Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

RJD Ltd
Cecil House
Harlow Common
Esses
CM17 9HY

Name and address of agent (if any)

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Oxfordshire
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Part I - Particulars of application

Date of Application
11 June 2014

Application No.
NCC Ref: 13/00074/MINVOC
ENC Ref: 14/01142/NCC

Particulars and location of development
Variation of condition 26 to retrospectively extend the end date to 2018 for planning permission 09/00047/MIN for the variation of condition 3 of planning permission EN/05/2356C to vary the details of the plant and ancillary works at Land North Of Eaglethorpe, Warmington, Northamptonshire.

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 has commenced and the conditions of this planning permission shall take effect from the date of this permission.

Reason: For the avoidance of doubt and because previous permission ref. no. 09/00047/MIN has expired.

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. Except as may otherwise be approved in writing by the Mineral Planning Authority and except where modified by this schedule of conditions, the site shall be laid out and operated in accordance with plan 95010/PB/1 submitted with application ref. no. 14/00074/MIN on 23 July 2013, and plans 995010/PB/1, 95010/TP/A, 95010/PS/1, 95010/TP/R/1, 95010/OW/1 and 95010/PP/1 approved under permission ref. no. 09/00047/MIN and the supporting application details received by the Mineral Planning Authority on 3 July 2009.

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

Dust

3. Measures to reduce dust emissions to a minimum during mineral processing, on site vehicular movement and restoration operations shall be undertaken in accordance with the Dust Management Scheme (Report No.R913-R01 dated May 2006 prepared by Smith Grant Environmental Consultancy approved under permission ref. no. 09/00047/MIN) including the use of water spray facilities and water bowsers in periods of dry weather. The scheme shall be implemented in full throughout the life of the operations.

*Reason: To safeguard the local environment and protect the amenity of local residents from unreasonable dust levels (Policy CS14 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (adopted May 2010)).*

Noise

4. Monitoring of noise at nearby noise sensitive residential properties of the Water Mill House and Lady Margaret Cottages shall be undertaken in accordance with the Protocol for Periodic Noise Monitoring dated March 2006 prepared by ANV Acoustic Consultants approved by the Mineral Planning Authority. The agreed scheme shall be implemented throughout the operations.

*Reason: To minimise the noise disturbance to local residents and to enable the effects of the development to be adequately monitored and controlled (Policy CS14 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (adopted May 2010)).*

5. In the event that monitored noise levels exceed those in the submitted noise report, proposals for mitigation and further monitoring shall be submitted in writing and implemented forthwith and not later than two weeks from the occurrence of the breach. In the event that the mitigation does not reduce noise below the levels required in the scheme, further mitigation proposals shall be submitted in writing and implemented forthwith and not later than two weeks from the occurrence of the breach and further noise monitoring shall take place.

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Reason: To minimise noise disturbance to local residents and enable the effects of the development to be adequately monitored and controlled (Policy CS14 of the Adopted Minerals & Waste Development Framework Core Strategy (adopted May 2010)).

**Hours of Working**

6. Except as may otherwise be previously agreed in writing by the Mineral Planning Authority, the development hereby permitted and all operations relating thereto shall only operate 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.

Reason: To minimise the noise disturbance to local residents and to enable the effects of the development to be adequately monitored and controlled (Policy CS14 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (adopted May 2010)).

**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/PB/L v.1 submitted with this application. This access shall be maintained to the satisfaction of the Mineral Planning Authority.

Reason: To ensure a satisfactory means of access to the highway (Policy CS14 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (adopted May 2010)).

8. The detailed scheme of highway works and specifications for the improvements at the ‘Lady Margaret’ access constructed in accordance with plans/drawings IT434/HD/05 Rev. D and IT434/HD/08 Rev. D, shall be retained to the satisfaction of the Highway Authority until the date the development hereby permitted is complete and site restored or the end date in condition 26 of this permission (whichever is sooner), after which the site access shall reinstated to the satisfaction of the Highway Authority.

