Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Lowick Manor Farms Ltd
Drayton Estate Office
Lowick
Thrapston
Northamptonshire
NN14 3BG

Name and address of agent (if any)
Fisher German
(Christopher Hicks)
40 High Street
Market Harborough
Leicestershire
LE16 7NX

Part I - Particulars of application

Date of Application
10th August 2004

Application No.:
EN/04/1694C

Particulars and location of development
Minor Extraction of Limestone Aggregate, Land at Old Aldwincle Road, Lowick.

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 must be begun not later than the expiration of two years beginning with the date of this permission.

Scope of Planning Permission

2. The development hereby permitted is restricted to the minor extraction (20,000 tonnes) of limestone aggregate only. No other materials shall be removed from the site and the depth of excavation shall not exceed 3.0 metres.

Access and Highway Safety

3. Prior to the commencement of the development hereby permitted, a minimum 10.5m kerb radii shall be provided on the southern side of the access point with Aldwincle Road. (Please see attached form P.L.6).

4. The access gradient shall not exceed 1 in 20 for the first 15 metres into the site.
from the highway boundary.

5. Any gates at the access point shall be hung to open inwards only and shall be set back such that the largest vehicle that will visit the site can wait clear of the highway while the gates are operated.

6. All commercial traffic visiting and leaving the site shall be directed via Aldwincle Road to and from the A6116 junction to the south and a sign shall be erected inside the gateway requiring all such vehicles to turn right into Aldwincle Road when leaving the site. Access to and from the western (village) end of Old Aldwincle Road to the A6116 shall be restricted to local farm traffic only.

7. The route of the public bridleway NH.19 which follows the length of Old Aldwincle Road shall be kept clear, unobstructed and safe for users and no structures or materials shall be placed on the right of way. Any damage to the surface of the right of way shall be made good by the applicant.

8. A passing bay shall be provided in Old Aldwincle Road approximately midway between the entrance to the site and the access to the public highway.

Wheel Cleaning and Vehicle Sheeting

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

Hours of Working

10. Except as may otherwise be agreed in writing by the County Planning Authority, the development hereby permitted and all operations relating thereto shall be restricted to between the hours of 07.00 and 18.00 Monday to Friday and 07.00 to 13.00 on Saturday with no working on Sundays or Bank Holidays.

Amenity Protection

11. All operations shall be carried out in such a manner and measures undertaken to ensure that any effects of noise and dust are kept to an absolute minimum. More specifically:-

   a) during the permitted operational hours the level of noise emitted as a result of any activity or operations shall not exceed 55dB L_{Aeq} (1 hour) when measured at or recalculated as at a height of 1.2m above ground level and 3.6m from the facade of any residential property or other occupied building during any 30 minute period.
   
   b) provision shall be made for the suppression of dust, including the use of water spray facilities, as necessary.

12. No floodlighting shall be installed or operated in the carrying out of the development.

13. The water storage lagoon shall be securely fenced and provided with safety warning notices.
**Landscaping**

14. Details of a scheme of landscaping shall be submitted to and approved by the County Planning Authority, such details shall incorporate the general principles indicated in the application and shall include provision for:-
   a) the replacement of the landscape bunds by "ground modelling" works,
   b) the planting of multi-aged trees in a 3 metre wide natural woodland belt to the west and east of the site and an agreed wider woodland block between the existing natural boundaries to the south of the site,
   c) the strengthening by additional planting of the fragmented hedgerow which runs north/south to the east of the development and forms the parish boundary between Lowick and Aldwincle.

No ground modelling, soil disturbance or storage of materials shall take place closer than 4m to the hedgerow. A minimum 4m "no plough zone" shall also be introduced as a buffer to protect new planting from agricultural damage and pesticides.

All of the subsequently agreed landscaping shall be carried out in the first planting season following its approval and shall be maintained for the first 5 years and then left to grow to maturity.

**Note** This condition is repeated from the composting facility permission (EN/03/1434C) to which it also applies.

**Archaeology**

15. No development shall take place until the applicant has secured the implementation of a programme of archaeological investigation and recording in accordance with a written scheme which has been submitted to and approved by the County Planning Authority.

**Restoration**

16. The site shall be restored to provide a level surface in preparation for the carrying out of the green composting project previously permitted under planning permission No. EN/03/1434C, by 30th November 2007.

**Flood Risk Assessment/Surface Water Drainage**

17. Prior to the commencement of any development a Flood Risk Assessment shall be submitted and agreed in writing with the County Planning Authority in consultation with the Environment Agency. The following information shall be included in the Flood Risk Assessment:

- Details of the method of surface water drainage (points for discharge or runoff)
- An assessment of the proposed change in the rate of runoff. The runoff should be restricted to the greenfield rate (approximately 4-8 litres per hectare).
- Details of any on-site surface water runoff attenuation proposed.
Reasons for conditions and relevant Development Plan Policies

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

2. To define this permission. (County Structure Plan (CSP) 1996 – 2016 – Policy M5).

3. To ensure a satisfactory means of access to the highway. (CSP Policy M5).

4-5. In the interests of highway safety. (CSP Policy M5).

6. To ensure that all commercial traffic visiting and leaving the site is routed via the principal road network and does not enter nearby villages. (CSP Policy M5).

7&8. To protect users of the bridleway and to avoid conflict with minerals traffic. (CSP Policy M5).

9. In the interests of highway safety. (CSP Policy M5).

10-13. To safeguard the amenities of the area as a whole and the local community in particular. (CSP Policy M5).

14. To ensure that the development is adequately screened and is absorbed into the local landscape. (CSP Policies AR2 and M5).

15. To safeguard the archaeological interests of the area. (CSP Policy M5).

16. To ensure that the land is restored to a condition capable of beneficial use. (CSP Policy M5).

17. To prevent the increased risk of flooding as required by the Environment Agency. (CSP Policy AR8).

Informative – Please see:-

1. Attached letter setting out the requirements of the Environment Agency.

REASONS FOR APPROVAL

The application is directly linked to the development of a green waste composting facility on the same site and for which planning permission was granted on February 20\textsuperscript{th} 2004 (EN/03/1434C). It is intended to extract a small amount (approximately 20,000 tonnes) of limestone aggregates to create a flat lower level base on which to install the composting pad. No objections have been raised to the principle of the development. Although the site has not been identified for minerals extraction it is considered, having regard to its small scale and specific purpose, that planning permission should be granted. The Environment Agency originally objected to the proposal on flood risk grounds but has subsequently agreed that its concerns can be met by the imposition of Condition No. 17.

Date: 8th November 2004

Signed: [Signature]

Authorised to sign on behalf of the
Head of Sustainable Development
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.

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.