid out prior to the initial commencement of the development hereby permitted and that area shall thereafter be retained during the period of construction. Following the completion of the development hereby permitted the use of this land for parking purposes associated with the canal shall cease.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with the National Planning Policy Framework.

The justification for making this decision is:

The proposal is in accordance with policy GP35 of the Aylesbury Vale District Local Plan and to the National Planning Policy Framework guidance. There are no other material planning considerations of such weight to lead to a decision contrary to those policies.

Your attention is drawn to the notes on the back of this form.

For and on behalf of the District Council

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20th April 2012

1. APPEALS

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, you must do so within 6 months of the date of this Notice, using a form which you can get from the Planning Inspectorate, 3/15a Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. You can also lodge an appeal via the internet at www.planningportal.gov.uk/pcs

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

2. BUILDING REGULATIONS

This Approval under the Town and Country Planning Act **DOES NOT** operate as a consent under the provisions of the Building regulations. A further application may be required under this legislation. You are advised to seek advice from the Council's Building Control section on this matter, whose telephone number is 01296 585460.

3. PROTECTED SPECIES

Certain wild plants and animals are protected under UK and European legislation. Approval under that legislation is required if protected habitats or species are affected by development. If you discover protected species proceeding with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England. Further details are contained in our leaflet 'Biodiversity and the Planning process'.

4. SUSTAINABILITY

We support the principles of sustainable design and construction, including: carbon management (energy efficiency and micro generation) as a central theme in design, build and use; the re-use of materials in construction projects; the sustainable management of water through water conservation (rainwater harvesting and water reuse) and the use of sustainable drainage systems (SUDS). We have published a Sustainable Construction Advisory Guide to help those involved in new build gain a better understanding and encourage the use of sustainable construction techniques in new developments. We will also provide basic guidance for interested parties on request. Further information can be found at CIRIA's SUDS website www.ciria.org/suds/icop.htm and the Building Research Establishment website www.bre.co.uk

5. MATERIALS

Please note that we cannot accept samples of materials at our offices. You should contact the case officer to arrange approval of samples of materials.

6. DISCHARGE OF CONDITION(S)

A fee is payable for applications seeking confirmation that a) information submitted satisfies the requirements of a condition (including planning permission that has been granted on appeal) and b) a condition has been discharged.

The fee is £85, or £25 for householder applications. Any number of conditions can be included on a single request but, if separate applications are made for each condition, a fee is required for each: i.e. if 4 separate application are made to discharge 4 conditions, total fees payable will be £340 (4 x £85) or £100 (4 x £25).

You should submit a formal application using the standard 1APP form accompanied by the appropriate information, details or drawings. Applications can be made online via www.planningportal.gov.uk or you can download from our website.

Page 1 of 1



AN APPLICATION HAS BEEN MADE TO AYLESBURY VALE DISTRICT COUNCIL AS FOLLOWS:-

Restoration of Buckingham Canal at Bourton Meadow

AT: Grand Union Canal - Buckingham Arm Stratford Road Leckhampstead Buckinghamshire

REFERENCE NUMBER: 12/00249/APP

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Application forms, plans and other documents can be viewed online either at www.aylesburyvaledc.gov.uk or at our offices at 66 High Street, Aylesbury, Bucks, HP20 1SD. The customer service centre is open from 8:45 – 5:15 (4:45 on Fridays), except for Thursdays, when the centre will open 1 hour later at 9:45 to allow for staff training.

Anyone who wishes to make representations about the application should do so online or by writing to the above address. Any representations received will be placed on the application file, which is available for public inspection and also published on our website.

Please send any comments to us by:- 28th March 2012

You may also make representations on this application to your Local Town/Parish Council who have been consulted on the application.

The case officer dealing with the application is Mrs Claire Bayley

Notice posted on 7th March 2012

WA/2012/111670/01-L01

12/00249/APP

Date:

Our ref:

Your ref:

21 March 2012

Aylesbury Vale District Council
Development Control
66 High Street
Aylesbury
Buckinghamshire
HP20 1SD

Dear Mrs Bayley

RESTORATION OF BUCKINGHAM CANAL AT BOURTON MEADOW

GRAND UNION CANAL - BUCKINGHAM ARM, STRATFORD ROAD, BUCKS.

