Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Mick George Limited
Second Drove
Meadow Lane
St Ives
Cambridgeshire
PE27 4YQ

Name and address of agent
As applicant

Part I - Particulars of application

Date of Application
22nd January 2009

NCC Application No: 09/00006/MIN
District Reference No: EN/09/00193/EXT

Particulars and location of development

The proposed variation of condition 40 of planning permission 07/00035/MIN to extend the end date to 30th September 2015 at Castle Manor Farm, Titchmarsh, Near Thrapston.

Part II - Particulars of decision:

The Northamptonshire County Council

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

Note: This consent supersedes, consolidates, and updates the previous planning permissions for the site which were granted, reference EN/01/23C, EN/03/733C, 07/00035/MIN (EN/07/01478/CRA) (except that the Traffic Routing Agreement under Section 106 of the Town and Country Planning Act 1990, dated 24th August 2001, between Mick George (Haulage) Ltd, Mr and Mrs D G T Linnell and Northamptonshire County Council in connection with Planning Permission EN/01/23C still applies).

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
COMMENCEMENT OF DEVELOPMENT

1. The development hereby permitted shall commence not later than 1st May 2010.

   Reason: To allow a reasonable period for commencement whist conforming to the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

SCOPE OF THE PERMISSION

2. The development hereby permitted is restricted to the application area identified on plan RF/02B Dated October 2007, submitted on 8th November 2007 in connection with Planning Permission 07/00035/WAS and the development shall be in accordance with the details on that plan unless otherwise agreed in writing by the Mineral Planning Authority (MPA).

3. The areas for waste disposal shall be confined to voids created by mineral extraction within the area identified as the limit of extraction on Plan RF/02A.

4. The minerals extracted under the terms of the permission shall be confined to sand and gravel and unless otherwise agreed in writing by the MPA the depth of extraction shall not exceed 10m below existing ground levels.

5. Mineral extraction shall be restricted to the limit of extraction identified on Plan RF/02A and the site shall be worked in strict accordance with this plan unless otherwise agreed in writing by the MPA.

6. No mineral extraction shall be worked within 100 metres of property boundaries.

   Reason for conditions 2 to 6: To safeguard the amenity of local residents, specify the area and to avoid doubt as to the scope of this planning permission and to specify the depth of working. MLP policy 28, 29 & 31.

ACCESS, HIGHWAY SAFETY AND TRAFFIC AMENITY

7. The development hereby permitted shall not commence until the access and associated road safety measures have been implemented in accordance with a scheme which has been submitted to and approved by the Mineral Planning Authority in writing. The scheme shall include:
   a. Removal of the metal frame located in, and causing obstruction to, the site entrance
   b. Details of the kerbing and hard surface materials to form the accommodation works to the vehicle access and including resurfacing works to the public highway amounting to an area of approximately 150m²

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c. Road markings to be refurbished on the site access road at the junction with the main carriageway of Titchmarsh Road.

The subsequent submitted details shall illustrate a carriageway which is to the local highway authority’s adoptable standard.

8. The vehicle access shall remain unobstructed, throughout its full width and depth to allow opposing drivers to pass without conflict throughout the duration of the life of the site.

9. No lorries or other heavy commercial vehicles based at or visiting the site shall travel along Huntingdon Road between the site access and Titchmarsh village, unless collecting waste from this village in accordance with the Agreement signed under Section 106 of the Town and Country Planning Act 1990 between Mick George (Haulage) Ltd, Mr and Mrs D G T Linnell and Northamptonshire County Council, dated 24th August 2001, in connection with Planning Permission EN/01/23C, copy attached to this permission.

10. The sole vehicular access for the development hereby permitted shall be by way of the access located as shown on plan RF/02B. This access shall be maintained to the satisfaction of the MPA.

11. The wheels of all vehicles leaving the site shall be cleansed of mud and other debris to the satisfaction of the MPA and by use of existing facilities to prevent mud being carried on to the highway.

12. All vehicles transporting materials in connection with this development shall be adequately sheeted unless carrying gravel or other inert material in excess of 500mm.

Reason for conditions 7 to 12: To ensure a satisfactory means of access to the highway, safeguard the interests of users of the public highway and highway safety, and to reflect the vehicle routing agreement established under previous permissions and section 106 of the Town and Country Planning Act 1990. MLP policy 18 & 31.

