Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant  Name and address of agent (if any)
Claude N Smith Limited  Chris Grew/Peter Stevens
Slate Drift Industrial Estate  The Keele Centre
Collyweston  Three Mile Lane
Stamford  Keele
Northants PE9 3PG  Staffordshire ST5 5HH

Part I - Particulars of application

Date of Application  Application No.
15 April 2015  NCC Ref: 15/00030/MINFUL

ENC Ref: 15/00789/EXT

Particulars and location of development:
Re-opening of Collyweston Slate Mine at Builders Yard, Slate Drift, Collyweston, Northamptonshire, PE9 3PG, .

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 before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.

Reason: In the interest of clarity and to comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

Scope of Permission

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2. Unless otherwise agreed in writing by the Mineral Planning Authority and except as otherwise required by conditions attached to this planning permission, the development hereby permitted shall be carried out in accordance with the following approved documents and plans submitted as part of planning application 15/00030/MINFUL:

Application forms dated 23 March 2015;

Submitted Plan/Drawing Nos.:
- P30206-PLN-001 (Site Location);
- P30206-PLN-002 (Site Plan);
- P30206-PLN-003 (Existing Mine Layout) (23/01/2015);
- P30206-PLN-004 (Surface Development Cross-Sections) (23/01/2015);
- P30206-PLN-005 (Underground Plan View Phase 1) (23/01/2015);
- P30206-PLN-006 (Phase 1 Extraction) (23/01/2015);
- P30206-PLN-007 (Underground Plan View Phase 2) (23/01/2015);
- P30206-PLN-008 (Phase 2 Extraction) (23/01/2015);

The Planning Application Supporting Statement dated March 2015 by CQA, including the following parts;
- Supporting Statement dated March 2015 by CQA;
- Section 1: Design & Access Statement dated March 2015 by CQA;
- Section 2: Mine Working & Method Statement dated March 2015 by CQA;
- Section 3: The Bat Survey Report (Version 4.1) dated November 2014 by Oakwood Ecology and Appendices;
- Section 4: Hydrological Study & Flood Risk Assessment by CQA dated March 2015 and Appendices;

Reason: To specify the approved documents and secure the mitigation measures set out in the application in the interests of amenity and the environment having regard to Policy 22 Northamptonshire Minerals & Waste Local Plan (October 2014).

3. From the date of the commencement to the completion of mineral extraction and restoration to approved levels, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission shall always be available at the site for inspection during normal working hours.

Reason: To ensure this planning permission and associated documents are available on site for reference and inspection.

Duration and Cessation

4. The development hereby permitted, including restoration in accordance with the conditions attached to this permission, shall be completed no later than 10 years from the date of commencement, which shall have been notified under condition 1.

5. In the event of a cessation of mineral working and processing for a period in

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excess of 24 months which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a scheme required by condition 24 of this permission and timetable for restoration and aftercare shall be submitted to the Mineral Planning Authority for approval in writing, not later than 3 months following that date. The site shall be restored in accordance with the approved scheme and revised timetable of restoration and aftercare as approved.

Reason for conditions 4 to 5: To retain control over the development and to ensure that the development does not prejudice the overall restoration of the site having regard to Policies 22 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

Method of Working and Operation Limits

6. Operations shall only take place within the red line area as shown plan/drawing ref. no. P30206-PLN-001 (Site Location) and shall be carried out in a phased sequential manner as set out in chapter 5 of the Mine Working & Method Statement and as shown on plan/drawing nos. P30206-PLN-006, P30206-PLN-007, and P30206-PLN-008 referred to in condition 2.

7. The extraction of minerals from the site shall be confined to Collyweston Slate, and the backfilling and restoration of the site shall only take place with mineral and mining waste generated by the operations subject of this planning permission, with no imported waste materials to be used.

Reason for conditions 6 & 7: To specify working methods to protect amenity, natural assets and landscape character having regard to Policy 22 of the Northamptonshire Minerals & Waste Local Plan (October 2014) and Policy 13 of the North Northamptonshire Core Strategy (June 2008).

Working Hours

8. The winning, working and splitting of Collyweston Slate within the permission area as shown on plan/drawing no. P30206-PLN-001 (Site Location) shall only take place between 07:30 - 17:30 Monday - Fridays and 08:00 - 14:30 on Saturdays, with no working taking place on Sundays and Public Bank Holidays.

