Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Mr A E Dijksterhuis
Lilford Lodge Farm
Lilford, Barnwell
Oundle, Peterborough
PE8 5SA

Name and address of agent
Fisher German LLP
50 South Bar
Banbury
Oxfordshire
OX16 9AB

Part I - Particulars of application

Date of Application
23rd December 2009

Application No.: NCC Ref: 09/00079/MIN
ENC Ref: EN/10/00013/NCC

Particulars and location of development
Excavation of sand and gravel mineral reserves to enable the construction of a 100 berth marina basin for recreational and leisure use at Lilford Lodge Farm, Lilford, Oundle, Peterborough, PE8 5SA

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:-

General

Commencement
1. The development hereby permitted shall be begun before the expiration of

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three years from the date of this permission. Written notification of the date of commencement shall be sent to the Minerals Planning Authority within 7 days of such commencement.

REASON: To conform with 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 Permission

2. Except as otherwise required by conditions attached to this planning permission, the development hereby permitted shall be carried out in accordance with the approved plans/reports listed in the attached schedule.

REASON: To specify the approved plans and documents which make up this planning application for the avoidance of doubt and in the interests of proper planning and monitoring of the development.

3. Mineral extraction working shall be confined to the areas shown on Drawing No. GPP/FG/LLF/09/05 Revision 1.

REASON: To specify the scope of this planning permission.

4. From the date of the commencement to the completion of the development, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be on display at the main office for inspection during normal working hours.

REASON: To ensure this planning permission and associated documents are available on site for reference and inspection.

Completion

5. All construction operations (mineral extraction, infilling with inert waste and marina construction) shall cease by no later than 6 years as notified under condition 1 of this permission.

REASON: To specify the date when the construction operations shall have been fully implemented in the interests of safeguarding the environment and amenities having regard to Policy CS14 of the MWDF Core Strategy (2010).

6. Construction operations, involving mineral extraction, waste infilling and marina construction, shall be undertaken concurrently in accordance with a scheme which shall be submitted to the Mineral Planning Authority for approval in writing prior to construction commencing. The scheme shall be based on the details provided in paragraph 3.37 of the submitted application.

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The scheme shall demonstrate how the concurrent operations shall be undertaken to ensure that the marina development is completed within the 6 year timescale for the construction phase of the development, as specified in condition 5 of this permission. The scheme as agreed in writing shall be implemented.

REASON: To ensure that the planning permission is fully implemented and the marina constructed to ensure that Policy CS4 of the MWDF Core Strategy (2010) is not prejudiced.

Working and Related Operations

Hours of Working

7. Unless otherwise approved in writing by the Minerals Planning Authority, the construction phase of the development shall only be carried out during the following times:

07:30 to 18:00 hours Monday to Friday
08:00 to 13:00 hours Saturdays

and at no other times or on Sundays, Bank or Public Holidays.

REASON: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Policy CS14 of the MWDF Core Strategy (2010).

Deposit of Waste

8. Only inert waste shall be deposited on the site and only within Phases 1, 2A, 2B and 3 as shown on Drawing No. GPP/FG/LLF/09/05 Revision 1. Written notice of the date of commencement of the deposit of waste shall be sent to the Mineral Planning Authority within 7 days of such commencement.

REASON: To prevent the increased risk of pollution to the water environment in accordance with Policy CS14 of the MWDF Core Strategy (2010).

Phasing

9. Except as may otherwise be agreed in writing by the Minerals Planning Authority, the mineral extraction operations hereby permitted shall be carried out progressively and in a phased and orderly manner in accordance with plan reference GPP/FG/LLF/09/05 Revision 1.

REASON: To ensure that mineral extraction is carried out progressively and in an orderly manner, so as to minimise noise and environmental disturbance

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**Access and Highway Safety**

**Access Junction**

10. Prior to the commencement of the development, a Section 278 agreement shall have been pursued with the Highway Authority to secure the following highway works:

- Identified improvement works to the access junction (shown on drawing number 16 Rev A);

These works shall have been completed prior to the commencement of construction operations (see Informatives 1 to 3 at the end of this permission).

