PLANNING PERMISSION

Name and address of applicant  
Elton Estates Company Ltd and RJD Ltd  
Cecil House  
Harlow Common  
Essex  
CM17 9HY

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

Part I - Particulars of application

Date of Application: 25th November 2005  
Application No.: EN/05/2356C

Particulars and location of development.  
Erection of a low profile sand and gravel processing plant at land to the north of Eaglethorpe, Warmington, Northants.

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 Minerals Planning Authority shall be given a minimum of 14 days written notice prior to the development commencing.

Scope of Planning Permission

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

3. The site shall be worked in accordance with the submitted plans 95010/TP/L, 95010/TP/A, 95010/TP/1, 95010/TP/R/1 and 95010/R/5 and supporting application details except as amended by the following conditions.
Dust

4. Prior to the commencement of mineral processing operations on site a scheme of measures to reduce dust emissions to a minimum during site preparation, mineral processing, 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 Minerals Planning Authority for written approval. The scheme, as agreed in writing by the Authority shall be implemented throughout the operations.

Noise

5. 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

6. Except as may otherwise be agreed in writing by the Mineral Planning Authority, the development hereby permitted and all operations relating thereto shall be restricted to between the hours of 7.00am to 5.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays with no such operations being carried out on the site on Sundays or Public Holidays.

No material shall be transported to the plant site from the reservoir construction area on Saturdays, Sundays or Public Holidays.

Access and Protection of the Public Highway

7. The sole vehicular access for the development hereby permitted shall be by way of the access located as shown on Plan No 95010/TP/A. This access shall be maintained to the satisfaction of the Mineral Planning Authority.

8. 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 Processing operations on the site.
Wheel Cleaning

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

Archaeology

10. 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 in writing by the Mineral Planning Authority. Two weeks prior notice shall be given to the Mineral Planning Authority of the date on which it is proposed to commence soil stripping in each phase.

Flood Protection

11. Prior to the commencement of the development, a detailed surface water drainage strategy for the design, provision and implementation of surface water drainage, shall be submitted to and approved in writing by the Minerals Planning Authority in consultation with the Environment Agency. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

Soil Stripping and Storage

12. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), or is built upon, or used for the stacking of subsoil, soil making material or overburden, or as a machinery dump or plant yard, or for the construction of a road, all available topsoil (and subsoil) shall be stripped from that part.

13. Written notification shall be made giving the Mineral Planning Authority five clear working days notice of the intention to start stripping soils.

14. Bunds for the storage of agricultural soils shall conform to the following criteria:

   a) Topsoils, subsoils and subsoil substitutes shall be stored separately.

   b) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with the Mineral Planning Authority.

   c) Topsoil bunds shall not exceed 3 m in height and subsoil bunds shall not exceed 5 m in height.

   d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.
15. All storage bunds intended to remain in situ for 6 months or over the winter period are to be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Planning Authority. The seed mixture and the application rates are to be agreed with the Mineral Planning Authority in writing no less than one month before it is expected to complete the formation of the storage bunds.

16. All topsoil, subsoil and soil forming material shall be retained on the site.

Soil Handling

17. Soil handling should only be carried out when the soil is in a dry and friable condition (see condition 18), should be restricted to the months of April to October inclusive, and during that period, soil handling should only commence or continue when ground and weather conditions are suitable e.g. no significant rain and no pools of water on the soil surface.

18. Soil should only be moved when in a dry and friable condition. The criteria for determining dry and friable shall be based on a field assessment of the soils 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 3mm diameter can be formed, the soil is wetter than the lower plastic limit and soil moving should not take place until the soils have dried out. If the soil crumbles before a long thread of 3mm diameter can be formed, then the soil is dry enough to move. This assessment shall be carried out on representative samples on each major soil type.

19. Plant or vehicle movement shall be confined to clearly defined haul routes agreed in writing by or on behalf of the Mineral Planning Authority, or to the overburden surface and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Soil Replacement

20. The minimum settled depth of subsoil/subsoil-substitute and topsoil should be 1.2 metres.

21. All stores and other materials in excess of 10cm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.

22. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.

Restoration

23. Except as may otherwise be agreed in writing by the County Planning Authority the restoration scheme as received by this Authority as part of the application shall be implemented upon cessation of the mineral
processing operations hereby permitted and shall be completed within 6 months from the end of this permission as stated in condition 28.

