Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant Name and address of agent (if any)

Mick George Limited
Second Drove
Meadow Lane
St Ives
Cambridgeshire
PE27 4YQ

Part I - Particulars of application

Date of Application Application No.
22 October 2012 NCC Ref: 12/00078/MINFUL
ENC Ref: 12/01784/NCC

Particulars and location of development
The extraction of limestone and importation of materials for engineering works associated with the construction of lakes at Stonehill Quarry, Off Kings Cliffe Road, Northamptonshire, PE8 6NU.

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:-

1. Commencement

The development hereby permitted shall be begun before the expiry of 1 years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

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.
Reason: To comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

2. Upon receipt of the notification of commencement under condition 1 above, this permission shall supersede East Northamptonshire Council planning permission reference number EN/03/00151/FUL within the red line of this application, as shown on plan/drawing no. S22/12/01 dated 3 October 2012.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

3. **Scope of the Permission**

Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the following approved documents:

- The Part 1 Application Forms dated 9 October 2012
- The Part 4 Application Forms dated 4 October 2012
- The Supporting Statement dated 19 October 2012
- The letter from John Gough dated 16 November 2012
- Site Location Plan No. S22/12/01, dated 3 October 2012
- Schematic Site No. S22/12/02a, dated 18 October 2012
- Concept Restoration Plan No. S22/12/03a, dated 18 October 2012
- Mineral Extraction Area Plan No. S22/12/04, dated 4 October 2012

Reason: To specify the approved documents in the interests of amenity and the environment having regard to Policy CS14 of the MWDF Core Strategy DPD (May 2010).

4. **Noise**

Prior to the commencement of the development a Noise Assessment shall be submitted to the Mineral Planning Authority. The assessment shall (inter alia) include the following information:

i) The baseline noise levels at locations, and measured by a method to have been previously agreed in writing with the Mineral Planning Authority;
ii) An assessment of the likely noise levels generated at the locations as a result of the extraction and restoration phases of the development;
iii) A scheme for the management and mitigation of noise in order that all site operations comply with the noise levels referred to iv) below;
iv) The setting of noise limits at the locations agreed in criteria i) above;
v) A procedure for the review of operations upon the receipt of complaints by the Mineral Planning Authority, upon notification to the operator;

The development hereby permitted shall not commence until such time as the scheme submitted has been approved in full. The development hereby permitted shall be undertaken in accordance with the approved scheme.

Reason: In the interests of amenity protection having regard to Policy CS14

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5. Operations at the site shall only take place between 07:00 – 18:00hrs Monday to Friday and 07:00 – 13:00hrs on Saturdays, with further restrictions on the following activities:

- No breaking of stone shall commence prior to 07:30hrs;
- No HGVs shall enter or leave the site prior to 08:00hrs;

There shall be no operations at the site on Sundays or Bank Holidays.

**Reason:** In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

6. **Air Quality**

Prior to the commencement of the development a Dust Action Plan shall be submitted to and approved in writing by the Mineral Planning Authority. The assessment shall include the following information:

i) A scheme for the management and mitigation of dust in order that all site operations take place without causing harm to the amenity of the locality or nearby land uses;

ii) A procedure for the review of operations upon the receipt of complaints by the Mineral Planning Authority, upon notification to the operator;

The development hereby permitted shall not commence until such time as the scheme submitted has been approved in full. The development hereby permitted shall be undertaken in accordance with the approved scheme.

**Reason:** In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

7. **Highways**

Prior to the commencement of the development a Plan for the routeing of HGVs to and from the site shall be submitted for the prior written approval of the Mineral Planning Authority. The Plan shall identify arrangements for:

i) Preventing vehicles entering King’s Cliffe or the centre of Wansford;

ii) Identify what measures will be employed to govern the quantity and direction of HGV movements;

iii) Monitoring of the approved arrangements;

iv) Ensuring that drivers under the control of the applicant are made aware of the approved arrangements; and,

v) The disciplinary steps that will be exercised in the event of a default.

The development shall be carried out in conformity with the approved scheme.

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Reason: In the interests of highway safety and safeguarding residential amenity having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

8. All operational vehicles leaving the site shall be cleansed of mud and other debris to ensure that there is no nuisance dust and no mud or debris is deposited on the public highway.

Reason: In the interests of amenity protection and highway safety having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

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

Reason: In the interests of amenity protection and highway safety having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

10. Landscape & Ecology

Prior to the commencement of the development detailed landscaping and restoration proposals, including an Ecological Management Plan and an Aftercare Scheme for the improvement of biodiversity on the site, shall be submitted for the prior written approval of the Mineral Planning Authority. The scheme shall include (inter-alia) the following details:

i) A revised landscape plan generally in accordance with the submitted Concept Restoration Plan and Landscape Proposal Plan but which provides detailed landscape and habitat creation proposals (including existing and proposed site levels), with a focus on locally native calcareous grassland habitats and species;
ii) Details or planting and seeding mixes;
iii) A maintenance regime and management plan;
iv) Proposals for the monitoring of species;
v) Contingency measures triggered by monitoring;
vi) Details of warning signs and water safety equipment to be retained on site upon completion of the development;
vii) Provision for a full levels survey to be submitted upon completion of the development hereby permitted.

The scheme as agreed in writing by the Mineral Planning Authority shall be implemented as approved.

