Northamptonshire County Council

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Bullimores Sand and Gravel Ltd
South Witham
Grantham
Lincs
NG33 5QE

Name and address of agent (if any)
Heaton Planning Ltd
9 The Square
Keyworth
Nottingham
NG12 5JT

Part I - Particulars of application

Date of Application
25th May 2006

Application No.:
EN/06/1279C

Particulars and location of development
Extension to Collyweston Quarry and Restoration by Importation of Inert Waste, Duddington Parish.

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 commenced within 3 years of the date of this planning permission.

Area and Plans

2. The winning and working of limestone including Collyweston log and tipping of mineral waste from permitted operations and imported inert waste shall be confined to the area identified on the submitted application and phasing

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plans, drawing no’s HPL/BSG/CQ/003, HPL/BSG/CQ/005, HPL/BSG/CQ/005, HPL/BSG/CQ/006, HPL/BSG/CQ/007, HPL/BSG/CQ/008, HPL/BSG/CQ/009, HPL/BSG/010 and HPL/BSG/CQ/011.

Scope of the Permission

3. Minerals to be extracted from the site shall be confined to limestone and Collyweston log.

4. No materials shall be deposited on the site other than mineral waste from permitted operations and imported inert waste.

Collyweston Slate Log

5. Except as may otherwise be agreed in writing by the Mineral Planning Authority a minimum of two hundred tonnes of excavated Collyweston Slate Log where encountered during the extraction operations shall be maintained and made available for inspection by the Mineral Planning Authority between the months of October to March. Any Collyweston Slate Log that is not of an adequate quality should be replaced by additional Collyweston Slate Log to the minimum two hundred tonnes requirement. The operator shall submit the sales of Collyweston Slate Log to the Mineral Planning Authority at the end of March every year and the minimum quantity to be set aside shall be reviewed.

Access

6a. The sole vehicular access for the development hereby permitted shall be gained by way of the existing access.

6b. Within three months from the date of this permission a scheme for the aesthetic improvement of the vehicular access to the public highway shall be submitted to the Mineral Planning Authority for agreement in writing. The agreed scheme shall be implemented and maintained.

Wheel Cleaning

7. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway, and wheel washing/cleaning facilities shall be provided on site and maintained to a full working standard. In the event that the existing wheel cleaning facilities fail to prevent the deposit of mud, then additional wheel cleaning facilities shall be installed.

Vehicle Sheeting

8. All minerals transported from the site shall be securely sheeted in such a way as to minimise dust and to ensure that no material is deposited on the public highway.

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Hours of Working

9. Except as may otherwise be agreed by the Mineral Planning Authority in writing, the working and processing of minerals and their transportation from the site and the importation and grading of inert material and all other operations at the site shall be restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 7.00am and 1.00pm on Saturdays, with no such operations being carried out on the site on Sundays or Public Holidays.

Archaeology

10. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Mineral Planning Authority.

Blasting and Vibration

11. Except as may otherwise be agreed in writing by the Mineral Planning Authority blasting at the site shall be controlled and monitored in accordance with the following:-

a) Ground vibration from blasting shall be kept to a minimum and shall not exceed a maximum limit of 10mm/second peak particle velocity when measured at properties in or near the village of Duddington.

b) Air overpressure generated by blasting shall be kept to a minimum by adopting safe and practical measures in line with best modern acceptable practice as advised in Mineral Planning Guidance 9 and 14.

c) Records of the dates and times of every blast shall be kept for inspection together with details of the type, amount, location and depth of charge. This information shall be sent at three monthly intervals to the Mineral Planning Authority.

d) Monitoring of ground vibration and air overpressure shall be undertaken within Duddington village at regular intervals and not less than four weekly intervals at locations to be agreed in writing by the Mineral Planning Authority. The results of the test, with figures for ground vibration and air overpressure shall be forwarded within 7 working days in writing to the Mineral Planning Authority.

e) In the event of ground vibration or air overpressure exceeding the maximum levels in a and b of this Condition, all blasting shall be temporarily suspended until a revised scheme is agreed in writing by the Mineral Planning Authority.

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f) Except with the prior approval of the Mineral Planning Authority no blasting shall be carried out on any part of site except between the hours of 9.00 am and 4.00 pm Monday to Friday inclusive and no blasting shall be carried out at any time on Saturdays, Sundays or Bank Holidays.