Thank you for consulting us on this matter. We received the application on 2 March 2012 and are now in a position to respond.

Environment Agency position

We have **no objection** to the proposed development.

Advice for LPA/applicant

Flood Risk

The application form states incorrectly that the application site does not fall within Flood Zones 2 or 3. Referring to the Environment Agency Flood Zone maps, the canal arm falls within Flood Zone 3. It remains the decision of the Local Planning Authority to determine whether a Flood Risk Assessment is required.

Whilst we have no objection in principle to the works, there is a need to consider how the works may impact upon flood flows from the river Great Ouse. It is noted that any excavated material is to be re-used on site, however any excess material should be moved off-site or placed outside the flood zone.

Because the canal is connected via a drain to the Great Ouse just to the east of the A413, an analysis of the effects of re-watering this section of canal on downstream areas, as well as any flow controls proposed, should be performed prior to works.

Works consent

The Arm is deemed an ordinary watercourse, therefore the applicant is reminded that certain works may require consent, under section 23 of the Land Drainage Act

Environment Agency
Red Kite House Howbery Park, Wallingford, Oxfordshire, OX10 8BD.
Customer services line: 03708 506 506
www.environment-agency.gov.uk
Cont/d..



1991. At present, such applications should be made to the Environment Agency. From 6th April 2012, applications should be made to the Lead Local Flood Authority – in this case Buckinghamshire County Council.

Abstraction licence

Under the terms of the Water Resources Act 1991, an abstraction licence will be required to transfer water from the River Great Ouse to initially fill and top up the disused canal arm. It is likely that a transfer licence can be applied for, this enables the transfer of water from one source to another without any intervening use.

It is advised that the applicant submits a pre-application to the Environment Agency to ascertain if a licence application is likely to be considered favourable and if any supporting information is needed to accompany a formal application.

It is the responsibility of the applicant to ensure that the development will not affect any water features (i.e. wells, boreholes, springs, streams or ponds) in the area, including licensed and unlicensed abstractions. There are no abstraction licences in the immediate vicinity of the disused canal but there is a public water supply licence a couple of kilometres downstream on the River Great Ouse. Any potential impact on this licence should be assessed. Certain private water supplies do not require a licence, therefore the Environment Agency is not necessarily aware of their existence. The locations of private domestic sources may be held by the local District Council on the register required by the Private Water Supplies Regulations 1992.

Yours sincerely

Mr Chris Roe Planning Liaison Officer

Direct dial 01491 828351
Direct e-mail planning-wallingford@environment-agency.gov.uk

cc Mr Terry Cavender

End 2

BUCKINGHAM AND RIVER OUZEL INTERNAL DRAINAGE BOARD

Your ref:

Our ref:

Date:

5 April 2012

Development Control Aylesbury Vale District Council 66 High Street Aylesbury Bucks HP20 1SD

For the attention of Claire Bayley

Cambridge House Cambridge Road Bedford MK42 0LH

Tel: Bedford (01234) 354396 Fax: Bedford (01234) 328196 Email: contact@idbs.org.uk Website: www.idbs.org.uk

> DEVELOPMENT CONTROL

1 0 APR 2012

Dear Sir/Madam

Application No: 12/00249/APP

Location: Buckingham Canal, A413 Buckingham Bypass, Near Bourton, Buckingham

Proposal: Restoration of part of the Buckingham Canal at Bourton Meadow near home Farm,

Bourton, Buckingham to provide a demonstration length of 385m of waterway.

Grid Reference: 470898233913

As this land is in the vicinity of 'main river', the Environment Agency must be consulted for any comments they may have.

Yours faithfully

Graham Lewis

Engineering technician

Clerk and Chief Executive : Mrs F. C. Bowler Director of Operations : Mr J. J. Oldfield IDB

AYLESBURY VALE DISTRICT COUNCIL

From: Engineering Manager To: Head of Planning

Application No: 12/00249/APP

For: Restoration of Buckingham Canal at Bourton Meadow

At: Grand Union Canal- Buckingham Arm Stratford Road, Leckhamstead Buckinghamshire.

