Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant       Name and address of agent (if any)
Bullimores Sand & Gravel Ltd        Heaton Planning Ltd
South Witham                        9 The Square
Grantham                            Keyworth
Lincolnshire                        Nottingham
NG33 5QE                            NG12 5JT

Part I - Particulars of application

Date of Application  Application No.
31 December 2013        NCC Ref: 13/00121/MINVOC

ENC Ref: 14/00062/NCC

Particulars and location of development
Variation of Condition 1 of planning permission EN98/374C - Extension of time for restoration operations at Collyweston Quarry, Peterborough Road, Duddington, Northamptonshire, PE9 3QA.

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 commenced on 1 January 2014.

   Reason: To specify that this planning permission supersedes planning permission EN/98/374C and to comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. END DATE

   The development hereby permitted, including restoration in accordance with conditions attached to this permission, shall be completed no later than 30th

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October 2015. The site shall be subject to aftercare for a further five year period.

Reason: To ensure appropriate restoration having regard to Policy CS13 of the Northamptonshire MWDF Core Strategy (May 2010) and Policy CMD13 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

3. **METHOD OF WORKING AND OPERATION LIMITS**

The development hereby permitted shall be confined to Part A shown by vertical hatching on the plan dated 17 July 1989 prepared in connection with planning application EN/88/809C/A.

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

4. Except as may otherwise be agreed in writing by the Minerals and Waste Planning Authority the operations hereby permitted shall be carried out progressively and in a phased and orderly manner.

Reason: To ensure that operations are carried out progressively and in the interests of amenity and the environment having regard to Policies CS13 and CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

5. No waste other than non-hazardous inert waste for restoration shall be imported to the site.

Reason: To define the scope of the permission and in the interest of amenity and the environment having regard to Policies CS13 and CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

6. **ACCESS**

The sole vehicular access for the development hereby permitted shall be that which is shown on plan no. 1 received by this Authority on 23rd February 1998 in connection with planning application EN/97/802C.

7. The vehicular access shall be hardsurfaced and maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration.

8. **WHEEL CLEANING**

No Heavy Goods Vehicle shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the public highway.

9. **VEHICLE SHEETING**

All loaded Heavy Goods Vehicles arriving at and leaving the site shall be securely sheeted.

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Reason for conditions 6 to 9: In the interests of highway safety and amenity in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

10. **HOURS OF WORKING**

No operations shall be carried out at the site except between the hours of 7.00am and 6.00pm Mondays to Fridays and between 7.00am and 1.00pm on Saturdays, with no operations on Sundays, public or bank holidays.

Reason: To ensure that operations are carried out within reasonable hours so as to minimise amenity disturbance in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

11. **AMENITY**

No vehicles and mobile plant used exclusively on site shall be operated unless they have been fitted with and use white noise or other non tonal reversing alarms.

12. No vehicle, plant, equipment or machinery used exclusively on site shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant, equipment and machinery shall be maintained in accordance with the manufacturer’s specification.

13. The site shall be worked in accordance with the measures set out in Part 1 (Noise), Section 8 of British Standard 5228: 2009 “Noise and Vibration Control on Construction and Open Sites or subsequent edition thereof. The equivalent sound level (L\text{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\text{Aeq}) at the nearest residential property. For soil stripping and bund formation the equivalent sound level (L\text{Aeq}), measured over any 1 hour time period as measured free field shall not exceed 70 dBA (1hrL\text{Aeq}) at the nearest residential property. The location of the nearest residential property shall be agreed in writing with the Minerals and Waste Planning Authority within 3 months of the date of this planning permission.

14. Dust generated by activities on the site shall be controlled to minimise fugitive dust emissions. Measures for the suppression of dust shall be taken during dry weather periods and whenever operations create dust. These measures shall include the use of water spray facilities for damping operational areas, stockpiles and hard surfaces and roadways.

15. No external lighting, fixed or temporary, shall be erected or installed unless full details of the location, height, design, sensors and luminance have been submitted to and approved in writing by the Minerals and Waste Planning Authority. The details shall ensure that the lighting is designed to minimise the potential nuisance of light spillage. The lighting shall thereafter be erected, installed, operated and maintained in accordance with the approved details.