**Tree and Hedgerow Removal**

12a) No trees or hedgerow shall be removed during the months of March to August (inclusive).

b) Wherever practicable, all hedgerow removed shall be immediately translocated to other areas of the existing or former quarry site.

**Soil Handling and Storage**

13 a) Before mineral extraction operations are commenced in each phase of the development, all available topsoil shall be stripped and either utilised immediately for restoration of the area covered by planning permission EN/98/374C or stored separately for reinstatement.

b) Before mineral extraction operations are commenced in each phase of the development, all available subsoil shall be stripped and either utilised immediately for restoration of the area covered by planning permission EN/98/374C or stored separately for reinstatement.

c) All operations referred to in (a) and (b) of this Condition shall be undertaken during suitable dry weather conditions. During periods of unsettled weather conditions the operations shall be undertaken in stages with breaks during wet spells.

d) The stored materials shall be sown with grass seed or sprayed with herbicides to prevent weed accumulation.

e) In any event no soil stripping operations should be undertaken during the months October to April inclusive unless otherwise agreed in writing by the Mineral Planning Authority.

14. a) Except as may otherwise be agreed in writing by the Mineral Planning Authority the topsoil, subsoil and overburden stripped in accordance with condition 13 of this permission and to be stored shall be placed in the locations indicated in the submitted application and phasing plans.

b) Except as may otherwise be agreed in writing by the Mineral Planning Authority the height of topsoil bunds shall not exceed 3 metres and the height of overburden bunds shall not exceed 5 metres.

c) All stockpiles or stores of minerals, mineral waste, topsoil, subsoil or

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overburden shall be removed by the last date referred to in condition 33 of this permission.

**Pollution Control**

15. a) 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.

(b) 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.

(c) 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.

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

**Phasing**

16. Except as may otherwise be agreed in writing by the Mineral Planning Authority, the mineral extraction operations hereby permitted shall be carried out progressively and in a phased and orderly manner in accordance with deposited application.

**Plant and Machinery**

17. The limestone shall be processed by a crusher and screening plant which shall be located on the quarry floor.

18. The existing buildings and other site infrastructure facilities on the site, as indicated on the submitted plan, shall be retained for use in connection with the development hereby permitted.

19. Notwithstanding the provisions of Part A 19 of Schedule 2 of the Town and Country Planning General Permitted Development Order 1995, no fixed plant or machinery, or any building in connection with the development hereby permitted shall be erected, extended, installed, rearranged, repaired or

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altered in any way under the provisions of Class A of Part 19 of Schedule 2.

20. All fixed and mobile buildings, plant, machinery and foundations shall be removed at such times as the Mineral Planning Authority may determine that they are no longer required either for the purpose for which they were installed or for the rehabilitation of the worked out site.

Noise

21. Except as may otherwise be agreed in writing by the Mineral Planning Authority all equipment and machinery shall be fitted with silencers where appropriate or have baffles or be maintained so as to reduce noise to a minimum, and noise emissions shall comply with the noise limits in Mineral Planning Policy Statement 2 at the nearest sensitive dwelling in Duddington Village.

Survey and Restoration

22. Except as may otherwise be agreed in writing by the Mineral Planning Authority the progressive restoration scheme shall be implemented upon cessation of mineral extraction and backfilling operations in each phase of the development, and shall be completed in its entirety in accordance with Drawing No. HPL/BSG/CQ/012 before the end date of this permission as stated in Condition 33.

23. (a) A survey of levels shall be completed on an annual basis indicating the progress of tipping operations, and the survey shall be submitted to the Mineral Planning Authority for consideration.

(b) In the event the annual surveys indicate that the site will not be completed by the date referred to in Condition 33 of this permission to the existing ground levels, an amended restoration plan shall be submitted for agreement in writing by the Mineral Planning Authority. The amended scheme incorporating any alterations the Mineral Planning Authority may require shall be implemented and completed by the date referred to in Condition 33.

24. Except as may otherwise be agreed in writing by the Mineral Planning Authority, following mineral extraction the site shall be restored to woodland use in accordance with the following requirements to the satisfaction of the Mineral Planning Authority:

a). The excavated areas shall be backfilled to original ground levels with mineral waste and other overburden together with imported inert waste materials referred to in condition 4 of this permission and the areas shall be evenly graded and progressively restored where practicable.

