PLANNING PERMISSION

Name and address of applicant
The Elton Estate
The Estate office
Elton Hall
Peterborough
PE8 6SH

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

Part I - Particulars of application

Date of Application
23rd August 2002

Application No.: EN/02/846C

Particulars and location of development
Construction of an agricultural reservoir together with removal of surplus material arising in the course of construction and the importation of a limited quantity of engineering clay. Land north of Eaglethorpe, Warmington. The Elton Estate. EN/02/846C.

Part II - Particulars of decision:

The Northamptonshire County Council

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

Commencement

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

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.
Scope of Planning Permission

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

3. Except as may otherwise agreed in writing by the Minerals Planning Authority the development shall be carried out in accordance with the submitted application EN/02/846C and associated drawings reference 95010/R/2a and 9501/R/2b.

4. Clay extraction and importation shall be restricted solely to the constructional requirements of the irrigation reservoir and the depth of clay extraction shall not exceed eight metres, unless otherwise agreed in writing by the Mineral Planning Authority.

Dust

5. Prior to the commencement of operations on site a scheme of measures to reduce dust emissions to a minimum during site preparation, mineral extraction, on site vehicular movement and restoration operations, including the use of water spray facilities and water bowsers, in periods of dry weather shall be submitted to the Mineral Planning Authority for written approval.

The scheme, as agreed in writing by the Authority shall be implemented throughout operations on site.

Noise

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

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

Hours of Working

7. Except as may otherwise be agreed in writing by the Mineral Planning Authority, site preparation, mineral extraction, levelling and restoration operations and any associated activities including plant and machinery maintenance shall be restricted to between the hours of 7.00 am to 5.00 pm on Mondays to Fridays and 8.00 am and 1.00 pm on Saturdays, with no such operations being carried out on the site on Sundays or Public Holidays.

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**Access and Protection of the Public Highway**

8. The sole vehicular access for the development hereby permitted shall be by way of the access located as shown on the deposited plan. This access shall be maintained to the satisfaction of the Mineral Planning Authority.

9. Prior to the commencement of the development hereby permitted a detailed scheme of highway works and specifications for the improvements at the "Lady Margaret" access, including the provision of a permanent raised, solid, central island in the A605 Road, shall be submitted for approval in writing by the Mineral Planning Authority. The scheme, as may be approved in writing and incorporating such modifications as the Mineral Planning Authority may require, shall be fully implemented prior to the commencement of mineral extraction operations on the site (see form PL6 attached to this permission).

**Wheel Cleaning**

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

**Archaeology**

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

**Flood Protection**

12. The applicant shall ensure that the development proposals and the subsequent restoration of the site shall be undertaken in accordance with the findings and recommendations of the Flood Risk Assessment (dated June 2003) received by the Mineral Planning Authority on 4th June 2003.

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Ecological Management Plan

13. Prior to the commencement of the development hereby permitted an ecological management plan shall be submitted for approval in writing by the Mineral Planning Authority. The plan shall include, amongst other things, the requirements detailed in the letter submitted from RPS Ecoscope to the Northants Wildlife Trust dated 11th August 2003, which includes:
   - Plans for the treatment of Crassula infestation.
   - Design of the conservation area to maximise potential for breeding and wintering bird species of interest.
   - Proposals for the long-term management of the conservation area for the benefit of the wildlife interest.
   - A programme to monitor the success of the Crassula treatment, the development of vegetation and the bird populations on the site.
   - Measures to ensure that reptiles (Grass Snake) are not harmed during construction.

14. In the first appropriate season immediately prior to the commencement of operations on the site a survey shall be carried out to identify potential water vole and otter habitat in the area to be disturbed by the construction of the feeder ditch from the River Nene. The results of the survey shall be used to determine any necessary habitat protection and a scheme of proposals shall be submitted to the Mineral Planning Authority for approval in writing. The scheme, as may be approved shall thereafter be implemented.

Soil Stripping and Storage

15. Except as may otherwise be agreed in writing bunds for the storage of soils shall conform to the following criteria:
   a) Topsoil bunds shall not exceed 3 metres in height.
   b) Subsoil and overburden bunds shall not exceed 5 metres in height.

All bunds which remain for more than six months shall be sown with a grass seed mixture.

Buildings, Plant and Machinery

16. With the exception of a weighbridge and office, and pump house, and notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1988, no fixed plant or machinery, or any buildings in connection with the development other than those hereby permitted shall be erected, extended, installed, rearranged, repaired or altered in any way under the provisions of Class A or B of Part 19 of Schedule 2.

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Plant Reversing

17. 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 with the authority. All heavy goods vehicles entering the site shall be routed to minimise reversing manoeuvres.

18. All building and fixed or mobile plant as associated with mineral extraction shall be removed as part of the restoration of the site as soon as there are no longer required, and not later than the date referred to in condition 26 of this permission.

Fuel Storage

19. Any fuel storage above ground and refuelling facilities shall be bunded to at least 110% of the tank capacity and constructed on an impermeable base with an independent sealed drainage system with no direct discharge to any watercourse, land, or underground strata.

Public Rights of Way

20. The bridleway crossing the haul road into the site and along the south eastern boundary shall be safeguarded in accordance with a scheme of measures to be submitted and agreed in writing prior to mineral extraction operations commencing on site. The agreed scheme shall be implemented throughout the life of the operations.

Tree Screen Retention

21. The existing established trees which are located between the site and Eaglethorpe Water Mill House identified on the plan EN/02/866CA attached to this planning permission, shall be retained in situ throughout the period of mineral extraction, reservoir construction, and restoration operations at the site.