ARCHAEOLOGY

13. The development works shall comply with the archaeological evaluation of the area, and the "Evaluation Brief" prepared by Northamptonshire Heritage (dated 8 December 2000) and subsequent approval by the MPA, which established the extent and nature of archaeological remains that exist and agreed work methods associated with archaeological features on site (see informative 2).

Reason: To ensure that adequate archaeological investigations and recording is undertaken prior to the development taking place. MLP policy 24 & 31.

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DRAINAGE

14. The scheme for the provision and implementation of foul water drainage shall be shall be maintained to the satisfaction of the MPA and in accordance with MPA approved plans.

15. The surface water drainage scheme shall be in general accordance with the scheme submitted to the MPA 26 October 2001 and be maintained to the satisfaction of the MPA.

Reason for conditions 14 & 15: To ensure a satisfactory method of foul water drainage and prevent the increased risk of flooding. MLP policy 26, 27 & 31.

POLLUTION CONTROL

16. Any facilities, above ground, for storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

17. All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.

Reason for conditions 16 & 17: To minimise risk of watercourse and aquifer pollution and to prevent pollution of the water environment. MLP policy 31.

SOIL HANDLING

18. Before topsoils and subsoils are stripped on each phase, or part phase, a Scheme of Soil Movement shall be submitted to the MPA for their consideration. Such schemes shall:

- Be submitted at least 6 weeks prior to the expected commencement of soil stripping.
- Identify clearly the origin, intermediate and final locations of soils for use in the agricultural restoration, as defined by soil units, together with details balancing the quantities, depths, and areas involved.

19. Soil shall only be moved when in a dry and friable condition. The criteria for determining dry and friable shall be based on a field assessment of the soils

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wetness in relation to its lower plastic limit. An assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If a long thread of less than 3mm diameter can be formed, the soil is wetter than the lower plastic limit and soil moving should not take place until the soils have dried out. If the soil crumbles before a long thread of 3mm diameter can be formed, then the soil is dry enough to move. This assessment shall be carried out on representative samples on each major soil type.

Reason for conditions 18 & 19: To enable the reinstatement of insitu soils once landfilling has finished so as to return the land to its original agricultural characteristics and to minimise structural damage and compaction of the soil to aid final site restoration. MLP policy 31.

SOIL STRIPPING AND STORAGE

20. Bunds for the storage of agricultural soils shall conform to the following criteria:
   • Topsoil bunds shall not exceed 3 metres in height
   • Subsoil bunds shall not exceed 5 metres in height.
   
   Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site. MLP policy 31.

21. The topsoil mound 1 identified on plan RF/02B shall be constructed in accordance with Drg no RF/04A dated February 2001 (received by this Authority on 12 March 2001).

   Reason for conditions 20 & 21: To safeguard the amenity of local residents. MLP policy 28 & 31.

HOURS OF WORKING

22. Except as may otherwise be agreed in writing by the MPA, the winning, working and processing of minerals and all ground preparation, landfilling, leveling, restoration and recycling operations and any associated activities including plant and machinery maintenance be restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and 7.00am and 1.00pm on Saturdays, with no such operations being carried out on Saturdays, Sundays, Bank Holidays or Public Holidays. No soil stripping or soil baffle mound construction shall take place within 200 metres of any occupied property before 8.00am Monday to Saturday, and no such activity shall take place on Sundays Public/Bank Holidays.

   Reason: To ensure that working on site is carried out within reasonable hours

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so as to avoid disturbance to nearby residential properties. MLP policy 31.

NOISE SUPPRESSION

23. All plant, equipment and machinery used on site, including vehicles, shall be designed and maintained to reduce noise levels to a minimum and shall be operated in accordance with the manufacturer’s instructions. All plant, equipment and machinery used on site, including vehicles, capable of being fitted with silencers, baffles, cladding and rubber linings shall be so fitted and maintained.

24. The submitted scheme for noise mitigation included in section 4.3 of the statement supporting the planning application reference EN/09/0123C, shall be implemented throughout the operations at the site.

Reason for conditions 23 & 24: To safeguard the amenity of the area and of local residents. MLP policy 28 & 31.

STOCKPILES

25. No stockpiling placement or storing of minerals, mineral waste, topsoil, subsoil or overburden shall take place on the site or adjacent to it except as shown on application plan RF/02B or in such other locations and to such heights and extent as may be approved in writing by the MPA.

26. All stockpiles or stores of minerals, mineral waste, overburden, topsoil or subsoil shall be removed by the date referred to in Condition 43 of this permission.

