



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Ingrebourne Valley Ltd
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Foster Street
Harlow Common
Harlow
Essex
CM17 9HY

Name and address of agent

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Middleton Cheney
Banbury
Oxon
OX17 2ND

Part I - Particulars of application

Date of Application

4 July 2018

Application No.:

NCC Ref: 18/00031/MINVOC
ENC Ref: 18/01565/NCC

Particulars and location of development

Variation of Condition 26 (End Date) of planning consent 13/00073/MINVOC to retrospectively extend end date to 31 July 2020, for the construction of an agricultural reservoir together with removal of surplus material arising in the course of construction and the importation of a limited quantity of engineering clay. Elton Quarry, Land north of Eaglethorpe, Warmington, Northamptonshire PE8 6SN.

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:-

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Commencement

1. The development hereby permitted has commenced and the conditions of this retrospective planning permission shall take effect from the date of this permission.

Reason: For the avoidance of doubt and because previous permission ref. no. 13/00073/MINVOC has expired.

Scope of Planning Permission

2. Except where modified by this schedule of conditions, the development shall be carried out in accordance with the submitted application 13/00073/MINVOC, Environmental Statement and associated drawings, and drawing nos. 95010/R/A, 95010/R/2a and 95010/R/2b, 95010/R/3 and 95010/R/4 approved under permission ref. no. EN/02/846C and 13/00073/MINVOC.
3. Clay extraction and importation shall be restricted solely to the constructional requirements of the irrigation reservoir and the depth of clay extraction shall not exceed eight metres, unless otherwise agreed in writing by the MPA.

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

Dust

4. 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. EN/02/846C) 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 having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Noise

5. 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

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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 having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

6. 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.

Reason: To minimise the noise disturbance to local residents and to enable the effects of the development to be adequately monitored and controlled having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Hours of working

7. 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 having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Access and Protection of the Public Highway

8. The sole vehicular access for the development hereby permitted shall be by way of the access located as shown on Plan No 95010/R/A. This access shall be maintained to the satisfaction of the Mineral Planning Authority.
9. The detailed scheme of highway works and specifications for the improvements at the 'Lady Margaret' access constructed in accordance with

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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 be reinstated in accordance with the requirements of the Highway Authority.

Wheel cleaning

10. 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 for conditions 8, 9 & 10: In the interest of highway safety and to safeguard the interests of users of the public highway having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Flood Protection

11. The development proposals and the subsequent restoration of the site shall be fully undertaken in accordance with the findings and recommendations of the Flood Risk Assessment (dated June 2003) received by the MPA on 4 June 2003 accompanying planning application ref. no. EN/02/846C.

Reason: To prevent an increased risk of flooding due to impeding of flood flows and reduction of flood storage capacity having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Ecological Management Plan

12. The development hereby permitted shall be undertaken in accordance with the updated Ecological Management Plan dated 7 June 2018. The Ecological Management Plan shall be fully implemented as approved throughout the operational, restoration and aftercare stages of the development hereby permitted.

Reason: To ensure the long term proper implementation, management and monitoring of an appropriate scheme to protect and enhance the wildlife value of the site having regard to Policy 20 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

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Soil stripping

13. Except as may otherwise be agreed in writing bunds for the storage of soils shall conform to the following criteria:

- a) Topsoil bunds shall not exceed 3 metres in height.
- b) Subsoil and overburden bunds shall not exceed 5 metres in height.

All bunds which remain for more than six months shall be sown with a grass seed mixture and maintained so as to prevent weed growth.

Reason: To ensure satisfactory storage and movement of soils on site in order to aid final restoration of the site having regard to Policy 24 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Buildings, plant and machinery

14. With the exception of a weighbridge and office, and pump house, and 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 other than those hereby permitted.

Reason: To ensure that the Mineral Planning Authority retains control over the erection of fixed buildings, plant and machinery in the interests of amenity having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

15. 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 with the authority. All heavy goods vehicles entering the site shall be routed to minimise reversing manoeuvres.

Reason: To minimise the noise disturbance to local residents having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

16. All building and fixed or mobile plant as associated with mineral extraction shall be removed as part of the restoration of the site as soon as there are no longer required, and not later than the date referred to in condition 26 of this permission.

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Reason: To ensure that all plant, machinery and hardstanding is removed from the site upon the completion of operations

Fuel Storage

17. Any fuel storage above ground and refuelling facilities shall be bunded to at least 110% of the tank capacity and constructed of an impermeable base with an independent sealed drainage system with no direct discharge to any watercourse, land, or underground strata.

