LAND NORTH OF EAGLETHORPE
WARMINGTON, NORTHANTS

Consent Ref. EN/05/2356C for the
Erection of a low profile sand and gravel plant

Application to vary the details of the plant and ancillary works

on behalf of
Elton Estates Company Ltd & RJD Ltd

D. K. SYMES ASSOCIATES
Mineral Planning & Development Consultants

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MIDDLETOWN CHENEY, BANBURY, OXON OX17 2ND

email: dks@dksymes.co.uk

June 2009

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Fax: 01295 712283
contents

1. THE APPLICATION 1

2. BACKGROUND 2

3. REVISED DETAIL 2
   3.1 Plant Site Area 2
   3.2 Environmental Screening Bunds 2
   3.3 Water Management 2
   3.4 Processing Plant 3
   3.5 Weighbridge and Offices 3
   3.6 Ancillary Operation 4

4. SUMMARY 4

Application forms and certificates
Planning Permission Ref. EN/05/2356C
Photograph of Elton plant under construction
Illustrative details of wheel wash

PLANS:
95010/PS/1 - Plant Site Layout
95010/OW/1 - Offices and Weighbridge
95010/PP/1 - Illustrated Detail Showing Typical Processing Plant
LAND NORTH OF EAGLETHORPE
WARMINGTON, NORTHANTS

Consent Ref. EN/05/2356C for the
Erection of a low profile sand and gravel plant

Application to vary the details of the plant and ancillary works

1. THE APPLICATION

1.1 The permitted development is for the erection and operation of a low profile sand and gravel processing plant to handle the material arising from the construction of an agricultural reservoir on the adjacent land. When the application was submitted, plans were included showing the proposed layout of the plant site (i.e. the processing plant, weighbridge, offices, etc.). These plans are referred to by number at Condition 3 of the permission (copy attached).

1.2 In order to vary the plans the procedure is to make an application under Section 73 of the Planning Act which seeks approval to allow the development to continue without complying with one or more of the conditions. Generally, a suitable alternative condition is suggested and if the application is approved, the conditions are revised thereby maintaining appropriate control over the development.

1.3 The completed application forms and certificates are attached for an application to allow the development to continue without complying with Condition 3. In its place an alternative condition is proposed with identical wording apart from changing the following plans.

95010/TP/1 is replaced by 95010/PS/1 - Plant Site Layout
95010/R/5 is replaced by 95010/OW/1 - Offices and Weighbridge

and a further plan added

95010/PP/1 - Illustrated Detail Showing Typical Processing Plant

Copies of the replacement plans and further plan are attached.
2. **BACKGROUND**

2.1 The application is required as the plant site as developed is slightly smaller than the original proposal, and the internal layout is provided in more detail. As the ‘actual’ layout is different to the approved plan, an application was requested by the County to regularise the situation.

2.2 The changes are very minor and are described in the next section.

3. **REVISED DETAIL**

3.1 **Plant Site Area**

3.1.1 The plan 95010/PS/1 shows the site as constructed. The plan also shows the boundary of the permitted/original proposal which is larger than the built footprint.

3.2 **Environmental Screening Bunds**

3.2.1 The original proposal was to utilise the topsoil and subsoil to create an environmental bund around the perimeter of the site, and more importantly along the western, south eastern and northern boundaries. The north western boundary is not as sensitive as there are no nearby properties and the area is very well screened visually due to the nearby mature woodland.

3.2.2 In view of the smaller footprint of the site there is less material that needs to be stored. The western, south eastern and northern environmental bunds have been constructed in line with the approved plan (95010/TP/1). There is a bund along the north eastern boundary but it is smaller in volume and size than envisaged. These bunds are shown on plan 95010/PS/1.

3.3 **Water Management**

3.3.1 Processing involves ‘washing’ the silt and fine sand from the ‘as dug’ sand and gravel. When the application was submitted it was proposed that the water from the processing plant would be clarified (i.e. silt settled out) using an item of plant.