I have no objection to the proposed restoration of the canal and note that the construction traffic is to use land at ATN Farms for parking of vehicles during the construction period. The access has adequate vision to serve the proposed use and I therefore have no objection subject to the following condition being included in any consent you may grant: -

HG32 RE53

Date: 07/03/12

Signed: David Fettes

pp Engineering Manager



Planning application response



Making Aylesbury Vale the best possible place to live and work

То:	West Area Team, Development Control						
From:	Green Spaces Team, Leisure Services						
Site:	Grand Union Canal (Buckingham Arm), Stratford Road, Buckingham						
Detail:	Restoration of Buckingham Canal at Bourton Meadow						
Application number:	12/00249/APP						
Date received:	28/03/2012						

Trees – Ian Hopcraft – 20.03.2012

An ash and an oak stand adjacent to the site but need not be harmed by the proposals. No objections.

Biodiversity – Mike Sharp – 27.03.2012

I have no further comment to make and please refer to my comments dated 7th February 2012.

Strategic - Richard Garnett - 27.03.2012

Considerable merit in the overall aspirations of this project for the district which will benefit local tourism opportunities and wildlife habitat. It will contribute to the strategic framework of Green Infrastructure as set out in the AVDC Green Infrastructure Strategy as well as priority areas as set out in the Buckinghamshire Green Infrastructure Strategy.



Planning application response



Making Aylesbury Vale the best possible place to live and work

То:	West Area Team, Development Control							
From:	Mike Sharp, Biodiversity Officer, Green Spaces Team, Leisure Services							
Site:	Grand Union Canal (Buckingham Arm), Stratford Road, Buckingham							
Detail:	Restoration of Buckingham Canal at Bourton Meadow							
Application number:	12/00249/APP							
Date received:	07/02/2012							

Biodiversity - Mike Sharp - 07/02/2012 Pre-registration

No Objection to registration: Amendments to ecological information required prior to determination.

The proposed restoration of this arm of the canal at Buckingham is likely to result in a net long-term enhancement for biodiversity in the area.

- I have no objection to the hedging species and grass seed mixes proposed (as previously discussed with Matt Dodds) and referred to in paragraphs 2.8.2.2, 2.8.3. 2 and 2.8.4.1 (although the coir rolls to be used in the canal will probably be colonised naturally with native vegetation of local provenance).
- Appendix D provides details of wildlife attracting plants. It is not clear whether this is a proposed planting list or not. However, the list contains many species of plant that are not native (or of local provenance) and not suitable for planting in this habitat. This list should be removed from the planning document to avoid confusion
- I am also happy with the Reasonable Avoidance Measures currently being implemented to avoid potential impacts on reptiles.
- The badger sett should be monitored as recommended in the extended Phase 1 Habitat Survey (Middlemarch Environmental Ltd, 2011) to ensure compliance with existing legislation.

Nesting birds

Informative Nesting Birds

There is a high probability that birds will nest on this site. The applicant should have regard to the Wildlife and Countryside Act 1981. The most effective way of avoiding breaches to this legislation is to conduct activities that might disturb nesting birds outside of the nesting period. The bird nesting season usually covers the period from mid-February to the end of August. However it is very dependent on the weather and certain species of birds may nest well outside this period. If carrying out works within the nesting season, the following protocol represents best practice for undertaking work in this period.

This information should be given to the applicant.

GUIDANCE NOTES FOR WORKS DURING THE BIRD NESTING SEASON

Relevant Legislation

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to:-

- * kill, injure or take a wild bird
- * take, damage or destroy the nest of any wild bird while that nest is in use or being built
- * take or destroy the egg of any wild bird
- * possess or control any live or dead wild bird or any part of, or anything derived from a wild bird, or an egg or any part of the same.

Under section 16 of the Wildlife and Countryside Act 1981, licences can be issued, which permit otherwise illegal activities to be carried out for a variety of purposes, including "preserving public health or public safety". Further information on licences is available from Natural England.