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b) The final level of the backfilled site shall conform with the levels of the contours on the submitted restoration plan, Drawing HPL/BSG/CQ/12 with natural drainage to the perimeter of the site without backfalls or ponding.

c) The upper layer of the backfilled areas down to a depth of 1 metre shall be kept free of materials likely to interfere with final restoration or subsequent tree planting and this covering shall be composed of the topsoil stripped and stored in accordance with condition 13a of this permission. The remaining covering material shall comprise the subsoil and overburden stripped and stored in accordance with condition 13b of this permission, spread in their correct sequence, and other suitable material as may be necessary.

d) Prior to the replacement of subsoil, the site shall be rooted (ripped) with a deep tine cultivator to relieve compaction and any stones or other objects which would interfere with subsequent tree planting and woodland use of the site shall be collected and buried to a depth of at least 1 metre.

Prior to the replacement of topsoil the above operations shall be repeated.

e) The topsoil stored in accordance with condition 13a of this permission shall be evenly replaced over the graded and rooted area during dry weather conditions and not shortly after heavy rainfall.

25. Any ditches, fences, hedges, gates, field drains or water supplies disturbed during the working shall be made good where necessary and any further ditches, fences, hedges, gates, field drains and water supplies shall be provided on resoiling for good husbandry, to the satisfaction of the Mineral Planning Authority.

26. Upon completion of the restoration operations or the date referred to in Condition 33 of this permission, whichever is the sooner, the vehicular access haul route and site facilities area shall be reinstated in accordance with a scheme to be submitted to and agreed in writing by the Mineral Planning Authority.

**Dust Supression**

27. Dust emissions shall be controlled and reduced to a minimum during site preparation, mineral extraction, waste disposal, on site vehicular movement and restoration operations, and shall include the use of water spray facilities and water bowsers, in periods of dry weather.

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Protection of Boundary Trees and Woodlands

28. Mineral extraction and tipping operations shall be controlled to ensure that all trees and hedgerows on the eastern and northern boundary of the site remain undisturbed and undamaged by the development hereby permitted.

Woodland Planting

29. Not later than the completion of the quarrying operations or by the date referred to in Condition 33 of this permission, whichever date is the sooner, a woodland planting scheme shall be submitted to the Mineral Planning Authority for approval. The scheme shall incorporate and details of the locations of trees and shrubs to be planted including number, size and species. These proposals, as approved by the Mineral Planning Authority may require, shall be undertaken and completed by the end of the first planting season after the site is restored in accordance with Condition 33, or in accordance with any phased implementation timetable that may be agreed.

30. Any trees, hedgerows and shrubs which die or for any reason fail to become established within five years of planting shall be replaced during the following planting season with trees, hedgerows and shrubs of similar size and species as those originally required.

Aftercare and Woodland

31. Except as may otherwise be agreed in writing by the Mineral Planning Authority, not later than the completion of the quarrying operations or by the date referred to in condition 33 of this permission, whichever date is the sooner, a 5 year programme of woodland management aftercare shall be submitted to the Mineral Planning Authority for approval. The approved five year aftercare management programme shall thereafter be implemented.

Electricity Line

32. Prior to the commencement of mineral extraction operations in the vicinity of the overhead electricity line crossing the site, suitable arrangement relating to the electricity supply shall be agreed with Central Networks Electricity.

End Date

33. The development hereby permitted shall cease not later than 31st December 2018 (twenty hundred and eighteen) and the site shall be restored or reinstated in accordance with the conditions of this permission forthwith and shall be left in a clean and tidy condition, provided that if within this period the working of minerals ceases for a period in excess of nine months or the use is discontinued for a like period, the condition of this permission relating to restoration, rehabilitation and aftercare, shall be carried out forthwith.

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The reasons for the Conditions and relevant Development Plan policies are:-

1. 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 the circumstances prevailing at the end of the consent period.

2. To identify the scope of this planning permission.

3. To specify the depth of working.

4. To control pollution and in the interests of safeguarding local hydrology and water supplies (Minerals Local Plan Policy 26).

