



## Town and Country Planning Act 1990

### PLANNING PERMISSION

Name and address of applicant	Name and address of agent (if any)
Bullimores Sand & Gravel Ltd South Witham Grantham Lincolnshire NG33 5QE	Mr Liam Toland Heaton Planning Ltd. 9a The Square Keyworth Nottinghamshire NG12 5JT

#### Part I - Particulars of application

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Date of Application	Application No.
9 May 2018	<b>NCC Ref:</b> 18/00019/MINVOC <b>ENC Ref:</b> 18/01114/NCC

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#### Particulars and location of development

Proposed variation of Conditions 22, 24, 26 (Survey and Restoration), 29 (Woodland Planting), 31 (Aftercare and Woodland) and 33 (End Date) of planning consent ref. EN/06/1279C to extend the end date at Collyweston Quarry, Peterborough Road, Duddington, Northamptonshire PE9 3QA

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#### 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 commence upon the date of this planning permission.

**Reason:** For the avoidance of doubt.

**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.

### Application 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 reference no. 18/00019/MINVOC and the following plans/drawings and documents:

- the supporting statement by Heaton Planning revised June 2018;
- plan/drawing no. HPL/EE/001 Rev. A (dated 27 June 2018, by Heaton Planning);

**Reason:** To identify the scope of this planning permission.

### Scope of the Permission

3. Minerals to be extracted from the site shall be restricted to Limestone and Collyweston Slate Log.

**Reason:** To specify the depth of working.

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

**Reason:** To control pollution and in the interests of safeguarding local hydrology and water supplies (Northamptonshire Minerals & Waste Local Plan Policy 18).

### Collyweston Slate Log

5. Except as may otherwise be agreed in writing by the Mineral Planning Authority, where it is encountered, extracted Collyweston Slate Log shall be maintained and made available for inspection by the Mineral Planning Authority between the months of October to March. The operator shall submit the sales of Collyweston Slate Log to the Mineral Planning Authority at the end of March every year.

**Reason:** To preserve the supply of Collyweston Slate Log in the interest of the conservation of the built environment (Northamptonshire Minerals & Waste Local Plan Policy 22).

### Access

6. The sole vehicular access for the development hereby permitted shall be gained by way of the existing access, which shall be retained and maintained in good state of repair for the duration of this permission.

**Reason:** To ensure a satisfactory means of access to the public highway (Northamptonshire Minerals & Waste Local Plan Policy 18).

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### **Wheel cleaning**

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

**Reason:** In the interests of highway safety (Northamptonshire Minerals & Waste Local Plan Policy 18).

### **Vehicle Sheeting**

8. All minerals transported from the site and imported into 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.

**Reason:** To safeguard the interests of users of the public highway (Northamptonshire Minerals & Waste Local Plan Policy 18).

### **Hours of Working**

9. Except as may otherwise be agreed in writing by the Mineral and Waste Planning Authority, 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 Sundays or public bank holidays.

**Reason:** To ensure working on the site is carried out within reasonable hours so as to avoid disturbance to nearby residential properties (Northamptonshire Minerals & Waste Local Plan Policy 18).

### **Blasting and Vibration**

10. 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 MPG 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.

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- 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 revised scheme is agreed in writing by the Mineral Planning Authority.
- 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.

**Reason:** To ensure that blasting is carried out on the site in order to minimise the intrusion upon local resident's amenities and to pre-determine levels of ground vibration and air overpressure above which an unreasonable degree of intrusion is being caused (Northamptonshire Minerals & Waste Local Plan Policy 18).

### Tree and Hedgerow Removal

11.

- a) No trees or hedgerow shall be removed during the months of March – August (inclusive).
- b) Wherever practicable, all hedgerow removed shall be immediately translocated to other areas of the existing or former quarry site.

**Reason:** To protect nesting birds and the biodiversity of the site (Northamptonshire Minerals & Waste Local Plan Policy 20).

### Soil Handling and Storage

- 12. All stored topsoil and subsoil materials shall be sown with grass seed or sprayed with herbicides to prevent weed accumulation.

13.