Reason for conditions 25 & 26: To safeguard the visual amenities of the vicinity. MLP policy 28 & 31.

BUILDING, PLANT AND MACHINERY

27. No fixed plant or machinery, building, structures and erections or private ways shall be erected, extended, installed, or replaced within the site without prior approval in writing of the MPA.

28. The buildings, plant, fixed machinery and other fixed structures shall be finished and maintained in materials and colour, or colours, as may be approved in writing by the MPA.

29. Within 3 months of the date of commencement details of all changes to plant and machinery to be used on site shall be submitted to the MPA for approval.

30. All fixed and mobile buildings, plant, machinery and foundations shall be removed at such time or times as the MPA may determine that they are no longer required either for the purpose for which they were installed or for the rehabilitation of the worked out site.

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Reason for conditions 27 to 30: To ensure the MPA retains the control of the location, erection, appearance and removal of fixed and mobile plant, machinery, buildings and foundations in the interests of amenity.

SITE LAYOUT

31. Details of the layout of the processing plant, recycling area and site management area shall be maintained in existing positions unless otherwise agreed in writing by the MPA.

Reason: To ensure the MPA retains the control of the site layout and in the interests of amenity. MLP policy 28 & 31.

DUST AND HAUL ROAD MAINTENANCE AND REMOVAL

32. The submitted scheme of measures to minimise dust generation shall be implemented throughout the operations at the site and shall include the use of water-spray facilities for damping operational areas and haul roads.

33. The site entrance and all internal haul roads shall be maintained in a condition free from potholes while in use and shall be removed when no longer required or during the course of site restoration, whichever is the sooner. All sections of haul road shall be ripped before being covered with soils during restoration.

Reason for conditions 32 & 33: To safeguard the local environment and protect the amenities of local residents from unreasonable dust levels and to ensure that the site is satisfactorily restored. MLP policy 28 & 31.

LANDSCAPING

34. Except as may otherwise be agreed in writing by the MPA, 12 months prior to the date in condition 43 of this permission, a landscaping scheme shall be submitted to the MPA for approval. The scheme shall include proposals for the planting of trees and shrubs with details of their numbers, size and species (See Informative 1 attached to this permission).

35. The implementation of the landscaping scheme as may be approved by MPA and incorporating such modifications or additions as the MPA may reasonably require shall be undertaken and completed to the satisfaction of the MPA by the end of the first planting season.

36. In the first planting season following the restoration of the site, trees shall be planted in accordance with the scheme agreed under condition 34 to the MPA for agreement in writing. Any trees which die, become diseased, damaged or are removed within 5 year period shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the MPA.

Reason for conditions 34 to 36: To ensure as far as possible the maintenance

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of the approved planting and landscaping scheme. MLP policy 14, 19 & 31.

RESTORATION

37. The site shall be restored in accordance with Plan RF/03 Rev. D dated October 2007, submitted on 8th November 2007 in connection with Planning Permission 07/00035/WAS, except as may otherwise be agreed in writing by the MPA.

38. A survey of levels shall be completed on an annual basis indicating the progress of tipping operations, and the survey shall be submitted to the MPA for consideration. In the event the annual surveys indicate that the site will not be completed by the date referred to in Condition 43 of this permission to the levels indicated in drawing RF/03C, an amended restoration plan shall be submitted for agreement in writing by the MPA. The amended scheme incorporating any alterations the MPA may require, shall be implemented and completed by the date referred to in Condition 43.

39. Unless otherwise agreed in writing by the MPA, the areas filled in shall be progressively covered with soils as tipping proceeds to a depth of not less than one metre. This one metre covering shall be kept free of materials likely to interfere with final restoration and subsequent cultivation and tree planting and shall be ripped (rooted) as necessary to relieve compaction. Any stones or other materials which would impede subsequent agricultural or forestry operations shall be removed or buried on site to a depth of at least one metre.

40. Not less than the top 300mm of the surface covering shall be composed of topsoil, subsoil or other suitable soil-like material capable of cultivation and tree planting, as may be available on site or imported from other sources and spread in their correct sequence. Except as may otherwise be agreed in writing by the MPA, the restored areas shall be prepared and sown as soon as practicable with an appropriate grass seed mixture to establish a long term ley, all to the satisfaction of the MPA.