Reason: To ensure that operations are carried out within reasonable hours so as to minimise amenity disturbance in accordance with Policy 22 of the Northamptonshire Minerals & Waste Local Plan (October 2014) and Policy 13 of the North Northamptonshire Core Strategy (June 2008).

Removal of Permitted Development Rights

9. Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, replacing or re-enacting that Order), except for those detailed in the application, no fixed plant or machinery, buildings, structures and

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erections or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Mineral Planning Authority.

**Reason:** In the interests of amenity protection and landscape character having regard to Policies 22 and 25 of the Northamptonshire Minerals & Waste Local Plan (October 2014) and Policy 13 of the North Northamptonshire Core Strategy (June 2008).

**Amenity**

10. No vehicles and mobile plant used on site for the winning and working of Collyweston Slate shall be operated, unless they have been fitted with and use white noise or other non tonal reversing alarms, and the operator shall issue instructions to all haulage companies and hauliers using the site that non-tonal reversing alarms shall be fitted and utilised on the site.

11. No vehicles, plant, equipment or machinery used on site for the winning and working of Collyweston Slate shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant, equipment and machinery shall be maintained in accordance with the manufacturer's specification.

12. The construction of the adit shall only be worked in accordance with the measures set out in Part 1 (Noise), Section 8 of British Standard 5228: 2009 "Noise and Vibration Control on Construction and Open Sites" or subsequent edition thereof.

13. For temporary operations that shall be limited to the construction of the adit, for up to 8 concurrent weeks in a year, the equivalent sound level (L\text{Aeq}) measured over any 1 hour time period as measured free field, shall not exceed 70 dB(A) (1hr,L\text{Aeq}) at any residential property.

14. The equivalent sound level (L\text{Aeq}), measured over any 1 hour time period attributable to the normal operations on site, as measured free field shall not exceed 55 dB(A) (1hr,L\text{Aeq}) or not exceed the ambient background noise level (L\text{A90,th}) by more than 10dB(A) at any residential property, whichever is the lesser.

15. Suitable measures shall be adopted to ensure dust is kept to a minimum including the use of water spray facilities in periods of dry weather.

16. In the event that complaints regarding noise, dust or vibration are received by the Mineral Planning Authority (MPA) from any sensitive receptor, and the MPA requires its investigation and it is thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken by the operator. A report on the findings, with proposals for rectifying and a programme for the implementation of remedial measures to be undertaken shall be submitted to the MPA for prior written approval, no later than 5 working days from the receipt of the complaint or any extended time period as may be agreed in writing by the MPA. Any remedial measures shall be implemented in

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accordance with a timescale approved by the MPA.

17. If in the opinion of the Mineral Planning Authority the operators measures have not satisfactorily resolved the complaint (notified under condition 16 above) then further proposals for monitoring and/or remediating the impact subject of the complaint shall be submitted for prior written approval of the Mineral Planning Authority (MPA), within 5 working days of notification by the MPA or any extended period as may be agreed in writing by the MPA. In the event that the MPA is not satisfied that the issues causing complaint have not been satisfactorily rectified then Collyweston Slate extraction and splitting shall cease until such time as sufficient control measures have been put in place by the operator and agreed in writing by the MPA.

18. No development shall take place within 10 metres of the underground 'Existing Mine Passage' (as shown on plan/drawing P30206-PLN-03) until a lighting contour map and details of the hours of use, location, height, design, sensors, and luminance of external lighting and sub-surface lighting within the red line permission area have been submitted to and approved in writing by the Mineral Planning Authority. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

**Reason for conditions 10 to 18:** In the interests of the visual and rural amenities of the area and in the interests minimising the impact of lighting on bats having regard to Policy 22, 24 and 25 of the Minerals & Waste Local Plan (October 2014) and Policy 13 of the North Northamptonshire Core Strategy (June 2008).

**Water Resources**

19. No development shall take place within 10 metres of the underground 'Existing Mine Passage' (as shown on plan/drawing P30206-PLN-03) until such time as a scheme for management of water resources has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include measures for groundwater monitoring and an action plan to minimise the potential impact upon the water environment of any fuel, oil or chemical spillage within the quarry. The scheme shall be fully implemented as approved for the lifetime of the development hereby permitted.

**Reason:** To ensure that the development does not increase flood risk having regard to Policy 22 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

**Pollution Prevention**

20. Any fuel, lubricant or/and chemical storage vessel shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the duration of extraction and restoration operations on site.