**REASON:** In the interests of highway safety and local amenity in accordance with Policy CS14 of the MWDF Core Strategy (2010).

**Signage**

11. Prior to the commencement of the development, a scheme detailing the locations and wording for highway warning signs within the site and at the site access shall be submitted to and approved in writing by the Minerals Planning Authority. The scheme as approved shall be implemented and maintained.

**REASON:** In the interests of highway safety in accordance with Policy CS14 of the MWDF Core Strategy (2010).

**Pedestrian/PROW Signage**

12. No development shall take place other than the construction of the haul route/access road, until signs have been erected on both sides of the haul route/site access road at the point where Footpath NG1 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

**REASON:** In the interest of the safety of all users of both the Right of Way and the haul road.

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Prevention of Mud and Debris on Highway

13. No development shall take place until the details of wheel and underside chassis cleaning facilities have been submitted to and approved in writing by the Minerals Planning Authority. The approved facilities shall be installed prior to the commencement of construction operations in accordance with the approved details and implemented and maintained for the duration of the construction phases of the development hereby permitted. Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

REASON: In the interests of highway safety and local amenity in accordance with Policy CS14 of the MWDF Core Strategy (2010).

Vehicle Sheeting

14. All minerals transported from the site and imported restoration materials shall be securely sheeted in such a way as to ensure that no material is deposited on the public highway.

REASON: In the interests of highway safety and safeguarding the local environment in accordance with Policy CS14 of the MWDF Core Strategy (2010).

Local Amenity Protection

Noise

15. Except as otherwise may be agreed in writing by the Minerals Planning Authority:

i. All plant, equipment and machinery used on site; including vehicular traffic, shall be designed and maintained to reduce noise levels to a minimum and be operated in accordance with manufacturer’s instructions.

ii. 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.

iii. All mobile plant/vehicles operating on the site shall be fitted with white noise audible reversing alarms.

iv. The site shall be worked in accordance with the measures set out in Part 1, Section 5 of the British Standard 5228: 1997 “Noise Control on

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Construction and Open Sites”.

The equivalent sound level (L_{Aeq}) measured over any 1 hour time period, attributable to the normal operations on site, as measured free field shall not exceed 55 dBA (1hrL_{Aeq}) at White Lodge, the dwelling at The Growing Garden, Mill Farm Cottage, The Old Rectory in Stoke Doyle, Keepers Lodge in Lilford Park and the dwelling at Lilford Lodge Farm.

REASON: To safeguard the amenities of local residents in accordance with Policy CS14 of the MWDF Core Strategy (2010).

16. Temporary Works such as soil stripping, bund construction and piling on the site shall be worked in accordance with the measures set out in Part 1, Section 5 of the British Standard 5228: 1997 “Noise Control on Construction and Open Site”. The equivalent sound level (L_{Aeq}), measured over any 1 hour time period, attributable to Temporary Works on site, as measured free field shall not exceed 70 dBA (1hrL_{Aeq}) at White Lodge, the dwelling at The Growing Garden, Mill Farm Cottage, The Old Rectory in Stoke Doyle, Keepers Lodge in Lilford Park and the dwelling at Lilford Lodge Farm. The Minerals Planning Authority shall be informed in writing in advance of any Temporary Works carried out under these provisions. Works carried out under the provisions for Temporary Works shall not exceed a duration of 8 weeks in any one year.

REASON: To safeguard the amenities of local residents in accordance with Policy CS14 of the MWDF Core Strategy (2010).

17. Following notification in writing by the Mineral Planning Authority monitoring of noise from the construction operations of the development shall be undertaken at White Lodge, the dwelling at The Growing Garden, Mill Farm Cottage, The Old Rectory in Stoke Doyle, Keepers Lodge in Lilford Park and the dwelling at Lilford Lodge Farm, for a period of 15 minutes at each property during operational phases. Monitoring shall include assessment and management of dewatering pumps during all periods of their operation. The noise level at these above properties shall be determined in accordance with paragraph 2.22 of Annex 2 of MPS2.

