

**Wakerley Quarry  
Northamptonshire**

**Planning Statement**

**Variation of Condition 5  
(Consents EN.97.522C and  
08/00026/MIN)  
Extended operational hours**

**May 2020**

**MICK GEORGE** ®

## **Contents**

P1. Introduction .....	1
P2. Planning Context .....	3
P3. Summary and Conclusions .....	7

## **P1. INTRODUCTION**

- P 1.1. Planning consent exists at the Wakerley Quarry site to extract limestone approved under the provisions of the 1995 Environmental Act (Consent N<sup>o</sup>s. EN.97.522C and 08/00026/MIN) and the current wording of Condition 5 (of both consents) states:

*“Operations, excluding blasting and the construction of any soil screening mound, shall be confined to the hours of 07.00 to 18.00 Mondays to Fridays and 07.00 to 13.00 on Saturdays with no works on Sundays, public or bank holidays.”*

- P 1.2. However, it is proposed to vary the wording of Condition 5 of both consents to amend the operational hours within the weekdays and additionally extend the hours in which essential maintenance to plant and machinery is undertaken both on weekdays and on Saturdays. It is therefore proposed to vary the condition to read:

*“Operations, excluding blasting, and the construction of any soil screening mound and the maintenance of plant and machinery, shall be confined to the hours of 07.00 to 19.00 Mondays to Fridays and 07.00 to 13.00 on Saturdays with no works on Sundays, public or bank holidays.*

*The maintenance of plant and machinery shall be confined to 07.00 to 21.00 Monday to Fridays and 07.00 to 16.00 Saturdays, with no works on Sundays, public or bank holidays.”*

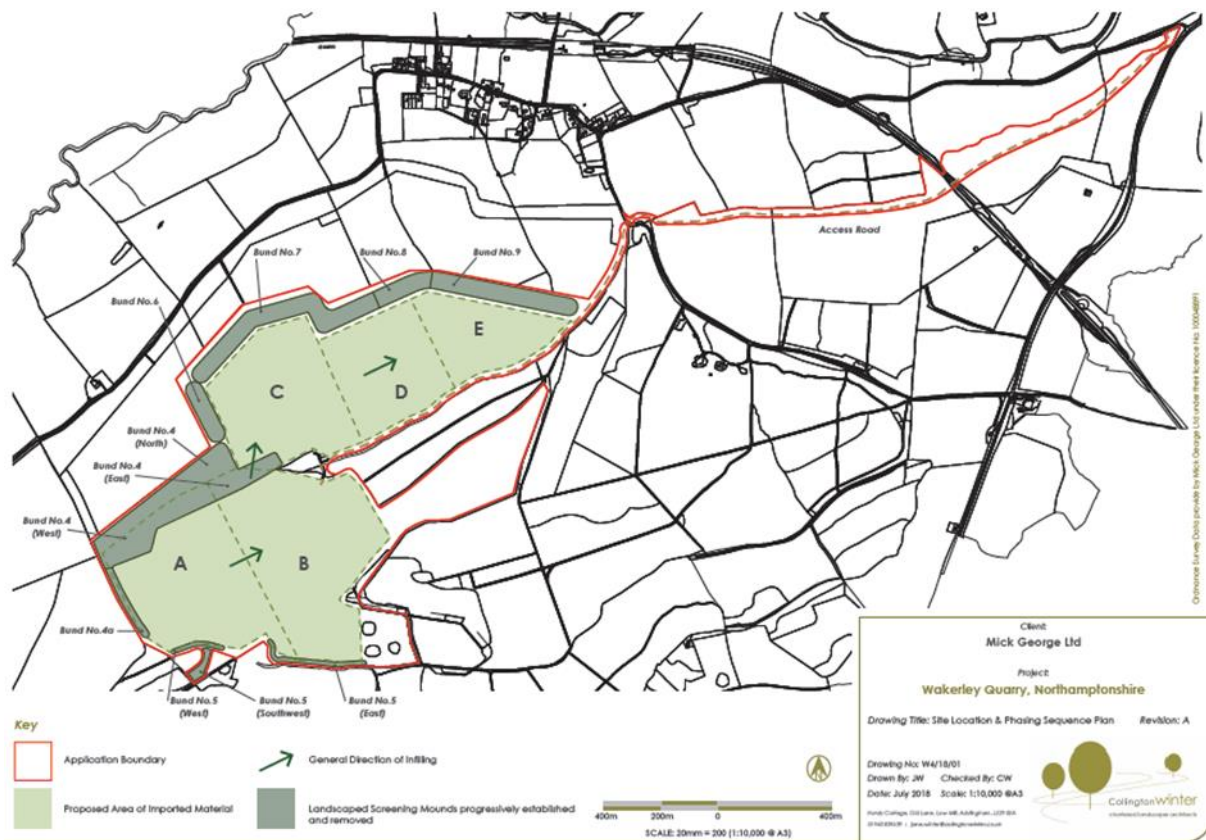
- P 1.3. The quarry development at Wakerley commenced in 2017 starting with the construction of a new purpose built access road from the quarry to an access point close to the A43. Limestone production fully commenced in 2018 and since that time there has been an increasing demand for the quality stone the quarry provides. It was originally envisaged that the mineral would be exported from the site at a typical rate of 250,000 tonnes per annum but in 2018 the figure was 180% of that figure and in 2019 the figure was 260%. The projections in 2020 is that this figure will be further substantially increased.

