Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Mr Marcus Berridge
Churchfield Farm
Harley Way
Oundle
Northamptonshire
PE8 5AU

Name and address of agent
GP Planning
Mill House
Long Lane
East Haddon
Northamptonshire
NN6 8DU

Part I - Particulars of application

Date of Application
22nd May 2009

Application No.:
NCC Ref: 09/00040/WAS
ENC Ref: 09/00808/NCC

Particulars and location of development

Restoration of old quarry using inert fill material to provide a site for future biodiversity and recreation use, at Churchfield Farm quarry, Harley Way, Oundle, PE8 5AU.

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:-

Commencement

1. The development must be begun not later than the expiration of 3 years beginning with the date of this permission. The commencement date shall be notified in writing within seven days to the Waste Planning Authority.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

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**Scope of Planning Permission**

2. This planning permission shall relate to the area outlined in red on the plan of GP Planning Ltd GPP/PGR/CQR/09/02, dated May 2009, hereafter referred to as “the site”. The waste development hereby permitted shall only be carried out within “the site” in accordance with the details set out in the submitted application forms and supporting information.

**Reason:** To define the area of the site and in the interest of clarity.

**Type of Waste**

3. No materials shall be deposited on the site other than soils and those of a dry inert non-special nature, comprising, subsoil, clay and the like. Waste capable of being recycled and re-used shall not be deposited at the site.

**Reason:** To define the scope of the permission, and in the interest of clarity.

**Hours of Working**

4. Except as may otherwise be agreed in writing by the Waste Planning Authority, deliveries of materials to the site shall be restricted to between the hours of 0730 hours and 1700 hours Monday to Friday, with no such operations being carried out on the site on Saturdays, Sundays or Public Holidays.

5. Except as may otherwise be agreed in writing by the Waste Planning Authority, levelling and soil placement shall be restricted to between the hours of 0900 hours and 1700 hours on Monday to Friday, with no such operations being carried out on the site on Saturdays, Sundays or Public Holidays.

**Reason:** To ensure that the operation of the site is carried out within reasonable hours in the interests of the amenities of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

**Access and Highway Safety**

6. Prior to the importation of waste at the site, detailed design and construction plans of the required number, location and construction of passing bays to facilitate the safe passage of all users of the highway network within Harley Way, between the junction of the A427 Benefield Road and the vehicle access to Churchfield Farm shall be submitted to and approved in writing by the Waste Planning Authority.

7. Prior to the importation of waste at the site, detailed design and construction

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plans, including a timetable of hard surfacing, of the internal haul route shall be submitted to and approved in writing by the Waste Planning Authority. Development shall be constructed in strict accordance with the approved details and approved vision splays retained thereafter.

8. Prior to the importation of waste at the site a routing agreement, with appropriate road signs erected within the curtilage of the site to ensure that all vehicles emerging from Churchfield Farm turn right onto Harley Way to access the strategic County highway network, shall be in place and approved in writing by the Waste Planning Authority.

9. The operating company shall keep records of the quantity of waste received by weight, its source and Heavy Goods Vehicle (HGV) movements associated with the development, and these records shall be provided to the Waste Planning Authority within seven days of a written request. All such information supplied will be treated on a confidential basis.

10. All operational vehicles arriving at and leaving the site shall be appropriately sealed so as to prevent material spillage, wind blow and dust nuisance.

11. All operational vehicles leaving the site shall be cleansed to ensure they are free of mud and other debris to ensure no mud or other debris is deposited on the public highway.

Reason for access and highway safety conditions: In the interests of highway safety, and in accordance with Policy 8 of the Northamptonshire Waste Local Plan (2006).

Prevention of Pollution

12. Any facilities above ground for the 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 as 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.

Reason: To protect water resources, and prevent pollution of watercourses, land and underground strata, and in accordance with Policy 13 of the Northamptonshire Waste Local Plan (2006).

Noise and Dust

13. Suitable measures shall be adopted to ensure dust is kept to a minimum

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including the use of water spray facilities in periods of dry weather.

14. All plant, equipment and machinery, including vehicles shall, where capable, be fitted with silencers, baffles, cladding or rubber linings, and be maintained so as to reduce noise to a minimum and operated in accordance with manufacturer’s instructions.