41. Unless an amended scheme is agreed in writing under the terms of Condition 37 of this permission, the tipped areas shall be restored to conform with the contours of the surrounding land, with natural drainage to the perimeter of the site without ponding or backfalls by the date referred to in Condition 43 of this permission in accordance with the drawing number RF/03 Rev D dated October 2007 received by this Authority on 8th November 2007 submitted in connection with Planning Permission 07/00035/WAS.

42. Any ditches, fences, hedges, gates, field drains or water supplies disturbed during the tipping operations shall be made good where necessary and any further ditches, fences, hedges, gates, field drains and water supplies shall be provided on restoration for good husbandry, all to the satisfaction of the MPA.

Reason for conditions 37 to 42: To ensure that the land is satisfactorily restored within a reasonable time. MLP policy 14, 19, 23, 28 & 31.

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END DATE

43. The development hereby permitted shall cease not later than 30th September 2015.

Reason: To specify the date when the conditions of this permission shall have been fully implemented and to enable the MPA to reconsider the development position in the light of the circumstances prevailing at the end of the consent period. MLP policy 31.

AFTERCARE

44. An Aftercare Scheme requiring that such as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted for the approval of the MPA not later than 3 months prior to the date on which it is first expected that the replacement of topsoil shall take place.

The submitted scheme shall:

a) Provide an outline strategy in accordance with Annex A: Planning and implementing reclamation schemes, Minerals Planning Guidance 7: entitled “Reclamation of mineral workings” [MPG7] (or subsequent edition thereof), for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The Scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants, the MPA and DEFRA.

b) Provide for a detailed annual programme, in accordance with MPG7 Annex A, to be submitted to the MPA not later than two months prior to the annual Aftercare meeting.

45. All vehicles transporting materials in connection with this development shall be adequately sheeted unless carrying gravel or other inert material in excess of 500mm.

46. Unless the MPA, after consultation with DEFRA, agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

Reason for conditions 44 to 46: To bring the land back to a standard required for agriculture, and ensure the proper aftercare provisions are made and reported to the MPA. MLP policy 14, 19, 23, 26, 27, 28 & 31.

INFORMATIVE

1. With regard to Condition 34 landscaping should aim to re-establish

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agricultural land and maintain, restore and enhance biodiversity, in accordance with current best practice endorsed by the MPA such as:

a. Planning Sustainable Communities (April 2005) produced on behalf of the Milton Keynes and South Midlands Environment & Quality of Life sub-group, describing benefits of Green Infrastructure for both wildlife and people, and gives examples of some relevant case studies

b. The Northamptonshire Biodiversity Action Plan: to which all Local Authorities in the County are signatory partners, specifies objectives and actions required. Built Environment Objective 4 states “Seek opportunities to enhance the native biodiversity within the built environment”.

2. Work methodology associated with archaeological features was approved by the MPA’s historic environment team leader in July 2004 and referred to in correspondence from David L Walker to David Newman on 2 August and 30 September 2004.

3. Heavy Goods Vehicles arriving and leaving the site shall be routed in accordance with the Agreement signed under Section 106 of the Town and Country Planning Act 1990 between Mick George (Haulage) Ltd, Mr and Mrs D G T Linnell and Northamptonshire County Council, dated 24th August 2001, in connection with Planning Permission EN/01/23C, copy attached to this permission.

4. Except as may otherwise be agreed in writing by the “Waste Planning Authority” (as a result of an alternative arrangement for a contribution to highway maintenance) prior to the commencement of the development hereby permitted a Section 278 (Highways Act 1980) legal Agreement shall be entered into to secure provision for maintenance of the public highway fronting the development site.

5. The attention is drawn to the implementation of the Traffic Management Act 2004, where a three month notice period to allocate road space (for works within the highway) is formally given prior to the commencement of works.

Summary of Reasons for Approval

The proposed 5½ year end date extension to 30th September 2015 is considered to be acceptable and will not adversely impact upon the surrounding area and there are no significant environmental, amenity or highway safety issues which would justify the refusal of the application.

The proposal is consistent with the East Midlands Regional Plan in particular Policy 26 regarding protecting and enhancing the regions natural and cultural heritage and Policy 37 regarding the regional priorities for non-energy minerals.

The proposal is also considered to be in accordance with the local planning policy in

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the Development Plan, in particular the North Northamptonshire Core Spatial Strategy (2008) Policy 13 (General Sustainable Development Principles); and the following Northamptonshire Minerals Local Plan (2006) Policies 4, 14, 18, 19, 27, 28 and 31 relating to Crushed Rock Supply, Reclamation, Traffic and Access, Landscape, Flood Risk, Local Amenity and Planning Conditions; and therefore it is considered that there are no justifiable reasons to refuse the application.

