Town and Country Planning Act 1990

PLANNING PERMISSION

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

Name and address of agent
D. K. Symes Associates
39 Main Road
Middleton Cheney
Banbury
OX17 2ND

Part I - Particulars of application

Date of Application
3rd July 2009

Application No.:
NCC/09/00047/MIN and
EN/09/01072/NCC

Particulars and location of development
Variation of condition 3 of planning permission EN/05/02356C to vary the details of the plant and ancillary works, on land north of Eaglethorpe, 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.

Scope of Planning Permission
2. The development hereby permitted is restricted to the areas edged red on submitted drawing reference 950101TP/A.

3. Except as may otherwise be approved in writing by the Mineral Planning

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Authority, the site shall be worked in accordance with the submitted plans 95010/TP/L, 95010/TP/A, 95010/PS/1, 95010/TP/R/1, 95010/OW/1 and 95010/PP/1 and supporting application details except where specifically amended by any of the conditions attached to this permission.

**Dust**

4. Measures to reduce dust emissions to a minimum during mineral processing, on site vehicular movement and restoration operations shall be undertaken in accordance with the Dust Management Scheme (Report No.R913-R01 dated May 2006 prepared by Smith Grant Environmental Consultancy) including the use of water spray facilities and water bowsers in periods of dry weather. The scheme shall be implemented throughout the life of the operations.

**Noise**

5(a) Monitoring of noise at nearby noise sensitive residential properties of the Water Mill House and Lady Margaret Cottages shall be undertaken in accordance with the Noise Assessment Report Dated November 2005 prepared by ANV Acoustic Consultants and approved by the Mineral Planning Authority in its letter dated 27th October 2006. The agreed scheme shall be implemented throughout the operations.

(b) 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(a) 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.

(b) 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. Within 3 months of the date of this decision notice a detailed scheme of

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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 leaving the site 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.

Flood Protection

10. Within 3 months of the date of this permission, 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

11. 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.

12. 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.

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13. 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.

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

Soil Handling

15. Soil handling should only be carried out when the soil is in a dry and friable condition (see condition 16), 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.

16. 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.

17. 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

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

19. All stones 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.

20. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on

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each phase, or part phase to allow a site inspection to take place.

Restoration

21. Except as may otherwise be agreed in writing by the Mineral Planning Authority the restoration scheme as received by this Authority as part of the approved application reference EN/05/2356C 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 26.

Aftercare

22. 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.

23. 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

24. 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.

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Material

25. 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

26. The development hereby permitted shall cease not later than 1st March 2013 or when the associated mineral extraction has ceased for a period in excess of 6 months, whichever date is the earlier, 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 May 2006) Policy 28).

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 May 2006) Policy 28).

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 May 2006) Policy 28).


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11. To minimise structural damage and compaction of the soil and to aid the final restoration of the site (Northamptonshire Mineral Local Plan (adopted May 2006) Policies 14 and 31).

12-17. To ensure satisfactory storage and movement of soils on site in order to aid final restoration of the site. (Northamptonshire Mineral Local Plan (adopted May 2006) Policies 14 and 31).


21-23. To ensure that the physical characteristics of the soil are reinstated in the interests of the agricultural afteruse. (Northamptonshire Mineral Local Plan (adopted May 2006) Policies 14 and 31).


26. 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. (Northamptonshire Mineral Local Plan (adopted May 2006) Policy 31).

INFORMATIVE

1. For the avoidance of doubt the drawings and documentation to which the decision refers are as follows:
   - Section 73 planning application document dated June 2009 and covering letter dated 30th June 2009, Plan No.95010 and Plan No.95010/TP/A

2. Letter dated 12th August 2009 from the Environment Agency a copy of which is attached to this permission.

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REASONS FOR APPROVAL

The application has been necessitated because the plant site as constructed differs slightly from that which was originally approved. The changes may be summarised as follows: the 'footprint' of the plant site is slightly smaller than the original proposal and therefore there is less material that needs to be stored in the screening bunds around the site which are therefore reduced in height by approximately one metre; the water management process which facilitates 'washing' of the sand and gravel has been modified by utilising three shallow ponds to settle out fines instead of a proprietary item of plant as originally intended; the processing plant is in the same location but the configuration has changed very slightly; finally the location of the office and weighbridge has been amended. The processing plant is of a low profile design and it is considered that the environmental impacts of the changes proposed will be negligible. No objections have been raised during the consultation process and it is considered that the proposal accords with the Development Plan, in particular Policies 14 (Reclamation), 18 (Traffic and Access), 27 (Flood Risk), 28 (Local Amenity), 31 (Planning Conditions) of the Northamptonshire Minerals Plan (adopted May 2006) and therefore there are no grounds to substantiate a refusal of permission and the revised plant layout should therefore be approved.

Date: 2nd October 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.

(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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Dear Sir,

VARIATION OF PLANNING CONDITION 3 OF PLANNING PERMISSION EN/05/0236 TO VARY THE DETAILS OF THE PLANT AND ANCILLARY WORKS. LAND NORTH OF EAGLETHORP, WARMINGTON, NORTHAMPTONSHIRE.

Thank you for referring the above application to vary Condition 3 of Planning Permission EN/05/0236, which was received on 08 July 2009. Thank you for allowing us additional time to fully consider the application.

We have inspected the application as submitted, and have no comments to make in respect of the variation of Condition 3.

We note however, that to date we have not been consulted with a surface water drainage scheme, required by Condition 11, prior to the commencement of any development on site.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Miss Lesley Tims  
Planning Liaison Officer  
Direct dial 01536 385159  
Direct e-mail lesley.tims@environment-agency.gov.uk