15. The site shall be worked in accordance with the measures set out in Part 1 Section 8 of the British Standard 5228: 2009 "Noise and Vibration Control on Construction and Open Sites". The free field equivalent sound level (L_{Aeq}), established in accordance with paragraph 2.22 of Annex 2 of MPS 2, over any one hour time period, shall not exceed 55 dBA (1hrL_{Aeq}) at Chesterfield Lodge when restoration activities take place 75 metres or more from the dwelling.

16. Works within 75 metres of Chesterfield Lodge shall be in accordance with the measures set out in Part 1 Section 8 of the British Standard 5228:2009 "Noise and Vibration Control on Construction and Open Sites". The free field equivalent sound level (L_{Aeq}), measured over any one hour time period, attributable to these works, established in accordance with paragraph 2.22 of Annex 2 of MPS 2, shall not exceed 70dBA (1hrL_{Aeq}) at the dwelling. The Waste Planning Authority shall be informed in writing in advance of works carried out under these provisions. Works carried out within 75 metres of the dwelling shall not exceed a duration of eight weeks in any one year.

17. In the event that complaints regarding noise or dust are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. A report on the findings, with proposals for rectifying and a programme for the implementation of remedial measures to be undertaken shall be submitted to the Waste Planning Authority no later than 5 working days from the receipt of the complaint. Monitoring of noise from the development shall be undertaken at Chesterfield Lodge following notification of a complaint or following a request in writing by the Waste Planning Authority, for a period of one hour. The noise level at the dwelling shall be determined in accordance with paragraph 2.22 of Annex 2 of MPS 2. The results of the noise monitoring shall be submitted to the Waste Planning Authority when required and shall include the following information:
   a. The measured (L_{Aeq}) (free field) level in dB(A);
   b. The (L_{Aeq}) (free field) attributable to operations on the development site;
   c. Date and time of measurement;
   d. Description of site activity;
   e. Details of measuring equipment;
   f. Weather conditions, including wind speed and direction.

**Reasons for noise and dust conditions:** In the interests of the amenities of the nearby residential dwelling, and the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

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Buildings, Plant and Machinery

18. All fixed and mobile buildings, plant, machinery and foundations shall be removed at such time or times as the Waste Planning Authority may determine that they are no longer required either for the purpose for which they were installed or for the restoration of the site.

Reason: In the interests of the amenity of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Flood Risk

19. There shall be no development within Flood Zones 2 and 3 as detailed within the appendices of the Flood Risk Assessment (Revision B, dated 08 June 2009 completed by Abington Consulting Engineers Ltd), submitted with this application.

20. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Revision B, dated 08 June 2009 completed by Abington Consulting Engineers Ltd) submitted with this application.

Reason: To reduce the risk of flooding to the site and to third parties, and in accordance with Policy 13 of the Northamptonshire Waste Local Plan (2006).

Ecological Management Plan

21. Within six months of the date of this permission a comprehensive Ecological Management Plan shall be submitted to the Waste Planning Authority for approval in writing. The document shall detail the proposals to be put in place to minimise the effects of the restoration activity on the ecology and wildlife on the site, while enhancing the biodiversity features proposed on the site, and shall include such provisions as recommended in Section 8 of the Ecological Assessment: Extended Phase 1 Habitat Report by Lockhart Garratt Ltd, dated April 2009.

Reasons: To minimise disturbance to the surrounding natural environment during restoration works, and to ensure the restoration of the site is appropriate and in accordance with Policies 9, 10 and 11 of the Northamptonshire Waste Local Plan (2006).

Restoration

22. Except as may be otherwise agreed in writing by the Waste Planning Authority, the finished ground levels shall be in accordance with the submitted plan titled ‘SRL.42.09 – Isopachyte Contours Plan – Shyres Rural Ltd, March 2009’.

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23. In the event that the site will not be completed by the specified end date of this permission to the levels detailed in drawings supplied with this application, amended restoration plans shall be submitted for agreement in writing by the Waste Planning Authority. The amended scheme incorporating any alterations the Waste Planning Authority may require shall be implemented and completed by the specified end date.