3.3.2 Further tests on the quality of the sand and gravel has shown that it is very clean so a proprietary item of plant is not warranted.

3.3.3 In its place there are three shallow ‘ponds’ (excavated approximately 3.0 metres in depth) through which the ‘wash’ water will be circulated to allow any silt etc. to settle out. As the water for processing is fully recirculated the levels in the ponds will be controlled by pumping. When pumping ceases, the volume of water in the circuit is substantially less than the capacity
of the ponds so there is no risk of accidental spillage. Should there be some spillage it will be contained within the plant site and would soak away into the underlying strata.

3.3.4 This approach to water management is widely used in the mineral industry especially for small, short-term sites such as this. As the ponds fill up with silt, they are regularly ‘cleaned’ out, with the silt being contained by 0.5 metre high embankments to ‘dry’ out. The embankments are either made of previously dried silt or sand from the processing plant.

3.3.5 The ‘dried’ silt will be returned to the reservoir site where it is designed to be used to assist in the construction of the ‘shallows’ area in the south of the reservoir site.

3.4 Processing Plant

3.4.1 The processing plant is of a low profile design and is in the approved location. The configuration is slightly different, but there are no additional processes. In other words the constructed plant complies with the approved principles, being of broadly similar height and appearance and generating equivalent or less in noise level. The layout is shown on plan 95010/PS/1 attached.

3.4.2 The further plan referenced 95010/PP/1 provides an elevation of a similar plant from the same manufacturer (Findlays). This is not the ‘as built’ plant as there are no drawings, but as can be seen from the photograph, is almost identical.

3.5 Weighbridge and Offices

3.5.1 The approved scheme located the weighbridge and associated office outside the plant site on the old A605 which is now owned by the Estate and is part of the internal road.

3.5.2 The revised location is within the plant site so will be out of sight. Two portable offices are proposed in order to provide welfare facilities to the site personnel. These are shown on revised plan 95010/OW/1 from which it can be seen there is a ‘surface’ mounted weighbridge (this is shown as being 15 metres in length compared to the approved 10 metres).

3.5.3 The plan 95010/PS/1 shows the revised location of the weighbridge and offices. Also shown is the proposed location of a secure container store should one be needed. This would be a standard ISO container of 12 metres in length and 3 metres high and 2.5 metres wide. It would not be visible due to the south west environmental bund.

3.5.4 The final item of equipment is a wheel cleaner. This is located between the weighbridge and the entrance to the plant site. The design can be seen from the attached information from the website of the manufacturer.
3.6 Ancillary Operation

3.6.1 The main ancillary operations comprise the stockpiling of both unprocessed and processed minerals and their general management using wheeled loaders. The plan 95010/PS/1 shows a stockpile of ‘as dug’ in the south west of the site in the approved location.

3.6.2 The stockpiles of ‘processed’ materials are shown between the processing plant and the entrance to the plant site. The size and precise location of these stockpiles will vary to provide day-to-day flexibility and to balance materials.

4. SUMMARY

4.1 As can be seen from the above the changes are very minor and do not have a material impact on the principles of the approved development.

4.2 Generally, the changes are considered to be beneficial as the plant site is smaller than the approved area, and all activities are now within the plant site.

4.3 The principles of the development remain unchanged. For clarity, at completion all plant and equipment will be removed and the whole area returned to agricultural use.

4.4 The application seeks to change (vary) some of the approved plans to accurately reflect the development which are referred to at Condition 3. Approval of this application will not give rise to any material changes to the currently permitted development.