- a) The topsoil, subsoil and overburden stripped as part of this permission and to be stored, shall be placed in the locations indicated in the submitted application and the following phasing plans:  
 Stage 1 - Drawing Number HPL/NMA/001;  
 Stage 2 - Drawing Number HPL/EE/001;  
 Stage 3 - Drawing Number HPL/BSG/CQ/009;  
 Stage 4 - Drawing Number HPL/BSG/CQ/010;  
 Stage 5 - Drawing Number HPL/BSG/CQ/011.
- b) 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 overburden shall be removed by the last date referred to in condition 33 of

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this permission.

**Reason for conditions 12 and 13:** To enable the reinstatement of in-situ soils once extraction has finished so as to return the land to its original physical characteristics (Northamptonshire Minerals & Waste Local Plan Policy 20).

### **Pollution Control**

14.

- 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 sight 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 re-circulated 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.

**Reason:** To prevent the increased risk of pollution to the water environment (Northamptonshire Minerals & Waste Local Plan Policy 18).

### **Plant and Machinery**

15. The limestone shall be processed by a crusher and screening plant which shall be located on the quarry floor.
16. The existing building 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.
17. Notwithstanding the provisions of Parts 7 and 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, no fixed plant or machinery, or any building in connection with the development hereby permitted shall be erected, extended, installed, rearranged, repaired or altered, without the prior written approval of the Mineral and Waste Planning Authority.

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18. All fixed and mobile buildings, plant, machinery and foundations shall be removed at such times as the Mineral and Waste 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.

**Reasons for conditions 15 – 18:** To ensure that the Mineral Planning Authority retains control over the location, erection, appearance and removal of fixed and mobile plant, machinery, buildings and foundations in the interests of amenity (Northamptonshire Minerals & Waste Local Plan Policy 21).

### Noise

19. No vehicles and mobile plant used exclusively on site 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.
20. No vehicles, plant, equipment or machinery used on site 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.
21. The site 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".
22. Except for temporary works under the provisions of condition 23 below, the equivalent sound level ( $L_{Aeq}$ ), measured over any 1 hour time period attributable to the operations on site, as measured free field shall not exceed 55 dBA (1hr  $L_{Aeq}$ ) at Robinswood, The Pines or Oak Cottage located as shown on Figure 1 of Appendix 6 (Noise Impact Assessment) of the EIA Technical Appendices submitted with planning application ref. no. 14/00035/MINFUL.
23. For temporary operations that shall be limited to soil stripping and replacement, and bund construction works, for up to 8 weeks in a year the equivalent sound level ( $L_{Aeq}$ ), measured over any 1 hour time period as measured free field, shall not exceed 70 dBA (1hr  $L_{Aeq}$ ) at any inhabited property.

**Reason for conditions 19 – 23:** In the interests of residential amenity and the rural amenities of the area (Policy 18 and 22 of the Northamptonshire Minerals & Waste Local Plan).

### Survey and Restoration

24. Except as may be otherwise agreed in writing by the Mineral and Waste Planning Authority the progressive restoration scheme shall be implemented upon cessation of mineral extraction and backfilling operations shall be

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completed in its entirety in accordance with plan/drawing nos. 5526-L-03 Rev. A (dated June 2013) and 5526 L 03 rev D before the end date of this permission as stated in condition 33.

**Reason:** To ensure the proper restoration of the site within a reasonable and orderly manner in the interests of local amenity (Northamptonshire Minerals & Waste Local Plan Policies 20 and 21).

25. Not later than 12 months prior to the end date of this permission as set out in condition 33, a detailed levels survey of the application site shall be submitted to the Mineral and Waste Planning Authority. In the event the survey indicates that the site will not be completed by the end date, an amended restoration plan shall be submitted to the Mineral Planning Authority for the prior written approval, not later than 9 months prior the end date referred to in condition 33. The amended scheme incorporating any alterations the Mineral Planning Authority requires shall be implemented and completed by the end date referred to in condition 33.

**Reason:** To ensure that the land is restored properly within a reasonable timescale and to enable the Mineral Planning Authority to reconsider the position in the light of the circumstances prevailing at the end of the period stated (Northamptonshire Minerals & Waste Local Plan Policies 20 and 21).