24. Unless otherwise agreed in writing by the Waste Planning Authority, the area shall be restored and 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 re-vegetation and shall be ripped (rooted) as necessary to relieve compaction. Any stones or other materials which would impede subsequent re-vegetation operations shall be removed or buried on site to a depth of at least one metre.

Reason for restoration conditions: To enable flexibility in restoration levels, while ensuring the area is restored to an appropriate standard to ensure successful re-vegetation, while ensuring the amenity of the surrounding area is maintained in accordance with Policy 16 of the Northamptonshire Waste Local Plan (2006).

25. The landscaped bund proposed as part of the application shall be constructed to a design approved in writing by the Waste Planning Authority and shall be installed along the northern boundary of the site for the purposes of providing screening for the occupiers of the adjacent property. This bund shall be retained as approved in perpetuity, to ensure the occupiers of the adjacent property are sufficiently screened from activities undertaken on the site.

Reason for condition: In the interests of the amenities of the nearby residential dwelling, and the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Aftercare of Plantings

26. Except as may otherwise be agreed in writing by the Waste Planning Authority, the restoration and aftercare shall proceed in accordance with the details submitted in the document titled ‘Restoration and Aftercare’. The five year outline strategy of aftercare, shall be implemented to the Authority’s satisfaction during the five year period following its approval.

Reason: To ensure restoration is appropriate and in accordance with Policy 16 of the Northamptonshire Waste Local Plan.

End Date

27. The development hereby permitted shall cease not later than three years from the commencement of development, and the land shall be restored or reinstated.

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by this date in accordance with the conditions of this permission. If within this period the tipping operations cease for a period in excess of six months or the use is otherwise discontinued for a similar period, the restoration conditions of this permission shall be carried out forthwith.

**Reason:** To ensure the restoration of the subject site is carried out within an appropriate time period, and in accordance with Policy 16 of the Northamptonshire Waste Local Plan (2006).

**Indicative Catchment Area**

28. All waste materials to be deposited at the site shall originate from sources within a 20 mile radius of the site.

**Reason:** In order to reflect the proximity principle and to minimise the transportation of waste from source and across waste planning authority boundaries; and the long term local nature of the facility; and in the interests of sustainability, having regard to Northamptonshire Waste Local Plan Policies 1, 2 and 4.

**Monitoring**

29. The operators of the site shall at a minimum of 12 monthly intervals provide in writing to, and upon request by, the Waste Planning Authority detailed information on the quantities and types of all waste materials brought on to the site for re-use, recovery, and disposal, together with an assessment of used and remaining capacity. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

30. The operating company shall keep records of the quantity of waste received by weight and its source and these records shall be provided to the Waste Planning Authority within seven days of a written request. All such information supplied will be treated on a confidential basis.

**Reasons for monitoring conditions:** To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 1 of the Northamptonshire Waste Local Plan (2006) and the objectives of the National Waste Strategy for England 2007.

31. A copy of the terms of this permission, including all documents hereby permitted and any documents subsequently approved in accordance with this permission (or amendments approved pursuant to this permission) shall be displayed at the site office and shall be made known to any person given responsibility for the management or control of operations on the site.

**Reason:** To ensure that the site manager can monitor the implementation of the conditions in accordance with Policy 27 of the Northamptonshire Waste Local Plan (2006).

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Informative(s)

1. For the avoidance of doubt the drawings and documentation to which this decision refers are as follows:
   Plans:
   - GPP/PGR/CQR/09/01 – Site Location Plan – GP Planning
   - GPP/PGR/CQR/09/02 – Site Plan – GP Planning, dated May 2009
   - GPP/PGR/CQR/09/03 – Site Restoration Churchfield Farm Quarry Access Plan – GP Planning, dated April 2009
   - SRL.41.09 – Existing Site Levels – Shyres Rural Ltd, March 2009
   - SRL.42.09 – Isopachyte Contours Plan – Shyres Rural Ltd, March 2009
   - SRL.43.09a – Cross Sections Plan – Shyres Rural Ltd, May 2009
   - Proposed Finished Levels, Landscaping and Drainage Plan No 01

2. The applicant’s attention is drawn to the fact that the proposed end use of the site for camping activities will require a planning permission from the East Northamptonshire Council.