REASON: To safeguard the amenities of local residents in accordance with Policy CS14 of the MWDF Core Strategy (2010).

18. The results of the noise monitoring shall be submitted to the Mineral Planning Authority when required and shall include the following information:

i. The measured L_{Aeq} (free field) level in dB(A);
ii. The L_{Aeq}(free-field) attributable to operations on the development site;
iii. Date and time of measurement;
iv. Description of site activity;
v. Details of measuring equipment;

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vi. Weather conditions, including wind speed and direction.

REASON: To safeguard the amenities of local residents in accordance with Policy CS14 of the MWDF Core Strategy (2010).

19. In the event that any complaints regarding noise are received by the Mineral Planning Authority from any sensitive receptor, and thereafter notified to the operator in writing, an immediate assessment of the complaint shall be undertaken. A report on the findings, with proposals for rectifying and a program for the implementation of remedial measures to be undertaken, shall be submitted to the Mineral Planning Authority no later than 5 working days from the receipt of the written notification from the Mineral Planning Authority.

REASON: To safeguard the amenities of local residents in accordance with Policy CS14 of the MWDF Core Strategy (2010).

Dust

20. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the construction operations of the development. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

REASON: To safeguard the local environment and protect amenity of the local residents from unreasonable dust levels in accordance with Policy CS14 of the MWDF Core Strategy (2010).

Stockpile Heights

21. No materials shall be stockpiled or stored at a height greater than 5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference plan GPP-FG-LLF-09-03 Revision 1.

REASON: To minimise the visual impact of the development in the interests of visual amenity in accordance with Policy CS14 of the MWDF Core Strategy (2010).

Environmental Protection

Flood Risk

22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)

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undertaken by Rolton Group Limited (dated November 2009, ref: 08–0593–REV D) and the following mitigation measures detailed within the FRA:

1. Provision of compensatory flood storage.
2. Finished floor levels of the facilities building is set no lower than 24.0m ODN.

REASONS: To reduce the risk and impact of flooding to the proposed development and future occupants, surrounding area and third parties.

Channel/Bank Works – Method Statement

23. No development shall commence until a working method statement to cover all channel/bank works has been submitted to and agreed in writing by the waste planning authority. The method statement should cover the following:

i. timing of works;
ii. methods used for all channel, bankside water margin works;
iii. machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.);
iv. protection of areas of ecological sensitivity and importance;
v. site supervision.

Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the waste planning authority.

REASON: In the interests of nature conservation, flood risk and water pollution in accordance with Policy CS14 of the MWDF Core Strategy (2010).

Foul Water Disposal

24. The development permitted by this planning permission shall only be carried out in accordance with the approved non-mains drainage assessment including the following specific mitigation measures detailed therein:

1. The outlet from the plant shall drain into the existing watercourse, sited a minimum of 24.72 mAOD – no infiltration of treated foul water drainage into the ground is permitted;
2. The applicant shall enter into a service agreement with the plant provider which secures the responsibility for the operation and maintenance of the plant in accordance with the manufacturer’s instructions for the duration of the plant’s use.

REASON: To ensure that the risk of pollution is minimal. The site lies on a

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sequence of different geological formations classified as principal and secondary aquifers therefore the site is considered particularly sensitive in respect of pollution in accordance with Policy CS14 of the MWDF Core Strategy (2010).

Pollution Control

25. Pollution control shall be in accordance with the following:

i. 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.

ii. 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: To minimise risk of watercourse and aquifer pollution and to prevent pollution of the water environment in accordance with Policy CS14 of the MWDF Core Strategy (2010).

Protection of Breeding Birds

26. No vegetation, including the grassland comprising the two fields making up the site, shall be removed between March 1st and August 31st. This is in order to protect ground nesting birds which may be present on site. A suitably qualified ecologist shall be employed to assess the site and details will be provided for approval by the Minerals Planning Authority before operations commence.