DKS/yw/95010
29 June 2009
TOWN AND COUNTRY PLANNING ACTS
PART I FORM

Application for planning permission for mineral extraction and/or waste disposal including all ancillary facilities and operations (5 completed copies of this form should be submitted)

1. Applicant
   Name: Elton Estates Co. Ltd & RJD Ltd
   Address: Cecil House, Harlow Common, Essex. CM17 9HY
   Tel No.: 01279 422432

   Agent (if appropriate)
   Name: D.K. Symes Associates
   Address: 39 Main Road, Middleton Cheney, Banbury, Oxon. OX17 2ND
   Contact Name: D.K. Symes
   Tel No.: 01285 712266
   Fax No.: 01285 712283

2. Application Site
   i) Title of development: To carry out the development permitted by consent EN/05/2356C (erection of a temporary low profile sand & gravel processing plant) without complying with Condition 3 (plans controlling the development) and proposing revised plans to more accurately show the development.
   ii) Location and address of site: Land north of Eagleton, Warmington, Northants
   iii) Present use(s) of land and buildings: Processing plant and operations area
   iv) Previous uses of the site (if known): Agriculture
   v) Total application area: 6.6 hectares
   vi) Grid Reference (e.g. SP 7514, 6521): TL E 081 N 923

   The application area must be outlined in red on the Ordnance Survey based site and location plans.

3. Type of Application
   i) State whether the application is for:
      a. An extension in area to an existing permitted site: No
      b. An extension in time of an existing permission: No
      c. Modification of a condition (other than the end date): Yes
      d. A new site: No

   ii) If the answer to a, b or c is Yes please state the previous:
      a. Permission No.: EN/05/2356C
      b. Decision Date: 23 Feb 2006
      c. No.(s) of Condition(s) requiring modification: 3
iii. Brief description of the development (Additional information should be included in the Supporting Statement or by Environmental Assessment where appropriate):
The erection of a low profile sand and gravel processing plant in association with the construction of an agricultural reservoir

<table>
<thead>
<tr>
<th>4. Site Ownership</th>
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<tbody>
<tr>
<td>i. Surface land owner:</td>
</tr>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Elton Estates Company Ltd</td>
</tr>
<tr>
<td>The Estate Office, Elton Hall, Elton, Peterborough. PE8 6SH</td>
</tr>
</tbody>
</table>

iii. What is the applicant's interest in the application site: Owner
If other please specify:
iv. Applicant's interests in land adjoining the application site:
If the applicant has an interest in adjoining land then the area must be outlined in blue on the Ordnance Survey based site and location plans.

<table>
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<tr>
<th>5. Highway Access</th>
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<tbody>
<tr>
<td>i. Is there an existing means of access to the site?</td>
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<tr>
<td>If Yes, please state:</td>
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<tr>
<td>ii. Is a new access to be constructed or an existing access altered?</td>
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<td>If Yes, please state:</td>
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<tr>
<th>6. Environmental Effects of the Proposal</th>
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<tbody>
<tr>
<td>i. Is an Environmental Statement attached?</td>
</tr>
<tr>
<td>ii. Does the site affect any of the following designations?</td>
</tr>
<tr>
<td>a. Scheduled Ancient Monument</td>
</tr>
<tr>
<td>b. Listed Building</td>
</tr>
<tr>
<td>c. Site of Special Scientific Interest</td>
</tr>
<tr>
<td>d. Nature Reserve / SNCV</td>
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<tr>
<td>e. Public Right of Way</td>
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<tr>
<td>If Yes, please describe briefly (and detail on a separate plan):</td>
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<th>7. Application Checklist</th>
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<tbody>
<tr>
<td>Have you (please check box):</td>
</tr>
<tr>
<td>i. Completed and signed this Part I Form?</td>
</tr>
<tr>
<td>ii. Completed and signed the appropriate Part IV, Part V, Part VI and/or Part VII Form(s)?</td>
</tr>
<tr>
<td>iii. Completed, signed and served the appropriate ownership certificates and notices?</td>
</tr>
<tr>
<td>iv. Included a supporting statement?</td>
</tr>
<tr>
<td>v. Included the appropriate technical and environmental information/reports?</td>
</tr>
<tr>
<td>vi. Included the plans and drawings required</td>
</tr>
</tbody>
</table>
I hereby apply for planning permission in respect of the above particulars and attached plans, drawings and statements.