Reason: To safeguard against pollution of the local environment having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Public Right of Way

18. The Public Right of Way PD1 shall be safeguarded and maintained throughout the life of the development by measures including:

- a) provision an maintenance of signage; and,
- b) provision, where necessary, and maintenance of hard surfacing along the right of way within the application site.

Reason: To protect the interests and safety of the users of the public rights of way having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Tree Screen Retention

19. The existing established trees which are located between the site and Eaglethorpe Water Mill House identified on the plan EN/02/866CA attached to planning permission ref. no. EN/02/846C, shall be retained in situ throughout the period of mineral extraction, reservoir construction, and restoration operations at the site.

Reason: To protect the existing tree screen in the interests of the visual amenity of the locality and nearby residential properties having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Landscaping

20. Landscaping shall be undertaken in accordance with the updated Ecological Management Plan, Appendix 2, Drawing 95010/R/3b/L

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21. The implementation of the landscaping scheme as approved by Mineral Planning Authority under condition 20 of this planning permission shall be undertaken and completed to the satisfaction of the Authority by the end of the first planting season following the restoration of the site.
22. Any trees, shrubs or plants which die, become diseased, damaged or are removed within 5 year period shall be replaced in the next planting seasons with others of the same size and species, unless otherwise agreed in writing with the Mineral Planning Authority.

Reason for conditions 19 & 20: In the interests of visual amenity and landscape character having regard to Policies 18 and 21 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Provision of Bird Hide

23. Within six months of the date of this permission details of the hide and public access as identified in the approved restoration scheme including design, materials, colour and location shall be submitted and agreed with the Mineral Planning Authority. The bird hide with public access linked to the existing public bridleway shall be fully provided in accordance with the timescales agreed in the scheme and thereafter maintained throughout the working and aftercare period for the site.

Reason: In order to provide local community benefit having regard to Policy 25 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Restoration

24. Except as may otherwise be agreed in writing by the Mineral Planning Authority the amended restoration scheme, reference Plan 950101/R1/3b/L received by this Authority on 22 August 2003 shall be implemented upon cessation of the mineral extraction operations hereby permitted and shall be completed before the end of this permission as stated in Condition 26, except where it is modified by the landscape scheme submitted under condition 20 of this planning permission.
25. Not later than the completion of the mineral extraction operations or the date referred to in Condition 26 of this permission, whichever is the sooner, a 5 year ecological aftercare programme incorporating the provisions of the scheme agreed under Condition 12 of this permission shall be submitted to the Mineral Planning Authority for approval in writing. The five year aftercare programme, as may be approved by the Authority, shall be implemented throughout the aftercare period.

Reason for conditions 24 & 25: To ensure the restoration of the site to a beneficial use and long term implementation, management and monitoring of

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an appropriate scheme to protect and enhance the wildlife value of the site having regard to Policies 20 and 24 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

End Date

26. The development hereby permitted shall cease and the site be fully restored, not later than 31 July 2020 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 having regard to Policies 18 and 24 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Local Liaison Group

27. Prior to the commencement of the development details of a Local Liaison Group to be established, including proposed membership and ongoing facilitating arrangements, shall be submitted to the Waste Planning Authority for agreement in writing. The first meeting shall be arranged within 3 months of the date of this permission. Subsequent meetings shall be arranged at intervals as agreed by members of the Local Liaison Group.

Reason: To discuss and review the operator's current working practices and their future intentions and to monitor compliance with the Planning Permission with the local community and regulators having regard to Policy 25 of the Northamptonshire Minerals and Waste Local Plan (July 2017)

Informative advice

Highways & Public Rights of Way

With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:-

- The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under s137 HA 1980.
- There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by this office, under s131 HA1980.

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- If as a result of the development, the Right of Way needs to be closed, where a Temporary Traffic Regulation Order would become necessary. An Application form for such an order is available from Northamptonshire County Council website, a fee is payable for this service and a period of six weeks' notice period is required. Please contact the highway authority at: defmap@gwsp.co.uk

POSITIVE AND PROACTIVE STATEMENT

In determining this application the Waste Planning Authority has worked positively and proactively with the applicant. The proposals and the content of the application have been assessed against relevant Development Plan policies, the National Planning Policy Framework, the National Planning Policy for Waste and the National Planning Policy Guidance. The Waste Planning Authority has identified all material considerations; considered any valid representations received; liaised with consultees to resolve issues; and, progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the 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) Order 2015.

Date 25th October 2018

Signed G.P. Watson

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 is available at <https://www.planningportal.co.uk/info/200207/appeals>*

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