26. Except as may otherwise be agreed in writing by the Mineral and Waste Planning Authority, following mineral extraction the site shall be restored to agriculture with tree and hedgerow planting in accordance with Drawing No. 5526 L 03 rev D and the following requirements to the satisfaction of the Mineral and Waste 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.
- b) The final level of the backfilled site shall conform with the levels of the contours on submitted restoration plan, Drawing 5526 L 03 rev D 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 agricultural use, and tree and hedgerow planting and this covering shall be composed of the topsoil stripped and stored in accordance with conditions 12 and 13 of this permission. The remaining covering material shall comprise the subsoil and overburden stripped and stored in accordance with conditions 12 and 13 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 restoration and tree and

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hedgerow planting 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 13 of this permission shall be evenly replaced over the graded and rooted area during dry weather conditions and not shortly after heavy rainfall.

**Reason:** 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 (Northamptonshire Minerals & Waste Local Plan Policies 20 and 21).

27. 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 re-soiling for good husbandry, to the satisfaction of the Mineral and Waste Planning Authority.

**Reason:** To safeguard the visual amenities and in the interests of good husbandry (Northamptonshire Minerals & Waste Local Plan Policies 20 and 21).

### **Dust Suppression**

28. Dust emissions shall be 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.

**Reason:** To safeguard the local environment and protect the amenities of local residents from unreasonable dust levels (Northamptonshire Minerals & Waste Local Plan Policies 18 and 21).

### **Protection of Boundary Trees and Woodland**

29. 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.

**Reason:** To safeguard existing vegetation in the interests of visual amenity and to provide for long term visual amenity improvement (Northamptonshire Minerals & Waste Local Plan Policies 18 and 20).

### **Landscape Works**

30. The landscaping works set out in the Landscape and Habitat Management Plan (August 2015), plan/drawing no. 5526/L/05 rev.C (dated August 2015) and Appendix A (Landscape and Habitats Maintenance Schedule) appended to the section 106 agreement dated 26 July 2016 (pursuant to permission ref. no. 14/00035/MINFUL), shall be undertaken and completed by the end of the

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first planting season after the site is restored in accordance with Condition 33, or in accordance with any phased implementation timetable that may be previously agreed in writing by the Mineral and Waste Planning Authority.

31. 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.

**Reason for conditions 30 and 31:** In the interests of visual amenity, biodiversity gain for the overall quarry site and to provide for long term visual amenity improvement (Northamptonshire Minerals & Waste Local Plan Policies 20 and 21).

### **Aftercare**

32. Not later than the completion of the restoration operations or by the date referred to in condition 33 of this permission, the approved 10 year aftercare management programme set out in Appendix A (Landscape and Habitats Maintenance Schedule) of Annex 4 of the section 106 agreement dated 26 July 2016 (pursuant to permission ref. no. 14/00035/MINFUL) shall thereafter be fully implemented.

**Reason:** In the interests of visual amenity, biodiversity gain for the overall quarry site and to provide for long term visual amenity improvement (Northamptonshire Minerals & Waste Local Plan Policies 20 and 21).

### **End Date**

33. The development hereby permitted shall cease not later than 31st December 2023 (twenty hundred and twenty three) 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 conditions of this permission relating to restoration, rehabilitation and aftercare, shall be carried out forthwith.

**Reason:** To specify the date by when the site shall be worked and restored in the interests of amenity and the environment and to enable the Mineral and Waste Planning Authority to reconsider the position at the end of the period stated (Northamptonshire Minerals & Waste Local Plan Policies 20 and 21).

## **POSITIVE AND PROACTIVE MANNER STATEMENT**

In determining this application the Mineral and Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant development plan policies, material considerations, consultation responses, any valid representations that may have been received, and discussing changes to the proposal with the applicant/agent. The applicant has been sent a draft copy of

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the planning conditions. This approach has been taken in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Date.....1 August 2018..... Signed ...M.B.Chant.....

For Assistant Director of Environment,  
Planning and Transport

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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.*
  
4. *Guidance on using the Planning Portal's online appeals service, see leaflet PCS4 available at:  
[http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs\\_a5\\_leaflet.pdf](http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs_a5_leaflet.pdf)*

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