5. To preserve the supply of Collyweston Slate Log in the interest of conservation of the built environment (Minerals Local Plan Policy 6).

6. To ensure a satisfactory means of access to the highway (Minerals Local Plan Policy 18).


8. To safeguard the interests of users of the public highway (Minerals Local Plan Policy 18).

9. To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to nearby residential properties (Minerals Local Plan Policy 28).

10. To ensure that adequate archaeological investigations and recording is undertaken prior to the development taking place (Minerals Local Plan Policy 24).

11. To ensure that blasting on site is carried out in order to minimise the intrusion upon local residents amenities and to pre-determine levels of ground vibration and air overpressure above which an unreasonable degree of intrusion is being caused (Minerals Local Plan Policy 28).

12. To protect nesting birds and the biodiversity of the site (Minerals Local Plan Policy 21).

13-14. To enable the reinstatement of insitu soils once extraction has finished so as to return the land to its original physical characteristics (Minerals Local Plan Policy 14).

15. To prevent the increased risk of pollution to the water environment (Minerals Local Plan Policy 26).

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16. To ensure that mineral extraction is carried out progressively and in an orderly manner, so as to minimise noise and environmental disturbance (Minerals Local Plan Policy 28).

17-20 To ensure that the County Planning Authority retains control of the location, erection, appearance and removal of fixed and mobile plant, machinery, buildings and foundations in the interests of amenity (Minerals Local Plan Policy 28).

21. In the interests of amenity and to ensure that plant, equipment and machinery is adequately soundproofed in the interests of the amenities of local residents (Minerals Local Plan Policy 28).

22. To ensure the proper restoration of the site within a reasonable time in a progressive and orderly manner in the interests of local amenity and to advise the Mineral Planning Authority of any significant development on site (Minerals Local Plan Policies 19 and 28).

23. To ensure that the land is properly restored within a reasonable time and to enable the Mineral Planning Authority to reconsider the position in the light of circumstances prevailing at the end of the period stated (Minerals Local Plan Policy 19).

24. To specify the conditions and timing of soil reinstatement in the interests of proper restoration, so as to return the land to its original physical characteristics (Minerals Local Plan Policy 14).

25. To safeguard the visual amenities and in the interests of good husbandry (Minerals Local Plan Policy 14).

26. To ensure that the site is satisfactorily restored and in the interests of highway safety (Minerals Local Plan Policy 14).

27. To safeguard the local environment and protect the amenities of local residents from unreasonable dust levels (Minerals Local Plan Policy 28).

28-29. To safeguard existing vegetation in the interests of visual amenity and to provide for long term visual amenity improvement (Minerals Local Plan Policy 19).

30. To ensure as far as possible the maintenance of the approved planting and landscaping scheme (Minerals Local Plan Policy 19).

31. To bring the land back to a standard required for woodland, and ensure the proper aftercare provisions are made and reported to the Mineral Planning Authority (Minerals Local Plan Policy 14).

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32. To safeguard the overhead electricity line crossing the site and electricity supplies.

33. To specify date by when the site shall be worked and restored in the interests of amenity and the environment and to enable to Mineral Planning Authority to reconsider the position at the end of the period stated.

**Reasons for Approval and Relevant Development Plan Policies**

The Collyweston/Duddington Quarry has been operating since the early 1980's and has provided a significant contribution to Northamptonshire County Council's required apportionment of crushed rock reserves. There have been a number of extensions over the years and the application site is identified as a proposed site for working in the Northamptonshire Minerals Local Plan (Map 2006) in Policy 5. There have been no objections to the planning application which was accompanied by an Environmental Statement. It is considered that the environmental and amenity impacts of the development can be adequately mitigated and controlled by planning conditions. It is therefore considered that the development is acceptable having regard in particular to Mineral Local Plan Policies 5, 6, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 28 and therefore should be approved.

Date 2nd November 2006

Signed

Authorised to sign on behalf of the
Head of Sustainable Development

**Notes**

1. The attention of the applicant is drawn to the fact that a public right of way passes over the site. The granting of this permission does not entitle the applicant to obstruct, divert or in any way interfere with this right of way. It may be necessary to apply to the County Highway Authority for an official diversion Order under Section 257 of the Town and Country Planning Act 1990.

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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 Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ). 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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