Aftercare

24. An Aftercare Scheme requiring that such steps as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted for the approval of the Mineral Planning Authority not later than 3 months prior to the date on which it is first expected that the replacement of topsoil shall take place.

The submitted Scheme shall:

a) Provide an outline strategy in accordance with Annex A of MPG 7 for the five-year Aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The Scheme shall include provision of a field draining system and provide for an annual meeting between the applicants, the Mineral Planning Authority and Defra.

b) Provide for a detailed annual programme, in accordance with Annex A of MPG 7 to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

25. Unless the Mineral Planning Authority, after consultation with Defra, agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

Plant Reversing

26. 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 by the Mineral Planning Authority. All heavy goods vehicles entering the site shall be routed to minimise reversing manoeuvres.

Material

27. Only sand and gravel from the reservoir construction works permitted under planning permission EN/02/846C shall be processed at the plant site.

End Date

28. The development hereby permitted shall cease not later that 5 years from the date of commencement in accordance with Condition 1 above and the land shall be restored within 6 months of this date in accordance with the conditions of this permission.
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 as amended by the Planning and Compulsory Purchase Act 2004.

2. To define the scope of the permission and in the interest of clarity.

3. To define the scope of the permission and in the interest of clarity.

4. To safeguard the local environment and protect the amenity of local residents from unreasonable dust levels (Northamptonshire Minerals Local Plan (adopted 1996) policy NMLP 20).

5. To minimise the noise disturbance to local residents and to enable the effects of the development to be adequately monitored and controlled (Northamptonshire Minerals Local Plan (adopted 1996) policy NMLP 20).

6. To minimise the noise disturbance to local residents and to enable the effects of the development to be adequately monitored and controlled (Northamptonshire Minerals Local Plan (adopted 1996) policy NMLP 20).

7. To ensure a satisfactory means of access to the highway (County Structure Plan Policy T3 and Northamptonshire Mineral Local Plan Policy NMLP 26).

8. In the interest of highway safety and to safeguard the interests of users of the public highway (Northamptonshire Minerals Local Plan (adopted 1996) policy NMLP 20 and NMLP 26).

9. In the interest of highway safety and to safeguard the interests of users of the public highway (Northamptonshire Mineral Local Plan (adopted 1996) policy NMLP 20).

10. To ensure that adequate archaeological investigations and recording are undertaken prior to the development taking place (Northamptonshire Mineral Local Plan (adopted 1996) policy NMLP 26).

11. To reduce the risk of flooding (Planning Policy Guidance Note 25: development and Flood Risk and County Structure Plan policy AR8).

12. To minimise structural damage and compaction of the soil and to aid the final restoration of the site (Northamptonshire Mineral Local Plan policy NMLP 20).

13, 14, 15, 16, 17, 18, 19 To ensure satisfactory storage and movement of soils on site.

20, 21, 22 To ensure satisfactory restoration of the site (Northamptonshire Mineral Local Plan (adopted 1996) NMLP 36).

23, 24, 25 To ensure that the physical characteristics of the soil are reinstated in the interests of the agricultural afteruse.

27. To specify the scope of the use of the processing plant in the interest of amenity. (Northamptonshire Mineral Local Plan (adopted 1996) policy NMLP 20).

28. To specify the date when the conditions of this permission shall have been fully implemented and to enable the County Planning Authority to reconsider the development position in the light of the circumstances prevailing at the end of the consent period.

REASONS FOR APPROVAL

It is considered that the proposed development is acceptable in accordance with policies M5, T3, AR7 and AR8 of the County Structure Plan, policies 16, 18, 25, 27 and 28 of the Northamptonshire Minerals Local Plan (Proposed Modifications January 2006), policies NMLP 20, 26, 29 and 36 of the Northamptonshire Minerals Local Plan 1991-2006 (adopted 1996) and Policy MIN1 of the East Northamptonshire District Local Plan (adopted 1996).

It is considered that the temporary processing plant would not have a detrimental impact on amenity of the area as a whole. The traffic generation has been approved in a previous planning application and is still considered to be acceptable, with highway works needing to be completed prior to the commencement of the development.

The Noise Assessment carried out for the development has indicated that noise produced by the development would remain within acceptable limits as stated within government criteria, and the restoration of the site back to agricultural use is in line with policy.

Date: 23rd February 2006
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 of 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.