Date: 22nd April 2009  Signed ........................................

For Chief Planning Officer

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1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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

4. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.


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DATED 24th August 2001

NORTHAMPTONSHIRE COUNTY COUNCIL

- and -

MICK GEORGE (HAULAGE) LIMITED

- and -

MR & MRS D.G. T. LINNELL

AGREEMENT

Pursuant to Section 106 of the Town and Country Planning Act 1990 relating to land at Rectory Farm, Thrapston, Northamptonshire

Tony Parker
Head of Legal Services
Northamptonshire County Council
County Hall
Northampton
NN1 1AW
(Ref:L/JPJ/7315)
THIS AGREEMENT is made the 24th day of August Two Thousand and One BETWEEN NORTHAMPTONSHIRE COUNTY COUNCIL of County Hall Northampton NN1 1DN ("the County Council") of the first part and MICK GEORGE (HAULAGE) LIMITED (Company Registration Number 02417831) whose registered office address is situate at Meadow Lane St. Ives Huntingdon Cambridgeshire PE17 4LG ("the Company") of the second part and DAVID GEORGE THOMAS LINNELL and MARGARET MARY LINNELL both of The Old Rectory Titchmarsh Northamptonshire ("the Owners") of the third part

1. DEFINITIONS
In this Agreement unless the context otherwise requires the following words expressions and phrases shall have the meanings hereby ascribed to them:

"the Act" means the Town and County Planning Act 1990

"the Development" means the development permitted by and in accordance with the Planning Permission

"the Land" means all that piece or parcel of land at Rectory Farm Thrapston Northamptonshire comprising an area of approximately 37.2 hectares shown edged red on the Plan

"the Plan" means the plan annexed hereto

"the Planning Application" means the planning application dated 29th December 2009 submitted by the Company to the County Council and numbered EN/01/23C in the County Council's records

"the Planning Permission" means the planning permission issued by the County Council pursuant to its powers under the Act in respect
of the Planning Application subject to any conditions
limitations and restrictions therein

"the implementation of the
Planning Permission" means the carrying out of a material operation as
defined in Section 56 of the Act in respect of the
Development

"the Road" means the length of highway being approximately 700
metres in length shown coloured blue on the Plan

2. INTERPRETATION

2.1 A reference in this Agreement to any Act of Parliament or to any Order
Regulation Statutory Instrument or the like shall include a reference to any
amendment or re-enactment of the same

2.2 Words importing the masculine gender include the feminine gender and vice
versa. Words in the singular include the plural and vice versa and words
importing individuals shall be treated as importing corporations and vice versa

2.3 Any headings or side notes are for ease of reference only and shall not effect
the construction of this Agreement

2.4 Reference to any party in this Agreement shall include successors-in-title of
that party

2.5 Obligations and liabilities of a party comprising more than one person are
obligations and liabilities of such persons jointly and severally PROVIDED
THAT no person shall be liable in respect of any breach (and for this purpose
breach shall include the failure to perform any positive obligations) other than
in respect of land in his beneficial occupation and ownership AND FURTHER
no person shall be liable for any breach of covenant first occurring after he has
disposed of such interest in such land or the part thereof in respect of which
such breach occurs
PLAN REFERRED TO IN SECTION 106 AGREEMENT

LAND AT CASTLE MANOR FARM, TITCHMARSH, NR THRAPSTON

FOR MICK GEORGE (HAULAGE) LIMITED

MAY 2001
WHEREAS

A  The County Council is the local planning authority in respect of mineral and waste disposal matters for the County of Northamptonshire

B  The Company has submitted the Planning Application to the County Council for consent to carry out the Development on the Land

C  The Owners are the registered proprietors at HM Land Registry with Title Absolute under Title Number NN99213 of the Land

D  The County Council has decided to grant planning permission for the Development subject to conditions and to the making of this Agreement without which planning permission for the Development would not be granted

E  The Company and the Owners have agreed to enter into certain covenants for the proper development of the Land as are more particularly set out in the Schedule hereto and are herein together referred to as “the Developer”

NOW IT IS HEREBY AGREED as follows:-

1.  STATUTORY AUTHORITIES

1.1  This Agreement is made pursuant to Section 106 of the Act and Section 111 of the Local Government Act 1972 and all other powers enabling the parties hereto

1.2  This Agreement contains planning obligations for the purpose of the Act which are entered into by the Developer in respect of the Land and which are enforceable by the County Council

1.3  The Developer covenants with the County Council to observe and perform the obligations set out in the Schedule hereto

2.  CONDITIONALITY

The covenants contained within this Agreement shall be conditional upon the County Council granting the Planning Permission
3. **LAND CHARGE**

This Agreement is a local land charge and shall be registered as such in the Register of Local Land Charges.