Potential Nesting Sites

The bird nesting season is defined as that time from which the birds start to construct their nests through to the young birds fledging and leaving the nest. It should be noted that some birds will produce two or even three broods in one nesting season. The bird nesting season usually covers the period from mid-February to the end of August, however it is very dependent on the weather and certain species of birds may nest well outside this period.

Birds nest in a variety of habitats. Many nest in trees – some in holes and crevices in the trunk, some high up in the outer canopy and some among vegetation growing up the tree, such as ivy. Birds may also be nesting in bramble, scrub, on the ground or in built structures. It is therefore vital to think of the whole area that may be affected by works. However not all trees, scrub, hedgerows or buildings will support nesting birds and it may be possible to carry out some works during the nesting season, if the appropriate precautions are taken.

If work is deemed to be necessary within the nesting season the following protocol should be followed. However if it is suspected that a Schedule 1 species may be present more detailed discussion with Natural England must take place.

Protocol for works in the nesting season

All tree/scrub/woodland work and the demolition of buildings and other structures (where nesting birds are affected) should be avoided during the bird nesting season if possible. Vegetation should be removed outside of the nesting period to deny birds the opportunity to nest and therefore cause delay in the future. Similarly buildings which support nesting birds should be demolished outside the nesting season or if it is possible block access points.

The bird nesting season is defined as that time from which the birds start to construct their nests through to the young birds fledging and leaving the nest. It should be noted that some birds will produce two or even three broods in one nesting season. The bird nesting season usually covers the period from mid-February to the end of August, however it is very dependent on the weather and certain species of birds may nest well outside this period.

If work is deemed to be necessary within the nesting season the following protocol should be followed. However if it is suspected that a Schedule 1 species may be present more detailed discussion with Natural England must take place.

- 1. The day before works are planned a careful observation of the proposed working area for the presence of nesting birds should be undertaken by a suitably qualified or experienced person. The observations should take place from a reasonable distance from the proposed working area, to avoid disturbance to any possible nesting birds and it may be necessary to observe the area from more than one vantage point.
- 2. It is probable that simple observation will not record any birds that are incubating eggs. It is therefore advisable to carry out a more detailed search, perhaps through gentle disturbance of the working area, which should cause any incubating birds to leave the nest and become visible; or through the use of angled mirrors to view possible hidden nesting sites.
- 3. If no signs of nesting birds are observed then works may continue the following day. However monitoring should continue during the working period.
- 4. A record of the observations and any results should be made and retained for reference. If at any time nesting birds are observed, works should cease and Natural England be informed.

For further information

Royal Society for the Protection of Birds <u>www.rspb.org.uk</u>

Department for Environment, Food and Rural Affairs www.defra.gov.uk

Natural England www.naturalengland.org.uk

Note 1: The designed width of the invert formation is 5.00m; the existing width of the invert formation is 3.00m. Therefore additional excavation of the sides is required to widen the invert formation