Reason: In the interest of highway safety and to safeguard the interests of users of the public highway (Policy CS14 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (adopted May 2010)).

**Wheel Cleaning**

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

Reason: In the interest of highway safety and to safeguard the interests of users of the public highway (Policy CS14 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (adopted May 2010)).

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2010).

**Flood Protection**

10. Surface water drainage shall be retained in general accordance with plan/drawing ref. 95010/PS/D/1 as approved under the provisions of permission ref. no. 09/00047/MIN, until the date the development hereby permitted is complete and site restored or the end date in condition 26 of this permission whichever is sooner.

*Reason: To reduce the risk of flooding and pollution (Policy CS14 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (Adopted May 2010)).*

**Soil Stripping and Storage**

11. 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;

12. All storage bunds remaining 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.


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


**Soil Handling**

14. Soil handling should only be carried out when the soil is in a dry and friable condition (see condition 15), should be restricted to the months of April to

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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.

Reasons: To ensure satisfactory storage and movement of soils on site in order to aid final restoration of the site (Policy CS13 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (adopted May 2010) and Policy CMD13 of the Northamptonshire Minerals & Waste Development Framework Control & Management of Development DPD (adopted June 2011)).

15. 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.

Reasons: To ensure satisfactory storage and movement of soils on site in order to aid final restoration of the site (Policy CS13 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (adopted May 2010) and Policy CMD13 of the Northamptonshire Minerals & Waste Development Framework Control & Management of Development DPD (adopted June 2011)).

16. 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.

Reasons: To ensure satisfactory storage and movement of soils on site in order to aid final restoration of the site (Policy CS13 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (adopted May 2010) and Policy CMD13 of the Northamptonshire Minerals & Waste Development Framework Control & Management of Development DPD (adopted June 2011)).

**Soil Replacement**

17. Unless otherwise previously agreed in writing by the Mineral Planning Authority as part of restoration the minimum settled depth of subsoil/subsoil-substitute and topsoil should be 1.2 metres.

Reason: To ensure the satisfactory restoration of the site (Policy CS13 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (adopted May 2010) and Policy CMD13 of the Northamptonshire

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18. All stones 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.


19. 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**

20. Except as may otherwise be agreed in writing by the Mineral Planning Authority the application site shall be fully restored to agriculture in accordance with plan/drawing ref. no. 95010/TP/R/1 (submitted and approved under permission ref. no. EN/05/2356C) not later than the date in condition 25 of this permission.

*Reason:* To ensure that the physical characteristics of the soil are reinstated in the interests of the agricultural afteruse. (Policy CS13 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (adopted May 2010)).

**Aftercare**

21. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for the proposed afteruses shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of restoration works. The submitted scheme shall:

a) Provide an outline strategy in accordance with paragraphs 56 – 58 of the Minerals Chapter of the National Planning Practice Guidance at the date of the planning permission. The scheme shall specify steps to be taken and the period during which they are to be taken include provision of a field drainage system and provide for an annual meeting between the applicants and the Mineral Planning Authority.

b) Provide for a detailed annual programme, in accordance with paragraphs

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56 – 58 Minerals Chapter of the National Planning Practice Guidance at the
date of the planning permission, to be submitted to the Mineral Planning
Authority not later than two months prior to the annual Aftercare meeting.

The scheme shall be fully implemented as approved.

*Reason: To ensure that the physical characteristics of the soil are reinstated
in the interests of the agricultural afteruse. (Policy CS13 of the Adopted
Northamptonshire Minerals & Waste Development Framework Core Strategy
(adopted May 2010)).*

22. Before 31st January of every year during the aftercare period, an Aftercare
Management Report shall be submitted to the Mineral Planning Authority
recording the restoration operations carried out on the land during the
previous 12 months and setting out the intended restoration 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.