Signed D.K. Symes

On behalf of ________________

Date 30 June 2009

Elton Estates Company Ltd
& RJD Ltd
CERTIFICATE OF OWNERSHIP

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1995

TOWN AND COUNTRY PLANNING ACT 1990

CERTIFICATE UNDER ARTICLE 7

Important Note: This certificate is for use with applications and appeals for planning permission (Articles 12A and 12C(1) of the Order). One of Certificates A, B, C or D must be completed together with the Agricultural Holdings Certificate.

CERTIFICATE A

I certify that:

On the day 21 days before the date of the accompanying application/appeal + nobody, except the applicant/appellant + was the surface and mineral owner* of any part of the land to which the application/appeal + relates.

Signed D.K. Symes
on behalf of (a) Elton Estates Company Ltd and RJD Ltd
Date 30 June 2009

CERTIFICATE B

I certify that:

I have/The applicant has/The appellant has + given the requisite notice to everyone else who, on the day 21 days before the date of the accompanying application/appeal +, was the surface and mineral owner* of any part of the land to which the application/appeal + relates.

Owner’s Name * Address at which notice was served Date of Service

Signed
On behalf of (a)
Date

+ Delete where appropriate.

* “Owner” means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

(a) Name of applicant if you are acting as the applicant’s agent.
AGRICULTURAL HOLDINGS CERTIFICATE

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1995
TOWN AND COUNTRY PLANNING ACT 1990
CERTIFICATE UNDER ARTICLE 7

Of the following alternatives one must form part of Certificates A, B, C or D. If the applicant is the sole agricultural tenant ** he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

+ None of the land to which the application/appeal + relates is, or is part of an agricultural holding.

OR

+ I have / The applicant has / The appellant has ** given the requisite notice to every person other than my/him/her self who on the day 21 days before the date of the application/appeal + was a tenant ** of an agricultural holding on all or part of the land to which the application/appeal + relates, as follows:-

<table>
<thead>
<tr>
<th>Tenants Name **</th>
<th>Address at which notice was served</th>
<th>Date of Service</th>
</tr>
</thead>
</table>

Signed

D.K. Symes

On behalf of (a)
Elton Estates Company Ltd and RJD Ltd

Date
30 June 2009

+ Delete where appropriate.

** "Tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

(a) Name of applicant if you are acting as the applicant's agent.
Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Elton Estates Company Ltd and RJD Ltd
Cecil House
Harlow Common
Essex
CM17 9HY

Name and address of agent (if any)
Mr D K Symes
39 Main Road
Middleton Cheney
Banbury
Oxon
OX17 2ND

Part I - Particulars of application

Date of Application: 25th November 2005

Application No.: EN/05/2356C

Particulars and location of development.
Erection of a low profile sand and gravel processing plant at land to the north of Eagleton, Warmington, Northants.

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 hereby permitted shall be begun within 3 years from the date of this permission. The Minerals Planning Authority shall be given a minimum of 14 days written notice prior to the development commencing.

Scope of Planning Permission

2. The development hereby permitted is restricted to the areas edged red on submitted drawing reference 95010/TP/A.

3. The site shall be worked in accordance with the submitted plans 95010/TP/L, 95010/TP/A, 95010/TP/1, 95010/TP/R/1 and 95010/R/5 and supporting application details except as amended by the following conditions.
Dust

4. Prior to the commencement of mineral processing operations on site a scheme of measures to reduce dust emissions to a minimum during site preparation, mineral processing, on site vehicular movement and restoration operations, including the use of water spray facilities and water bowser, in periods of dry weather shall be submitted to the Minerals Planning Authority for written approval. The scheme, as agreed in writing by the Authority shall be implemented throughout the operations.

Noise

5. Prior to the commencement of the development hereby permitted a scheme of proposals for the monitoring of noise at nearby noise sensitive residential properties of the Water Mill House and Lady Margaret Cottages shall be submitted to the Mineral Planning Authority for approval in writing. The agreed scheme shall be implemented throughout the operations.

In the event that monitored noise levels exceed those in the submitted noise report, proposals for mitigation shall be submitted in writing and implemented forthwith and not later than two weeks from the occurrence of the breach.