Vaypoint	nominal distance from datum	(a) towpath level reading	(b) invert level reading	(c) Existing depth to invert formation	(d) depth after 150mm topsoil strip (c+0.15)	(e) designed invert formation depth	(f) depth of additional excavation required (e-d)	spill weir level	spill weir level below towpath	nominal channel width at towpath height	designed depth to bottom at towpath edge	comment	topsoil strip volume	addiitional depth (f) excavation	offside excavation (see note 1)	towpath side excavation (see note 1)
1	0									8.40	0.90	datum is corner of fence at Lockmeadow Cottage				
2	10	1.56	2.35	0.79	0.94	1.80	0.86			8.40	0.90		16.35	29.24	4.32	13.49
3	20		3.25	1.69	1.84	1.80	(0.04)			8.40	0.90		16.35	(1.36)	4.32	13.49
4	30		3.20	1.64	1.79	1.80	0.01			8.40	0.90		16.35	0.34	4.32	13.49
5	40		3.10	1.54	1.69	1.80	0.11			8.40	0.90		16.35	3.74	4.32	13.49
6	50		3.10	1.54	1.69	1.80	0.11			8.40	0.90		16.35	3.74	4.32	13.49
7	60		3.30	1.74	1.89	1.80	(0.09)			8.40	0.90		16.35	(3.06)	4.32	13.49
8	70		3.15	1.59	1.74	1.80	0.06			8.40	0.90		16.35	2.04	4.32	13.49
9	80		3.25	1.69	1.84	1.80	(0.04)			8.40	0.90		16.35	(1.36)	4.32	13.49
10	90		3.21	1.65	1.80	1.80	0.00			8.40	0.90		16.35	0.00	4.32	13.49
11	100		3.21	1.65	1.80	1.80	0.00			8.40	0.90	assumed depth reading	16.35	0.00	4.32	13.49
12	110		3.15	1.59	1.74	1.80	0.06			8.40	0.90		16.35	2.04	4.32	13.49
13	120		3.02	1.46	1.61	1.80	0.19			8.40	0.90		16.35	6.46	4.32	13.49
14	130		2.88	1.32	1.47	1.80	0.33			8.40	0.90		16.35	11.22	4.32	13.49
15	140		2.85	1.29	1.44	1.80	0.36			8.40	0.90		16.35	12.24	4.32	13.49
16	150		2.85	1.29	1.44	1.80	0.36			8.40	0.90		16.35	12.24	4.32	13.49
17	160		2.86	1.30	1.45	1.80	0.35			8.40	0.90		16.35	11.90	4.32	13.49
18	170	ME	2.73	1.17	1.32	1.80	0.48			8.40	0.90		16.35	16.32	4.32	13.49
19	180		2.91	1.35	1.50	1.80	0.30			8.40	0.90		16.35	10.20	4.32	13.49
20	190		2.90	1.34	1.49	1.80	0.31			8.40	0.90		16.35	10.54	4.32	13.49
21	200		2.95	1.39	1.54	1.80	0.26			8.40	0.90		16.35	8.84	4.32	13.49
22	210		2.96	1.40	1.55	1.80	0.25			8.40	0.90		16.35	8.50	4.32	13.49
23	220		3.03	1.47	1.62	1.80	0.18			8.40	0.90		16.35	6.12	4.32	13.49
24	230		2.98	1.42	1.57	1.80	0.23			8.40	0.90		16.35	7.82	4.32	13.49
25	240	1.50	2.87	1.37	1.52	1.80	0.28	1.87	0.37	8.40	0.90		16.35	9.52	4.32	13.49
26	250		2.93	1.43	1.58	1.80	0.22			8.40	0.90		16.35	7.48	4.32	13.49
27	260		3.00	1.50	1.65	1.80	0.15			8.40	0.90		16.35	5.10	4.32	13.49
28	270		2.94	1.44	1.59	1.80	0.21			8.40	0.90		16.35	7.14	4.32	13.49
29	280		2.95	1.45	1.60	1.80	0.20			8.40	0.90		16.35	6.80	4.32	13.49
30	290		2.96	1.46	1.61	1.80	0.19			8.40	0.90		16.35	6.46	4.32	13.49
31	300		3.00	1.50	1.65	1.80	0.15			8.40	0.90		16.35	5.10	4.32	13.49
32	310		2.96	1.46	1.61	1.80	0.19			8.40	0.90		16.35	6.46	4.32	13.49
33	320		2.98	1.48	1.63	1.80	0.17			8.40	0.90		16.35	5.78	4.32	13.49
34	330		2.98	1.48	1.63	1.80	0.17			8.40	0.90		16.35	5.78	4.32	13.49
35	340		3.02	1.52	1.67	1.80	0.13			8.40	0.90		16.35	4.42	4.32	13.49
36	350		2.70	1.20	1.35	1.80	0.45			8.40	0.90		16.35	15.30	4.32	13.49
37	360		1.75	0.25	0.40	1.80	1.40			8.40	0.90		13.73	98.00		
38	370		1.50	0.00	0.15	1.80	1.65			8.40	0.90		13.73	115.50		
39	380		1.55	0.05	0.20	1.80	1.60			8.40	0.90		13.73	112.00		
	1 300		1.55	1.00									613.45	568.60	151.20	472.06