REASON: To ensure that breeding birds are not adversely affected in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

Protection of Hedgerows and Trees

27. Operations at the site shall be controlled to ensure the minimum disturbance to, and the retention of all existing trees, hedgerows, shrubs and other vegetation on the boundaries of the site.

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REASON: To ensure the enhancement of the development through the retention of existing natural features by safeguarding their health and stability in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

Archaeology

28. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Minerals Planning Authority.

REASON: To ensure that adequate archaeological investigations and recording is undertaken prior to the development taking place.

Ecological Management Plan

29. Prior to commencement of extraction operations, an Ecological Management Plan (EMP) shall be produced and agreed with the Local Planning Authority detailing what habitats will be provided and where they will be created. Specific details of the creation methods will be required as well as a revised site plan. The EMP should:

- Be in accordance with the comments made by the Wildlife Trust, Natural England, Environment Agency and County Council
- Provide details of how the site will be reconfigured to create greater, more robust areas of habitat
- Provide details of a translocation site for the species from the existing backwater feature should this be required
- Include details of proposed habitat banks for water vole
- Indicate a least two barn owl nest box locations and types to be used
- Provide an outline strategy for management of existing and future woodland on site
- Include details of how the site will be managed for a period of 5 years after completion of the marina facility.

The Ecological Management Plan as agreed shall be implemented.

REASON: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with Policy CS13 of the MWDF Core Strategy (2010).

Landscaping

30. Prior to commencement of extraction operations, a scheme of native species landscaping shall be submitted to the Mineral Planning Authority for approval.

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The scheme shall include details of areas to be planted with species, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of operations/construction of the development. The scheme shall be implemented within the first available planting season following completion of the development hereby permitted in accordance with the approved details. Any trees, shrubs or hedges planted in accordance with the approved scheme shall be maintained and any plants which within five years of planting either die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Minerals Planning Authority.

REASON: In the interests of the landscape and visual amenity in accordance with Policy CS14 of the MWDF Core Strategy (2010).

Protection of RIGS Site

31. Prior to commencement of construction operations, a detailed scheme showing how the RIGS, ref. RIGS No. e15, on site will be safeguarded once the stockpiling area is operational shall be submitted to the Mineral Planning Authority for approval and agreement with the County RIGS Coordinator. The scheme shall include details of measures to ensure no vehicles, stockpiles or other damaging activities affect the site.

REASON: In the interests of geodiversity in accordance with Policy CS14 of the MWDF Core Strategy (2010).

Removal of Plant

32. All mineral processing plant and associated apparatus including pipework, machinery and buildings, temporary offices, weighbridges, wheel cleaning facilities, all hardstandings and foundations and mineral stockpiles and temporary soil bunds shall be removed from the site by the end of the period specified in condition 5 of this permission.

REASON: To ensure that the Mineral Planning Authority retains control of the location, erection, appearance and removal of fixed and mobile plant, machinery, buildings and foundations in the interests of amenity in accordance with Policy CS14 of the MWDF Core Strategy (2010).

Marina

Materials

33. The materials to be used in the construction of the external surfaces of the marina facilities building hereby permitted shall match those detailed in the

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application, and shall be in accordance with details/samples of materials submitted to and approved in writing by the Minerals Planning Authority, prior to works commencing on the site.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

Flood Evacuation Management Plan

34. Prior to the occupation and use of the marina development, details of a flood evacuation plan shall be submitted to and agreed in writing by the Minerals Planning Authority. The evacuation plan shall thereafter be maintained in accordance with the approved details.

REASON: To ensure that a safe passage from the site is maintained during any periods of flooding in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

Berths for Holiday Use Only

35. With the exception of the site manager’s berth, the marina berths hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a sole or main place of residence.

REASON: To ensure that the development is restricted to short term holiday use only and that berths are not used for residential purposes. Residential use would be contrary to the provisions of PPS7 and PPS3 which seek to restrict residential development in the open countryside.