*Reason: To ensure that the physical characteristics of the soil are reinstated
in the interests of the agricultural afteruse. (Policy CS13 of the Adopted
Northamptonshire Minerals & Waste Development Framework Core Strategy
(adopted May 2010)).*

**Plant Reversing**

23. 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.

*Reason: To protect the amenities of local residents (Policy CS14 of the
Adopted Northamptonshire Minerals & Waste Development Framework Core
Strategy (adopted May 2010)).*

**Material**

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

*Reason: To specify the scope of the use of the processing plant in the interest
of amenity. (Policy CS14 of the Adopted Northamptonshire Minerals & Waste
Development Framework Core Strategy (adopted May 2010)).*

**End Date**

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under the Building Regulations for which separate permission may be required. The
requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability
should also be adhered to wherever appropriate.*
25. The development hereby permitted shall cease and the site be fully restored, not later than 31 July 2018 or when the associated mineral extraction has ceased for a period in excess of 6 months, whichever date is the earlier.

Reason: 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 (Policy CS14 of the Adopted Northamptonshire Minerals & Waste Development Framework Core Strategy (adopted May 2010)).

REASONS FOR APPROVAL

The application sites are allocated within the adopted MWDF documents and MWDF Partial Review document, and contribute towards maintaining the County's sand and gravel land bank. Whilst annual tonnages and landbanks vary between plans and depending upon which previous production figures are used, there is a minimum requirement for a 7 year landbank and the longest landbank figure of just 10 years referred to in the Partial Review is not considered excessive. Therefore in principle there is a need for the site to continue extraction until it is complete and the development complies with national and local policies in respect of the need for sand & gravel and providing an adequate landbank.

As an existing site with an approved access onto the public highway, the continued use of the access is considered acceptable for a further temporary 4 year period subject to the reinstatement in accordance with the previous section 278 agreement. Subject to some minor enhancements to the crossing of the bridleway with the haul road, to be required by a new planning condition, there is no objection from the Highway Authority to the development continuing to operate for a further temporary period.

Dust and noise impacts have proven to be minimal as previously assessed in the original application, with no changes to the intensity of the impact anticipated to result from approval of the current applications. Therefore dust and noise impacts are considered acceptable subject to the imposition of suitable planning conditions. Although there will be an increase in the duration of the landscape impact if as a result of increasing the duration of the works, this landscape impact is considered minimal and acceptable, subject to a time limited permission, the retention of mitigation measures, and previously approved restoration and landscape works. A new and updated Ecological Management Plan should be required by planning condition to secure the implementation of measures to enhance the ecological benefit of the reservoir, which would be a benefit over the current position.

The proposed development is assessed as having an overall benefit in respect of flood risk through increasing flood plain storage during construction and completion, and would not have an adverse impact subject to specified mitigation measures for the construction of the reservoir. Notwithstanding the loss of some agricultural land, the restoration of the plant site to agricultural land, and the provision of a new agricultural reservoir are likely to result in an overall benefit to agriculture.

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Taking into account all information contained within the Environmental Statement it is considered that the relevant environmental impacts have been laid out by the applicant. It is concluded that the environmental impacts as a result of the two applications are limited, generally being less intense but for a longer duration than envisaged in application ref. no. EN/02/846C. On-balance the environmental impacts are considered acceptable, and it is the most desirable to permit the two applications, to complete the reservoir development originally permitted.

In-light of the above assessment and conclusions it is considered that the applications for the proposed extensions of time for the plant site and the extraction area, separately and in combination would comply with Policies CS4, CS5, CS13 and CS14 of the MWDF Core Strategy DPD (2010), Policy M1 of the MWDF Locations for Mineral Development DPD, Policies CMD4, CMD7, CMD8, CMD9, CMD10, CMD13 and CMD14 of the MWDF Control and Management of Development DPD (2011), and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy. Consequently the applications are recommended for approval subject to the imposition of the conditions in the below schedules.

**POSITIVE AND PROACTIVE MANNER STATEMENT**

In determining this planning application the Mineral 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.

Date: 26th September 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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