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16. In the event that complaints regarding noise, dust or lighting are received by
the Minerals and Waste Planning Authority and thereafter notified to the
operator, an assessment of the complaint shall be undertaken by the operator.
A report on the findings, with proposals for removing, reducing or mitigating
identified adverse effects resulting from the operation, and a programme for
the implementation of remedial measures (if necessary) to be undertaken
shall be submitted to the Minerals and Waste Planning Authority no later than
five working days from notification of the complaint to the operator, unless a
later date is otherwise agreed in writing by the Minerals and Waste Planning
Authority. The approved remedial measures shall be implemented in full and
thereafter maintained.

Reason for conditions 11 to 16: To reduce the amenity impacts of noise and
dust disturbance from the site on the local environment having regard to
Policy CS14 of MWDF Core Strategy DPD (May 2010).

17. PLANT AND MACHINERY

Notwithstanding the provisions of Part 19 and Part 21 of Schedule 2 of the
Town and Country Planning (General Permitted Development) Order 1995 (or
any Order amending, replacing or re-enacting that Order), no fixed plant or
machinery, buildings, structures and erections or private ways shall be
erected, extended, installed, rearranged, replaced, repaired or altered at the
site without prior planning permission from the Mineral and Waste Planning
Authority.

Reason: To protect the amenities of the area having regard to Policy CS14 of
the Northamptonshire MWDF Core Strategy DPD (May 2010).

18. SOIL HANDLING AND STORAGE

All topsoil, subsoil and soil making material shall be stored adjacent to the
north-west boundary of the area permitted for mineral extraction in the general
location of the area indicated on the plan dated 17 July 1989 prepared in
connection with planning application EN/88/809/C/A and be retained on the
site for subsequent re-use in site restoration.

19. Except as may otherwise be agreed in writing by the Minerals and Waste
Planning Authority, the height of topsoil bunds shall not exceed three metres
and the height of subsoil and overburden bunds shall not exceed five metres.

20. Stored topsoil, subsoil and overburden shall be sown with grass seed or
sprayed with herbicides to prevent weed accumulation.

21. All topsoil, subsoil and soil making material shall only be handled when in a
dry and friable condition. The criteria for determining dry and friable shall be
based on a field assessment of the soil’s 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
three millimetres diameter can be formed, the soil is wetter than the lower

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plastic limit, and soil movement should not take place until the soils have dried out. If the soil crumbles before a long thread of three millimetres diameter can be formed, then the soil is dry enough to move. This assessment shall be carried out on representative samples of each major soil type.

22. The movement and handling of soils shall be in accordance with sheets 1-4 (soils handling using excavators and dump trucks) and sheet 15 (soil replacement with bulldozers and dump trucks) of the "Goods practice guide for handling soils" published by the Ministry of Agriculture Fisheries and Food in April 2000 or subsequent edition thereof.

23. All stockpiles or stores of minerals, mineral waste, topsoil, subsoil or overburden shall be removed by the last date referred to in condition 2 of this permission.

Reason for conditions 18 to 23: To prevent damage to soils in the interests of restoration and amenity having regard to Policies CS13 and CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

24. POLLUTION CONTROL

Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sights 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 downwards into the bund.

25. 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.

26. Any vehicle wash water, including steam effluent, should be contained in a sealed vessel and either recirculated or disposed of off-site. A dedicated area, graded to ensure wash water is directed to the discharge point, should be provided.

27. Facilities should be provided to ensure that waste oil is stored and disposed of in a manner that will not lead to pollution.

Reasons for conditions 24 to 27: To minimize the risk of pollution having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

28. LANDSCAPING AND RESTORATION

The areas filled in shall be progressively covered with the stored soils as tipping proceeds to a depth of not less than one metre with the top 300

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millimetres comprising stored topsoil. This one metre covering shall be kept free of materials likely to interfere with final restoration and subsequent cultivation and tree planting and shall be ripped (rooted) as necessary to relieve compaction prior to the replacement of topsoil. Any stones or other materials which would impede subsequent agricultural operations shall be removed or buried on site to a depth of at least one metre.

29. Upon the completion of the restoration and not later than the date specified in condition 2 of this permission the site shall be restored to the pre-settlement contours on the submitted Proposed Levels drawing (reference 5526-L-03 revision A dated June 2013). A detailed survey of the final levels on site shall be submitted to the Minerals and Waste Planning Authority once infilling and restoration is complete, and in any event no later than the date specified in condition 2.

30. In the event that 12 months prior to the end date specified in condition 2 it is expected that the site will not be completed to the pre-settlement contours as required by condition 29 an amended Proposed Levels drawing shall be submitted for approval in writing by the Minerals and Waste Planning Authority. The approved plan shall be implemented and completed by the date specified in condition 2.

31. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the Minerals and Waste Planning Authority, shall fill the depressions with suitable soils to a specification to be agreed in writing by the Minerals and Waste Planning Authority.

32. Within 12 months of the date of this permission a Landscape and Restoration Plan shall be submitted in writing to the Minerals and Waste Planning Authority. The plan shall set proposals for restoration to agriculture and shall be accompanied by a schedule of proposed planting and management. The plan as agreed in writing by the Minerals and Waste Planning Authority shall be implemented in full and maintained in accordance with condition 37 (aftercare).

33. The approved planting approved under condition 32 shall be implemented no later than the first available planting season following the completion of restoration.

34. Trees, shrubs and hedges planted in accordance with the approved scheme (condition 32) shall be maintained and any plants which within five years of planting 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.

35. The vehicular access and haul route and all buildings, structures, plant, machinery and hardstanding erected in accordance with this permission shall be removed from the site by the date specified in Condition 2 of this permission, unless otherwise agreed in writing by the Minerals and Waste Planning Authority in circumstances where these are still required in connection with planning permission EN/06/1279C or any subsequent

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planning permission.

36. Any ditches, fences, hedges, gates, field drains and water courses and supplies disturbed during the permitted operations shall be made good where necessary and any further ditches, fences, hedges, gates, field drains and water courses and supplies shall be provided on restoration for good husbandry.

Reason for conditions 28 to 36: To ensure appropriate restoration and aftercare having regard to Policy CS13 of the Northamptonshire MWDF Core Strategy (May 2010) and Policies CMD7, CMD8 and CMD13 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

37. **AFTERCARE**

An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for the proposed afteruses shall be submitted in writing to the Minerals and Waste Planning Authority within 12 months of the date of this permission. The submitted scheme shall:

(a) Provide an outline strategy in accordance with paragraphs 45-46 of the Technical Guidance to the National Planning Policy Framework for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. In the case of agriculture the scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants and the Minerals and Waste Planning Authority.

(b) Provide for a detailed annual programme, in accordance with paragraphs 47-48 of the Technical Guidance to the National Planning Policy Framework, to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

The scheme as approved in writing by the Minerals and Waste Planning Authority shall be implemented in full and maintained for the duration of the aftercare period.

38. Before 31 December of every year during the aftercare period, an Aftercare Management Report shall be submitted to the Mineral Planning Authority recording the aftercare operations carried out on the land during the previous 12 months and setting out the intended aftercare operations for the next 12 months. A site meeting shall be arranged to discuss the report to which the Mineral Planning Authority shall be invited together with any other parties as necessary.

39. Trees planted in accordance with the approved schemes shall be maintained during the aftercare period, such maintenance to include the following:

(a) Replacing any plants which die or are lost;
(b) Weeding to prevent the growth of plants being retarded;

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(c) Maintaining any fences around planted areas in a rabbit-proof and stock-proof condition.

40. During the aftercare period, temporary drainage works (e.g. ditches, watercourses, settling lagoons) shall be carried out as necessary to prevent soil erosion, flooding of land within or outside the site or the erosion or silting up of existing drainage channels within or outside the site.

Reason for conditions 38 to 40: To ensure appropriate aftercare having regard to Policy CS13 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD13 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

REASONS FOR APPROVAL

Applications 13/00120/MINVOC and 13/00121/MINVOC are to extend the end date for infilling and restoration of planning permission EN/97/802C by a further three years and the restoration of planning permission EN/98/374C by approximately two years to 31 October 2015. Subject to an update of the existing controls and the requirement for a revised landscape and restoration plan it is considered that there are no policy grounds to justify refusal of these applications.

The proposals have also been assessed to be acceptable having regard to the local development plan, in particular Policies CS3, CS13 and CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policies CMD7, CMD8, CMD13 and CMD14 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011). It is considered that these planning permissions should be granted, subject to the recommended conditions of consent.

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application the Waste Planning Authority has worked with the applicant in a positive and proactive manner. Concerns and issues raised during consultation on the submitted application have been considered by the Waste Planning Authority, discussed with consultees and the applicant/agent and are addressed by conditions where appropriate.

The approach to this application has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

INFORMATIVE

1. The applicant’s attention is drawn to the informative comments of the Environment Agency dated 22 January 2014 summarised below:

   The applicant will need to contact the EA in order to vary the existing environmental permit and provide further groundwater and landfill gas monitoring boreholes. For further details please contact Duncan Beaumont on 01536 385194.

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Date: 1st April 2014
Signed: [Signature]

For Assistant Director of Environment and Planning

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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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