4. **AGREEMENTS AND DECLARATIONS**

**IT IS HEREBY AGREED AND DECLARED** as follows:-

4.1 The County Council shall grant the Planning Permission of even date with this Agreement.

4.2 If the Planning Permission expires or is revoked before the implementation of the Planning Permission this Agreement shall forthwith determine and cease to have effect.

4.3 Nothing herein contained or implied shall prejudice or affect the rights, powers, duties, and obligations of the County Council in the exercise of its functions as a local authority and the rights, powers, duties, and obligations of the County Council under all public and private statutes, byelaws, orders, and regulations may be fully and effectually exercised in relation to the Land or any part thereof and any works exercised thereon as if this Agreement had not been executed by the County Council and in particular nothing in this Agreement shall restrict the County Council and/or any other authority from exercising powers of compulsory purchase in respect of any part of the Land.

4.4 Any approval given by the County Council under this Agreement or for the purpose of this Agreement shall not be deemed to be approval for any other purpose whatsoever.

4.5 Any notice consent approval certificate or other communication required to be given to the County Council under this Agreement shall be in writing and sent in a pre-paid letter addressed to the County Legal and Administrative Officer at PO Box 104, County Hall, Northampton NN1 1AW and any notice consent approval certificate or other communication required to be given to the
Company or the Owner under this Agreement shall be in writing and sent in a pre-paid letter to the addresses stated in this Agreement or such other address for service as shall have been previously notified in writing and any notice consent approval certificate or other communication to be served under this Agreement shall operate and be deemed to have been served upon the expiration of twenty-four hours after posting and in proving such service it shall be sufficient to show that the envelope containing the communication was properly addressed and sent by registered post or the recorded delivery service.

4.6 Any dispute or difference arising between the parties with regard to their respective rights and obligations as to any matter or thing arising out of or connected with this Agreement shall be referred to the decision of a single arbitrator to be agreed by the parties or failing agreement to be nominated by the President for the time being of The Royal Institution of Chartered Surveyors and such reference shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1996.

4.7 Nothing herein contained or implied shall give or be construed as giving any rights privileges powers or enforceability other than to the specific parties executing this document and their successors (if any) and the provisions of the Contracts (Rights of Third Parties) Act 1999 and any benefits or rights which could arise therefrom are expressly excluded to the intent that no third party within the meaning of the Act shall have any rights of enforcement in respect of any matter herein contained.

4.8 The Company hereby covenants and agrees to pay on completion of this Agreement the reasonable legal costs of the County Council in relation to the negotiation preparation execution and completion of this Agreement.

**SCHEDULE**

1. Lorries and vehicles with a maximum gross weight in excess of 3.5 tonnes accessing the Land in connection with the operations authorised by the
Planning Permission shall travel to and from the Land via the Road and the roundabout located on the A605 trunk road

2. No lorry or vehicle with a maximum gross weight in excess of 3.5 tonnes accessing or exiting the Land in connection with the operations authorised by the Planning Permission shall travel through the town of Thrapston or the village of Titchmarsh

IN WITNESS whereof the parties have executed this instrument as a deed the day and year first before written

THE COMMON SEAL of NORTHAMPTONSHIRE COUNTY COUNCIL was hereunto affixed in the presence of:-

HEAD OF LEGAL SERVICES
(the officer appointed for this purpose)

THE COMMON SEAL of MICK GEORGE (HAULAGE) LIMITED was hereunto affixed in the presence of:-

Director

Secretary
SIGNED as a Deed by the said DAVID GEORGE

THOMAS LINNELL in the presence of:-

Witness Signature:  "MP. Curtis"
Name:  "Maureen P Curtis"
Address:  "6. Riverside Way, Islip, Northants"
Occupation:  "Farm Secretary"

SIGNED as a Deed by the said MARGARET MARY LINNELL in the presence of:-

Witness Signature:  "MP. Curtis"
Name:  "Maureen P Curtis"
Address:  "6. Riverside Way, Islip, Northants"
Occupation:  "Farm Secretary"