Landscaping

22. Except as may otherwise be agreed in writing by the Mineral Planning Authority within six months from the commencement of development, a landscaping scheme shall be submitted to the Mineral Planning Authority for approval. The scheme shall include proposals for the planting of trees and shrubs including plants, around the wet lips of the reservoir and the wetland area, with details of their numbers, size and species.

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23. The implementation of the landscaping scheme as may be approved by Mineral Planning Authority and incorporating such modifications or additions as the Authority may reasonably require shall be undertaken and completed to the satisfaction of the Authority by the end of the first planting season following the restoration of the site.

24. Any trees, shrubs or plants which die, become diseased, damaged or are removed within 5 year period shall be replaced in the next planting seasons with others of the same size and species, unless otherwise agreed in writing with the County Planning Authority.

**Bird Hide**

25. A bird hide with public access linked to the existing public bridleway shall be provided as part of the restoration works. Further details of the hide and public access link including design, materials, colour and location shall be submitted and agreed with the Mineral Planning Authority and implemented within the six month restoration period referred to in condition 28 of this permission.

**Restoration**

26. Except as may otherwise be agreed in writing by the Mineral Planning Authority the amended restoration scheme, reference Plan 95010/R/3b received by this Authority on 22nd August 2003 shall be implemented upon cessation of the mineral extraction operations hereby permitted and shall be completed before the end of this permission as stated in Condition 28.

**Ecological Aftercare**

27. Not later than the completion of the mineral extraction operations or the date referred to in Condition 28 of this permission, whichever is the sooner, a five year ecological aftercare programme incorporating the requirements in Condition 13 of this permission shall be submitted to the Mineral Planning Authority for approval in writing. The five year aftercare programme, as may be approved by the Authority, shall be implemented throughout the aftercare period.

**End Date**

28. The development hereby permitted shall cease not later than 5 years from the date of commencement given in accordance with Condition 1 above and the land shall be restored or reinstated within 6 months of this date in accordance with the conditions of this permission.

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REASONS FOR APPROVAL (and relevant Development Plan policies)

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. To specify the area and to avoid doubt as to the scope of this planning permission. (Minerals Local Plan policy NMLP21C).

3 & 4. To specify the submitted drawings and plans and avoid doubt as to the scope of this planning permission. (Minerals Local Plan policy NMLP21C).

5. To safeguard the local environment and protect the amenities of local residents from unreasonable dust levels. (Minerals Local Plan policy NMLP20A).

6 & 7. To minimise the noise disturbance to local residents and to enable the noise effects of the development to be adequately monitored and controlled. (Minerals Local Plan policy NMLP20A).

8. To ensure a satisfactory means of access to the highway. (Minerals Local Plan policy NMLP29).

9 & 10. In the interests of highway safety and to safeguard the interests of users of the public highway. (Minerals Local Plan policy NMLP20).

11. To ensure that adequate archaeological investigations and recording is undertaken prior to the development taking place. (Minerals Local Plan policy NMLP26).

12. To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity. (Minerals Local Plan policy NMLP20J Northamptonshire County Structure Plan 1996-2016 policy AR8).

13. To ensure the long-term proper aftercare of the land in accordance with a detailed agreed plan in the interests of nature conservation. (Minerals Local Plan policy NMLP20C).

15. To minimise structural damage and compaction of the soil and to aid the final restoration of the site. (Minerals Local Plan policy NMLP 20H).

16. To ensure the Mineral Planning Authority returns control over the erection of fixed buildings, plant and machinery in the interests of amenity. (Minerals Local Plan policy 20A).

17 & 18. To protect the amenities of local residents. (Minerals Local Plan policy 20A).


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20. To protect the interests and safety of the users of the public rights of way. (Minerals Local Plan policy NMLP30).

21-26. To protect the existing tree screen and to ensure proper restoration, landscaping and aftercare of the site within a reasonable time in accordance with detailed agreed plans, in the interests of the environment and local amenity. (Minerals Local Plan NMLP36).

27. To specify the date when the conditions of this permission shall have been fully implemented and to enable the Mineral Planning Authority to reconsider the development position in the light of circumstances prevailing at the end of the consent period. (Minerals Local Plan NMLP20 and 21).

Informatives

The Environment Agency have raised the following issues in their consultation response dated 7th July 2003.

1. Under the terms of the Water Resources Act 1991, an Impounding Licence may be required from the Agency for the impounding of any watercourse, ditch or stream (e.g. by dam, weir etc.) and an Abstraction Licence may be required from the Water Resources and Licensing Section of the Environment Agency on 01522 513100 for the abstraction of water from any inland water or underground strata. This is dependent on water resource availability and therefore may not necessarily be granted.

2. The proposal may result in the retention of more than 25,000 cu.m of water above normal ground level and require registration with the County Council under the Reservoirs Act 1975, and an Impounding Licence from the Environment Agency, under Section 25 of the Water Resources Act 1991.

3. Any person intending to excavate minerals shall give notice of their intentions to the Environment Agency (under Section 28, Anglian Water Act 1977). The appropriate forms can be obtained by contacting the Water Resources department of the Environment Agency at the address below.

4. All excavated material must be tipped at a suitably licensed or exempt waste management facility and this would require a Waste Management Licence or registration for an exemption. The applicant is advised to contact the Environment Agency (Martin Ward) 01536 385170) for further information on applying for a licence or registering an exemption.

Date: 2nd July 2004 Signed ____________________________

Authorised to sign on behalf of the County Planning, Transportation and Environment 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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