Hours of Working

6. Except as may otherwise be agreed in writing by the Mineral Planning Authority, the development hereby permitted and all operations relating thereto shall be restricted to between the hours of 7.00am to 5.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays with no such operations being carried out on the site on Sundays or Public Holidays.

No material shall be transported to the plant site from the reservoir construction area on Saturdays, Sundays or Public Holidays.

Access and Protection of the Public Highway

7. The sole vehicular access for the development hereby permitted shall be by way of the access located as shown on Plan No 95010/TP/A. This access shall be maintained to the satisfaction of the Mineral Planning Authority.

8. Prior to the commencement of the development hereby permitted a detailed scheme of highway works and specifications for the improvements at the 'Lady Margaret' access, including the provision of a permanent raised, solid, central island in the A605 Road, shall be submitted for approval in writing by the Mineral Planning Authority. The scheme, as may be approved in writing and incorporating such modifications as the Mineral Planning Authority may require, shall be fully implemented prior to the commencement of Mineral Processing operations on the site.
Wheel Cleaning

9. No commercial vehicles shall enter the public highway unless their wheels and chassis are clean in order to prevent mud or other materials being deposited on the public highway.

Archaeology

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigations to be submitted and approved in writing by the Mineral Planning Authority. Two weeks prior notice shall be given to the Mineral Planning Authority of the date on which it is proposed to commence soil stripping in each phase.

Flood Protection

11. Prior to the commencement of the development, a detailed surface water drainage strategy for the design, provision and implementation of surface water drainage, shall be submitted to and approved in writing by the Minerals Planning Authority in consultation with the Environment Agency. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

Soil Stripping and Storage

12. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), or is built upon, or used for the stacking of subsoil, soil making material or overburden, or as a machinery dump or plant yard, or for the construction of a road, all available topsoil (and subsoil) shall be stripped from that part.

13. Written notification shall be made giving the Mineral Planning Authority five clear working days notice of the intention to start stripping soils.

14. Bunds for the storage of agricultural soils shall conform to the following criteria:

a) Topsoils, subsoils and subsoil substitutes shall be stored separately.

b) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with the Mineral Planning Authority.

c) Topsoil bunds shall not exceed 3 m in height and subsoil bunds shall not exceed 5 m in height.

d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.
15. All storage bunds intended to remain in situ for 6 months or over the winter period are to be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Planning Authority. The seed mixture and the application rates are to be agreed with the Mineral Planning Authority in writing no less than one month before it is expected to complete the formation of the storage bunds.

16. All topsoil, subsoil and soil forming material shall be retained on the site.

Soil Handling

17. Soil handling should only be carried out when the soil is in a dry and friable condition (see condition 18), should be restricted to the months of April to October inclusive, and during that period, soil handling should only commence or continue when ground and weather conditions are suitable e.g. no significant rain and no pools of water on the soil surface.

18. Soil should 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 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.

19. Plant or vehicle movement shall be confined to clearly defined haul routes agreed in writing by or on behalf of the Mineral Planning Authority, or to the overburden surface and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Soil Replacement

20. The minimum settled depth of subsoil/subsoil-substitute and topsoil should be 1.2 metres.

21. All stores and other materials in excess of 10cm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.

22. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.

Restoration

23. Except as may otherwise be agreed in writing by the County Planning Authority the restoration scheme as received by this Authority as part of the application shall be implemented upon cessation of the mineral
processing operations hereby permitted and shall be completed within 6 months from the end of this permission as stated in condition 28.

Aftercare

24. An Aftercare Scheme requiring that such steps 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 Mineral Planning Authority 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 of MPG 7 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 draining system and provide for an annual meeting between the applicants, the Mineral Planning Authority and Defra.

b) Provide for a detailed annual programme, in accordance with Annex A of MPG 7 to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

25. Unless the Mineral Planning Authority, 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.

Plant Reversing

26. Except as may otherwise be agreed in writing by the Mineral Planning Authority, all mobile plant on site shall be fitted with and shall utilise a radar warning system which complies with the Health and Safety Executive’s requirements relating to when all mobile plant is reversing. Accordingly no audible system of reversing warning shall be utilised unless it is an environmentally acceptable method which has been agreed in writing by the Mineral Planning Authority. All heavy goods vehicles entering the site shall be routed to minimise reversing manoeuvres.