3. No works within the existing public highway may commence without the express written permission of the Highway Authority. This planning permission does not give or infer such permission. The Highway Authority, will only give consent to commence works subject to the completion of an Agreement, under Section 278 of the Highways Act 1980. Full engineering, drainage and constructional details will be required to process such an agreement. Any details submitted will be subject to a technical and safety audit that may result in changes to the details of the adopted highway required to discharge the relevant condition above.

4. The applicant’s 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.

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5. There are existing Bridleways and Footpaths in this vicinity. Consideration should be given to extending and linking these Public Rights of Way facilities over the restored quarry site, to create a network of public access provisions. The applicant should contact the Northamptonshire Transport and Highways Access Development Officer to discuss any proposals.

6. The applicant’s attention is drawn to the informative comments of the Environment Agency dated 30 June 2009, noted below as follows:

**Inert fill material**
The developer specifies they will carry out landfilling under an exemption. Under a Para 9 exemption the infilling with waste is restricted to a maximum depth of 2 metres, unless you have provided a cross sectional plan showing final levels, which has been accepted by the Environment Agency. The development proposed will be up to 5 metres in depth. If the Para 9 exemption is rejected, the landfilling will require an Environmental Permit, under the Environmental Permitting (England and Wales) Regulations 2007. If the landfilling is undertaken by way of a Para 9 exemption, the exemption will need to be renewed annually. There are also restrictions on the storage of waste under exemptions. The maximum time waste can be stored on site before it is used, under exemption, is six months. The current application does not specify where or for how long the waste will be stored.

Please note that the exemption system is changing in April 2010. If the application is made after April 2010 it is likely this activity will no longer be covered by an exemption and may require an Environmental Permit.

Please be aware that Para 9 exemptions and Environmental Permitting fall outside of any Town and Country Planning Act approvals/permissions and that consent is not implied by these comments.

**Flood Defence Consent**
Under the terms of the Land Drainage Act 1991, any culvert or works that may impede the flow of water on any ordinary watercourse will require the prior written permission of the Environment Agency by way of a formal Flood Defence Consent.

Please note that Environment Agency formal consent is required irrespective of any Town and Country Planning Act approvals/permissions. Consent is not implied by these comments and it is therefore imperative that early contact is made to discuss Environment Agency’s requirements. Wherever possible the Environment Agency advocates pre-application discussions. We would therefore suggest you contact our Development and Flood Risk team on 01536 585228 to discuss your proposal prior to the submission of any consent application.

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**Summary of Reasons for Approval**

The development is considered appropriate in terms of the relevant policies of the Northamptonshire Waste Local Plan, and results in the appropriate restoration of a disused quarry site. The proposed restoration plan is consistent and appropriate in...

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terms of the neighbouring woodland sites and general surrounding area. The proposed highway and access works ensures the development is appropriate in terms of Policy 8 of the Waste Local Plan. The development is also considered appropriate in terms of Policies 11 and 15 and results in increased biodiversity on the site and the resulting restored site also has a positive effect on the amenity of the local surrounding area. Any negative impacts resulting from noise and dust are considered negligible due to their temporary nature.

The proposed restoration is considered acceptable in terms of Policy 13 relating to Water Resources and Flooding. The Environment Agency considers the development appropriate for the location and the development does not result in negative effects on the flood plain, both within the site and in the surrounding area. In addition, the restoration results in reduced run-off rates from the site due to the increased vegetative cover across the entire site.

The restoration and aftercare scheme is considered appropriate in terms of Policy 16, as the scheme results in improvements to the local amenity and natural character, while providing increased biodiversity and wildlife habitat creation. The possible end use of the site also diversifies the local economy. The restoration of a disused quarry site is considered appropriate in terms of Policy 22 Landfill/Landraising as the site is to be restored with inert materials, to create an area of land suitable for agriculture and other uses. This proposal to restore a disused quarry is therefore considered acceptable in terms of the relevant Policies of the Northamptonshire Waste Local Plan (2006).

Date: 6th August 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, 3/03a 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.

(a) 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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