- P 1.4. In order to serve the ongoing markets it is proposed to extend the working day at the quarry in line with operational hours that governmental advice documents in the form of (Mineral) Planning Practice Guidance have indicated are acceptable for quarry working (viz 07.00 to 19.00) and to extend the hours in which plant and machinery can be maintained outside of the operational hours. The (Mineral) Planning Practice Guidance (ID 27-021-20140306) offers clear advice as to what constitutes “normal working hours” at the quarry site (viz 07.00 -19.00) and the Company are simply seeking to extend the period of mineral extraction operations at the quarry to reflect this conventional guidance.

- P 1.5. There are no proposals to amend the noise limits previously imposed by the minerals planning authority to protect the residential amenity of isolated properties that surround

the site albeit such properties are at some significant distance from the quarry’s boundary. These properties are listed in condition 27 (Consent N° 19/00060/WASFUL), condition 34 (Consent N° EN.97.522C and 08/00026/MIN) of the planning permissions. In respect of the period when maintenance of plant is proposed to be undertaken outside of the “normal working day” (viz 19.00 -21.00 weekdays and 13.00 to 16.00 on Saturdays) it is proposed that a lower noise limit is imposed for site related noise at the identified properties of 42dBA (1 hour).

P 1.6. The minor variation in working hours are consistent with central government guidance and will not adversely affect the mitigation measures relating to quarrying operations as a whole which will continue to provide effective protection against unacceptable noise emissions consistent with central governmental advice.



## **P2. PLANNING CONTEXT**

### **National Planning Policy Framework (NPPF)**

- P 2.1. The National Planning Policy Framework (NPPF) was first introduced in 2012 and has subsequently been superseded in February 2019 by a revised document and sets out the government’s planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for development can be produced but the underlying principle remains adoption of basic sustainable development objectives.
- P 2.2. Moreover, the NPPF advises that reference should be made to published **National Planning Practice Guidance** in the decision making process which provides technical advice in the determination of planning applications.
- P 2.3. Paragraph 2 of the NPPF states *“Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the Development Plan, and is a material consideration in planning decisions.”* Importantly the guidance repeats the basic principles of sustainable development at para 7 which states *“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*
- P 2.4. Furthermore, paragraph 8 repeats the provision of the previous advice in that, *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):* This is reinforced at paragraph 10, when the NPPF states, *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”* and paragraph 11 which confirms that *“decisions should apply a presumption in favour of sustainable development”* and *“approving development proposals that accord with an up-to-date Development Plan without delay”*. The NPPF confirms this presumption (in favour of sustainable development) does not change the statutory status of the Development Plan as the starting point for decision making. Importantly, at paragraph 38 this states that *“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available.....and work proactively with applicants..... Decision-makers at every level should seek to approve applications for sustainable development where possible.”*
- P 2.5. The proposal to marginally increase the operational hours at Wakerley Quarry which are within what is identified as a conventional or ‘normal working hours (07:00 – 19:00 hours)’ within National Planning Practice Guidance (minerals) should be supported having regard

to the advice in the National Planning Policy Framework and fundamental sustainable development principles.

- P 2.6. Section 6 of the NPPF relates to “Building a strong, competitive economy” and paragraph 80 confirms “*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*” Again, this provides further support for the modified operational hours of the quarry which seek to optimise the production of valuable aggregate which makes a positive contribution to the construction industry and sustainable development. The revised operational hours do not conflict with this advice.
- P 2.7. In respect of decisions ensuring that new development is appropriate for its location, paragraph 180 of the NPPF confirms any application should take into account the likely effects of living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The minor revision to the operational hours at the quarry and provision for maintenance of plant and machinery outside of the normal working day will not result in any unacceptable harm as identical environmental controls will remain in place as those which relate to the extraction and processing of limestone and protection of the amenity of local residents.

#### **National Planning Practice Guidance**

- P 2.8. As noted above, the NPPF makes reference to the National Planning Practice Guidance and the relevant advice in respect of this current application is that of ‘minerals’ within which is confirmed that minerals ‘*make an essential contribution to the country’s prosperity*’. At para ID 27-021-20140306 of the Planning Practice Guidance it provides clear advice as to what are appropriate noise standards (viz hours of operation and noise limits) for mineral operations for ‘normal operators’ (with our emphasis shown).

*Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during **normal working hours (0700-1900)**. Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property.*

P 2.9. Given such clear advice, the application is wholly compliant in that operations will be within the normal working day (viz 07:00hrs to 19:00hrs) whilst the maintenance of plant (viz 19:00hrs to 21:00hrs) would have a lower noise limit imposed.

### **Northamptonshire Minerals and Waste Local Plan**

P 2.10. The planning system is plan-led and planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In terms of planning need the Development Plan for this proposal comprises the Northamptonshire Minerals and Waste Local Plan (Update) adopted on 1<sup>st</sup> July 2017.

P 2.11. In respect of plan policies, **Policy 18** considers the impact of proposed minerals and waste development and states, *“Proposals for minerals and waste development must demonstrate that the following matters have been considered and addressed:*

- *protecting Northamptonshire’s natural resources and key environmental designations (including heritage assets),*
- *avoiding and / or minimising potentially adverse impacts to an acceptable level, specifically addressing air emissions (including dust), odour, bioaerosols, noise and vibration, slope stability, vermin and pests, birdstrike, litter, land use conflict and cumulative impact,*
- *impacts on flood risk as well as the flow and quantity of surface and groundwater,*
- *ensuring built development is of a design and layout that has regard to its visual appearance in the context of the defining characteristics of the local area,*
- *ensuring access is sustainable, safe and environmentally acceptable, and*
- *ensuring that local amenity is protected.*

*Where applicable a site-specific management plan should be developed to ensure the implementation and maintenance of mitigation measures throughout construction, operation, decommissioning and restoration works.”*

P 2.12. The proposed revised operational hours at the quarry pays full regard to the provisions of this policy. Existing environmental controls (relating to the minerals extraction and infilling of inert waste) will be maintained to ensure no undue harm would result from the amended restoration proposals. The proposed minor modification to the operational working day to accommodate increased demand for the proposed limestone will still ensure there are no additional impacts on air emissions, noise and vibration or impacts on flood risk.

P 2.13. The NPPF advises that local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area and in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. In addition, to help achieve economic growth, local planning authorities should plan

proactively to meet the development needs of business and support an economy fit for the 21st century, and policies should be flexible enough to accommodate needs not anticipated in the Plan and to allow a rapid response to changes in economic circumstances.



### **P3. SUMMARY AND CONCLUSIONS**

- P 3.1. Planning consent exists at the Wakerley limestone quarry to allow operations to be carried out between 07:00 hrs and 18:00hrs on weekdays and it is proposed to vary the wording of Condition 5 of both planning consents to amend the operational hours within the weekdays and additionally extend the hours in which essential maintenance to plant and machinery is undertaken both on weekdays and on Saturdays. It is therefore proposed to vary the conditions to read:

*“Operations, excluding blasting, and the construction of any soil screening mound and the maintenance of plant and machinery, shall be confined to the hours of 07.00 to 19.00 Mondays to Fridays and 07.00 to 13.00 on Saturdays with no works on Sundays, public or bank holidays.*

*The maintenance of plant and machinery shall be confined to 07.00 to 21.00 Monday to Fridays and 07.00 to 16.00 Saturdays, with no works on Sundays, public or bank holidays.”*

- P 3.2. The National Planning Policy Framework document was introduced to streamline the planning system and support the fundamental objectives of sustainable development to ensure that development proposals that are consistent with Development Plan policies and bio-diversity objectives should be approved without undue delay. The revised operational hours (which are consistent with Planning Practice Guidance) can be achieved without amending the noise limits imposed to protect local amenity and is consistent with policies within the existing Development Plan. Moreover, there are no significant conflicts with the adopted Development Plan which would justify the refusal of planning permission.
- P 3.3. The NPPF advises local planning authorities that they should approach decision-taking in a positive way to foster the delivery of sustainable development and local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.
- P 3.4. The submitted proposals respond positively to the spatial vision of the Minerals and Waste Local Plan in respect of helping to meet national and local mineral requirements in support of economic growth; extracting construction materials that have good communications to areas identified for further economic growth

- P 3.5. The proposals are considered to be in accordance with the Development Plan as a whole as well as the NPPF and NPPG no substantive evidence exists which would indicate to the contrary. It represents an important contribution to regional mineral production and the revised hours of working should therefore be supported.

**Conclusion**

- P 3.6. It is considered on balance that with the proposal to amend the operational hours at Wakerley Quarry can be carried out in an acceptable manner consistent with government advice, without causing demonstrable harm to matters of noted importance.
- P 3.7. Accordingly, given the scheme's compliance with the sustainable development objectives contained within the National Planning Policy Framework (NPPF) and Development Plan documents, then consent should not be withheld for a scheme to amend the operational hours.