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Reason: To minimise the risk of pollution of the water environment having regard to Policy 22 of the Minerals & Waste Local Plan (October 2014).

Landscaping, Ecology, Restoration & Aftercare

21. No development shall take place within 10 metres of the underground 'Existing Mine Passage' (as shown on plan/drawing P30206-PLN-03) and the development hereby permitted shall take place only between 1 March - 30 November each year, unless and until the Mineral Planning Authority has been provided with a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010, authorising the specified activity/development to go ahead. In the event that the distance or time restriction in this condition conflict with the protected species licence, then the requirements in this condition shall be superseded by the conflicting requirement specified in the licence.

Reason: As part of the development requires a licence issued by Natural England to take place, and this licence may impose requirements that overlap with the conditions of this planning permission having regard to Policy 22 and 24 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

22. Unless in direct conflict with a current licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 for the site, all of the measures in section 6.2 of the submitted Bat Survey Report (Version 4.1, dated November 2014 by Oakwood Ecology) shall be fully implemented. In the event that one or more of the measures specified in section 6.2 of the Bat Survey Report do conflict with the protected species licence, then that measure will be superseded by the conflicting requirement specified in the licence.

23. No development shall take place within 10 metres of the underground 'Existing Mine Passage' (as shown on plan/drawing P30206-PLN-03) until a landscaping scheme has been submitted to and approved writing by the Mineral Planning Authority. The scheme shall include comprehensive details of boundary treatments, proposed planting and seeding of locally native species of local provenance, and maintenance for the duration of this planning permission. The landscaping scheme shall be fully implemented and retained as approved.

Reason for conditions 22 & 23: In the interests of landscape and biodiversity having regard to Policies 22, 24 & 28 of the Minerals & Waste Local Plan (October 2014) and Policy 13 of the North Northamptonshire Core Strategy (June 2008).

24. No mineral extraction shall take place within Phase 2 of the development as shown on P30206-PLN-008 (titled Phase 2 Extraction, dated 23/01/2015) until an Ecological Restoration & Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The plan shall include:

i) details of the levels, depths, heights, land area of the proposed restored mine and adit;

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ii) details, locations and specifications of the proposed works to be undertaken within the mine to encourage and improve its use by bats;
iii) details for the closure and restoration of the adit;
iv) a programme of post-extraction monitoring and reporting to the Mineral Planning Authority;
v) remedial and contingency measures triggered by monitoring under point iv) above; and,
vi) a programme of aftercare and management and maintenance for a period of at least 5 years.

The Ecological Restoration & Management Plan shall be fully implemented as approved.

**Reason:** In the interests of biodiversity having regard to Policies 22, 24 & 28 of the Minerals & Waste Local Plan (October 2014) and Policy 13 of the North Northamptonshire Core Strategy (June 2008).

**Detailed Mine Design**

25. Notwithstanding the provisions of condition 2, the detailed mine construction shall be based upon the conceptual details and drawings referred to in condition, but any amendments to the approved design details shall be submitted to the Mineral Planning Authority for its prior written approval.

**Reason:** For the avoidance of doubt and to allow any small design changes to be dealt with under planning condition.

**Annual Survey**

26. One year after the development commences under condition 1, and every 12 months thereafter an Annual survey shall be submitted to the Mineral Planning Authority showing the extent of the underground mineral working operations in relation to the land surface. 12 months prior to the end date specified in condition 14, in the event that is unlikely to be fully worked, an alternative Ecological Restoration & Management Plan shall be submitted for the prior written approval of the Mineral Planning Authority. The scheme as agreed in writing shall thereafter be fully implemented as approved.

**Reason:** To retain control over the development and to ensure that the development does not prejudice the overall restoration of the site having regard to Policies 22 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

**POSITIVE AND PROACTIVE MANNER STATEMENT**

In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the

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draft planning conditions. This 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.

INFORMATIVES


The aim of this position statement is to explain to operators in England and Wales how the Environment Agency will implement the Mining Waste Directive and what they need to do to ensure that their sites comply. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

Some sites may not generate extractive waste, so the operator should first read the Environment Agency’s position statement on 'The Definition of Extractive waste' If you the operator concludes that they are dealing with extractive waste then the position statement will apply, and we ask they contact Kate Stark on 01522 785969 or via email at kate.stark@environment-agency.gov.uk.

Date 16th September 2015
Signed

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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