Material

27. Only sand and gravel from the reservoir construction works permitted under planning permission EN/02/846C shall be processed at the plant site.

End Date

28. The development hereby permitted shall cease not later that 5 years from the date of commencement in accordance with Condition 1 above and the land shall be restored within 6 months of this date in accordance with the conditions of this permission.
Reasons for conditions and relevant Development Plan Policies

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. To define the scope of the permission and in the interest of clarity.

3. To define the scope of the permission and in the interest of clarity.

4. To safeguard the local environment and protect the amenity of local residents from unreasonable dust levels (Northamptonshire Minerals Local Plan (adopted 1996) policy NMLP 20).

5. To minimise the noise disturbance to local residents and to enable the effects of the development to be adequately monitored and controlled (Northamptonshire Minerals Local Plan (adopted 1996) policy NMLP 20).

6. To minimise the noise disturbance to local residents and to enable the effects of the development to be adequately monitored and controlled (Northamptonshire Minerals Local Plan (adopted 1996) policy NMLP 20).

7. To ensure a satisfactory means of access to the highway (County Structure Plan Policy T3 and Northamptonshire Mineral Local Plan Policy NMLP 26).

8. In the interest of highway safety and to safeguard the interests of users of the public highway (Northamptonshire Minerals Local Plan (adopted 1996) policy NMLP 20 and NMLP 26).

9. In the interest of highway safety and to safeguard the interests of users of the public highway (Northamptonshire Mineral Local Plan (adopted 1996) policy NMLP20).

10. To ensure that adequate archaeological investigations and recording are undertaken prior to the development taking place (Northamptonshire Mineral Local Plan (adopted 1996) policy NMLP 26).

11. To reduce the risk of flooding (Planning Policy Guidance Note 25: development and Flood Risk and County Structure Plan policy AR8).

12. To minimise structural damage and compaction of the soil and to aid the final restoration of the site (Northamptonshire Mineral Local Plan policy NMLP20).

13, 14, 15, 16, 17, 18, 19 To ensure satisfactory storage and movement of soils on site.

20, 21, 22 To ensure satisfactory restoration of the site (Northamptonshire Mineral Local Plan (adopted 1996) NMLP 36).

23, 24, 25 To ensure that the physical characteristics of the soil are reinstated in the interests of the agricultural afteruse.

26. To protect the amenities of local residents (Northamptonshire Mineral Local

27. To specify the scope of the use of the processing plant in the inest of amenity. (Northamptonshire Mineral Local Plan (adopted 1996) policy NMLP 20).

28. To specify the date when the conditions of this permission shall have been fully implemented and to enable the County Planning Authority to reconsider the development position in the light of the circumstances prevailing at the end of the consent period.

REASONS FOR APPROVAL

It is considered that the proposed development is acceptable in accordance with policies M5, T3, AR7 and AR8 of the County Structure Plan, policies 16, 18, 25, 27 and 28 of the Northamptonshire Minerals Local Plan (Proposed Modifications January 2006), policies NMLP 20, 26, 29 and 36 of the Northamptonshire Minerals Local Plan 1991-2006 (adopted 1996) and Policy MIN1 of the East Northamptonshire District Local Plan (adopted 1996).

It is considered that the temporary processing plant would not have a detrimental impact on amenity of the area as a whole. The traffic generation has been approved in a previous planning application and is still considered to be acceptable, with highway works needing to be completed prior to the commencement of the development.

The Noise Assessment carried out for the development has indicated that noise produced by the development would remain within acceptable limits as stated within government criteria, and the restoration of the site back to agricultural use is in line with policy.

Date 23rd February 2006 Signed

Authorised to sign on behalf of the Head of Sustainable Development
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 of 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.

(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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