Cycle Parking

36. Prior to the occupation and use of the marina development, details of secure and covered cycle parking facilities for the users of the development hereby approved have been submitted to and approved in writing by the Minerals Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

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Travel Plan

37. Prior to the occupation and use of the marina development, a Travel Plan shall be submitted to and approved in writing by the Minerals Planning Authority. The plan as approved shall thereafter be implemented.

REASON: To reduce the number of car borne journeys related to the development and to encourage the use of means of transport other than the private car in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

Informatives

1. No works may commence upon the existing public highway without the express written consent of the Highway Authority. Such consent would only be forthcoming subject to the completion of an Agreement under Section 278 of the Highways Act 1980. The preparation of the Agreement would require the submission of full engineering, drainage, street lighting, signal, signing, road marking and constructional details etc. Submitted details would be subjected to a full Technical and Safety Audit which may result in changes to layouts and works extents shown indicatively on the approved plans.

2. The developer is advised that details required to discharge conditions associated highway and access works should be submitted to and gain the Technical Approval of the Local Highway Authority prior to submitting such approved details to the Minerals Planning Authority for the discharge of associated conditions.

3. After the completion of the Section 278 Agreement, the commencement of any highway works will be subject to suitable Notices required by the New Roads and Streetworks Act 1991 as amended by the Traffic Management Act 2004. This, in practice, means that a three month Notice is required to book the road space necessary to undertake works of this nature on any highway. Separate Notices will be required for each element or phase of the Off Site Highway Works. The County Council’s Traffic Manager may stipulate start and completion dates, duration of works and impose penalties for failure to adhere to conditions that may be imposed. Any works that may affect the Trunk Road Network either directly or indirectly will also need the agreement of the Highways Agency in respect of road booking space.

4. The applicant’s attention is drawn to the informative comments of the Environment Agency dated 13 September 2010 relating to biodiversity, noted below as follows:

- As part of the mitigation plan for this development we would like to see consideration given to fish habitat. With that in mind, all the pontoons that are to be installed in the marina should have plastic 'fish bristles'

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attached to them below the water level offering a point of refuge outside of the main river. There may also be the opportunity to install these bristles on any sheet piling around the marina.

- Every effort should be made to investigate any existing structures around the site that may be causing an obstruction to fish passage. Construction of the marina would make this an ideal time to remove such structures.

- The ES states that the marina will be devoid of vegetation. Naturally the basin shouldn't be choked with aquatic plants but the edges of the basin should have some form of marginal vegetation which will provide valuable cover for mammals and a place of refuge for fish. A continuous edge of vegetation can be achieved without causing conflict with the pontoons.

- Although no otter or water vole were recorded whilst undertaking the ecological survey this is not evidence that they are not present in this area. Water vole are present through Barnwell village so are known in the local area and it is almost certain that otter will frequent the area for feeding and passage. Therefore, consideration to both mammals should be given in the design and constriction phase of the project.

- For further ecological best practice guidance, please contact Nikki Loveday within our Fisheries, Recreation and Biodiversity Team on 01536 385131.

5. With respect to construction works to be carried out in close proximity to Public Rights of Way, please note the following standard requirements:

- The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times.

- There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by this office, under s131 HA1980.

- If as a result of the development the Right of Way needs to be closed a Traffic Regulation Order will be required for surfacing works. An Application form for such an order is available from Northamptonshire County Council website, a fee is payable for this service and a period of six weeks notice is required:


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• Any new path furniture (e.g. gates preferred over stile) needs to be approved in advance with the Access Development Officer, standard examples can be provided.

REASONS FOR APPROVAL

The application has been made on the basis that its primary objective is to construct a marina and that the proposed mineral extraction and waste infilling are secondary to this objective. The considerations relating to the determination of this application for the construction of a marina are balanced due in particular to the fact that it involves several forms of operational development, which require a wide range of Development Plan and National Planning policies to be taken into account.