Reason: To secure a scheme that would ensure a timely restoration of the site that would result in a biodiversity benefit as a result of the proposed development, in accordance with Policies CS13 of the MWDF Core Strategy (May 2010), Policies CMD7, CMD8 and CMD 13 of the MWDF Control & Management of Development DPD (June 2011) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

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11. Recycling

There shall be no processing or export of inert waste on the site, except that permitted directly to achieve the objectives of the scheme approved under condition 10 above.

**Reason:** For the avoidance of doubt, to ensure timely restoration of the site and to allow the impacts of any additional operations to be fully considered in a planning application in accordance with Policies CS13 of the MWDF Core Strategy DPD (May 2010), Policies CMD7, CMD8 and CMD 13 of the MWDF Control & Management of Development DPD (June 2011) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

12. Catchment Area

All material imported to the site should be from a catchment area of no greater than 20 miles radius from the application site.

**Reason:** To ensure that waste materials are dealt with as close to their source as possible in the interest of self sufficiency and sustainability having regard to Policy CS9 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD1 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

13. The operating company shall keep a record of the quantity of waste received by weight, its source and HGV movements associated with the development. These records shall be provided to the Waste Planning Authority upon request, within 14 days of such a written request. All such information supplied shall be treated on a confidential basis.

**Reason:** To ensure that waste materials are dealt with as close to their source as possible in the interest of self sufficiency and sustainability having regard to Policy CS9 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD1 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

14. Time Limit

The development hereby permitted shall be completed no later than 2 years (24 months) from the date of this permission, by which time the development shall have ceased and the site have been restored in accordance with the scheme approved under condition 10.

**Reason:** For the avoidance of doubt and to ensure timely restoration of the site in accordance with Policies CS13 of the MWDF Core Strategy, Policies CMD7, CMD8 and CMD 13 of the MWDF Control & Management of Development DPD (June 2011) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

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15. **Material Limits**

There shall be no more than 10,000m³ of soil material imported to the site in connection with the proposed development.

**Reason:** For the avoidance of doubt and to allow the impacts of any additional importation of material to be fully considered in a planning application in accordance with Policies CS3 and CS13 of the MWDF Core Strategy DPD (May 2010), Policies CMD7, CMD8 and CMD 13 of the MWDF Control & Management of Development DPD (June 2011) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

**REASONS FOR APPROVAL**

The application site and surrounding land benefits from an extant planning permission (ref. no. EN/03/00151/FUL) that permits the extraction of stone, which can either be processed and retained on-site, or removed from the site for onward processing. Therefore the principle of such extraction works is already established on the site. Whilst there is no compelling need for crushed rock in the County, the principle of using minerals for their highest quality end use and being located close where they may be used, are key principles of sustainable mineral extraction. Through compliance with these principles the proposed development is considered to comply with the objectives of Policies CS4, CS5 and CS9 of the MWDF Core Strategy, Policy CMD4 of the MWDF Control & Management of Development DPD, and the NPPF.

Although there is no compelling need for landfill capacity in the County the small increase in capacity would be unlikely to prejudice the development plan strategy or the restoration of nearby landfill sites, therefore the development would not conflict with Policy CS3 of the MWDF Core Strategy and Policy CMD3 of the MWDF Control & Management of Development DPD.

In principle the proposed restoration scheme is considered acceptable and subject to securing detailed schemes, the proposed development would secure biodiversity benefits and would comply with Policies CS13 of the MWDF Core Strategy, Policies CMD7, CMD8 and CMD13 of the MWDF Control & Management of Development DPD and Policy 5 of the North Northamptonshire Core Spatial Strategy.

In principle the proposed development could operate in a manner than would not unacceptably adversely impact upon local amenity. Through the imposition of appropriate conditions relating to dust and noise, improved environmental controls could be secured, and the development would comply with Policy CS14 of the MWDF Core Strategy and Policy 13 of the North Northamptonshire Core Spatial Strategy. Subject to securing the routeing and management of vehicle movements, and conditions ensuring that no mud is deposited on the highway, the development would not result in any unacceptable impact with regards to highway safety.

The proposed development would not result in any adverse impact with respect to flood risk or harm to a nearby limestone aquifer. The proposed

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development would not have any adverse impact upon nearby Conservations Areas, therefore the development would comply with MWDF Control & Management of Development DPD Policy CMD9.

Overall the proposed development is considered to comply with the policies of the development plan and would result in a more beneficial and sustainable development than currently permitted at the site. Consequently the development is recommended to be approved subject to the conditions set out, the imposition of which would comply with Policy CMD14 (Implementation) of the MWDF Control & Management of Development DPD.

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application including that caused by some previous work occurring that appeared not to benefit from planning permission, by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

INFORMATIVE

1. **The Environment Agency**

   This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. Information on Environmental Permits is available on the Environment Agency website at:
   

   The operator may be able to meet the terms of one of our Standard Rules Environmental Permits. Further information on Standard Rules Environmental Permits is available on the Environment Agency website at:
   

   If the operator can not comply with one of the Standard Rules Environmental Permits a Bespoke Environmental Permit would be required.

   The operator will need to submit a recovery plan with their application for an Environmental Permit. The recovery plan will need to demonstrate that that the proposed activities fit within the technical definition of 'waste recovery' as opposed to waste disposal. Materials used must be inert and fit for purpose.

   The operator is advised to seek pre-application advice before making an application for an Environmental Permit. Please contact Charles Phillipps at

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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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