The extraction of minerals (sand and gravel) from this part of the Nene Valley is contrary to Policy CS4 of the MWDF Core Strategy but if a marina development is to be permitted at this site Policy CS 10 of the MWDF Core Strategy and Policy 13 of the North Northamptonshire Core Strategy seek to avoid sterilisation of minerals. The development proposes the extraction of 400,000 tonnes of sand and gravel which is considered to be a significant windfall amount. It would contribute to the county’s landbank required under Minerals Planning Policy Statement 1 (MPS1) and Policy CS5 of the MWDF Core Strategy.

The proposals to infill the site with inert waste are a consequence of the removal of the sand and gravel up to a depth of 5 metres and the need to engineer the marina to a depth of 2 metres for safety reasons. Policy CS3 of the MWDF Core Strategy deals with waste disposal and seek to ensure that new waste facilities do not divert significant quantities of material away from the restoration of mineral workings. It is considered that the proposed development would not have a significant prejudicial effect on the restoration of other mineral sites and if there is a justified planning case for the marina then the need to ensure sand and gravel is not sterilised supports the infilling with waste to the required 2 metre depth. This waste material would therefore be supporting the restoration of the mineral workings to facilitate the marina. Therefore the waste development is considered to be in accordance with MWDF Policy CS3.

The proposed marina has been considered against the policy objectives in both Development Plan and National Planning Policy which are generally supportive of this type of development providing that it is sustainable in terms of its location, accessibility and impact on natural resources including landscape, biodiversity and archaeology. In summary: Policy 5 of the North Northamptonshire Core Strategy seeks a net gain in green infrastructure and Policy 13 seeks a high standard of design; Policy 33 of the East Midlands Regional Plan seeks to enhance economic diversification and recreation whilst Policy 1 seeks for sites for development to be sustainable; PPS4 (Planning for Sustainable Economic Growth) Policy EC12 advises on specific proposals for economic development in rural areas and Policy EC12.1(b) seeks to support small scale economic development; and PPG17 (Planning for Open Space, Sport and Recreation) supports sustainable sport and

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recreational activities.

The need for the marina is supported in principle by the Rural North, Oundle and Thrapston Plan (RNOTP) which supported this type of development near to established service centres such as Oundle; however whether this site which is approximately 2 miles from Oundle centre can be regarded as near is a matter of judgement. In terms of alternatives the applicant has satisfied the Environment Agency in flood risk terms that there are no better alternatives. It is considered significant that East Northamptonshire District Council has not objected to the principle of the development or location of the development.

The balance of any uncertainty regarding the location can be weighed against the sites relationship to the wider proposals, expressed by East Northamptonshire District Council, for a tourism hub south of Oundle incorporating Oundle Marina/Barnwell Mill/Barnwell Country Park. Consent has also been granted for hotel accommodation at Barnwell Mill. Other negotiations are taking place regarding proposals adjacent to Oundle Marina. These proposals give further support to the application and conclusion that the marina is acceptable in principle and to support the related mineral extraction and waste infilling operations.

The application has been subject to Environmental Impact Assessment and the development has been assessed in relation to the Development Plan policies listed in paragraph 7.1 which relate to: landscape and visual impact, ecology, amenity (noise and dust), flood risk, highway safety, traffic, archaeology, and design and appearance, and it is considered that these can be mitigated and controlled by planning conditions and a Section 106 Agreement relating to traffic routeing. Accordingly on balance there are no justifiable reasons to refuse the application.

On balance having regard to all the Development Plan, National Policy, Emerging Policy and all other material considerations, there is considered to be a justified case for a marina at this location and accordingly the related mineral extraction and waste infilling operations are also considered acceptable in this instance.

Date: 2nd February 2012
Signed: [Signature]

For Assistant Director of Environment and Planning

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.
## Schedule of Approved Plans/Reports

Application Forms dated 30th November 2009
Design and Access Statement dated November 2009
Environmental Statement dated November 2009 including updated Transport Assessment
Environmental Statement - Supplementary Section dated June 2010
Update to Ecological Assessment dated February 2010
Archaeological Desk Based Assessment dated September 2010

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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 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.

4. Guidance on using the Planning Portal's online appeals service, see leaflet PCS4 available at:


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