

**LAND NORTH OF EAGLETHORPE  
WARMINGTON  
NORTHANTS**

***Application 1***

**Section 73 application to vary  
Condition 26 - end date**

***of***

**Permission 13/00073/MINVOC**

**Variation of condition 28 to retrospectively extend the end date to 2018  
for planning permission EN/02/0846C 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**

***Application 2***

**Section 73 application to vary  
Condition 25 - end date**

***of***

**Permission 13/00074/MINVOC**

**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**

***on behalf of  
Ingrebourne Valley Ltd***

**D. K. SYMES ASSOCIATES**  
*Mineral Planning & Development Consultants*

email: [dks@dksymes.co.uk](mailto:dks@dksymes.co.uk)

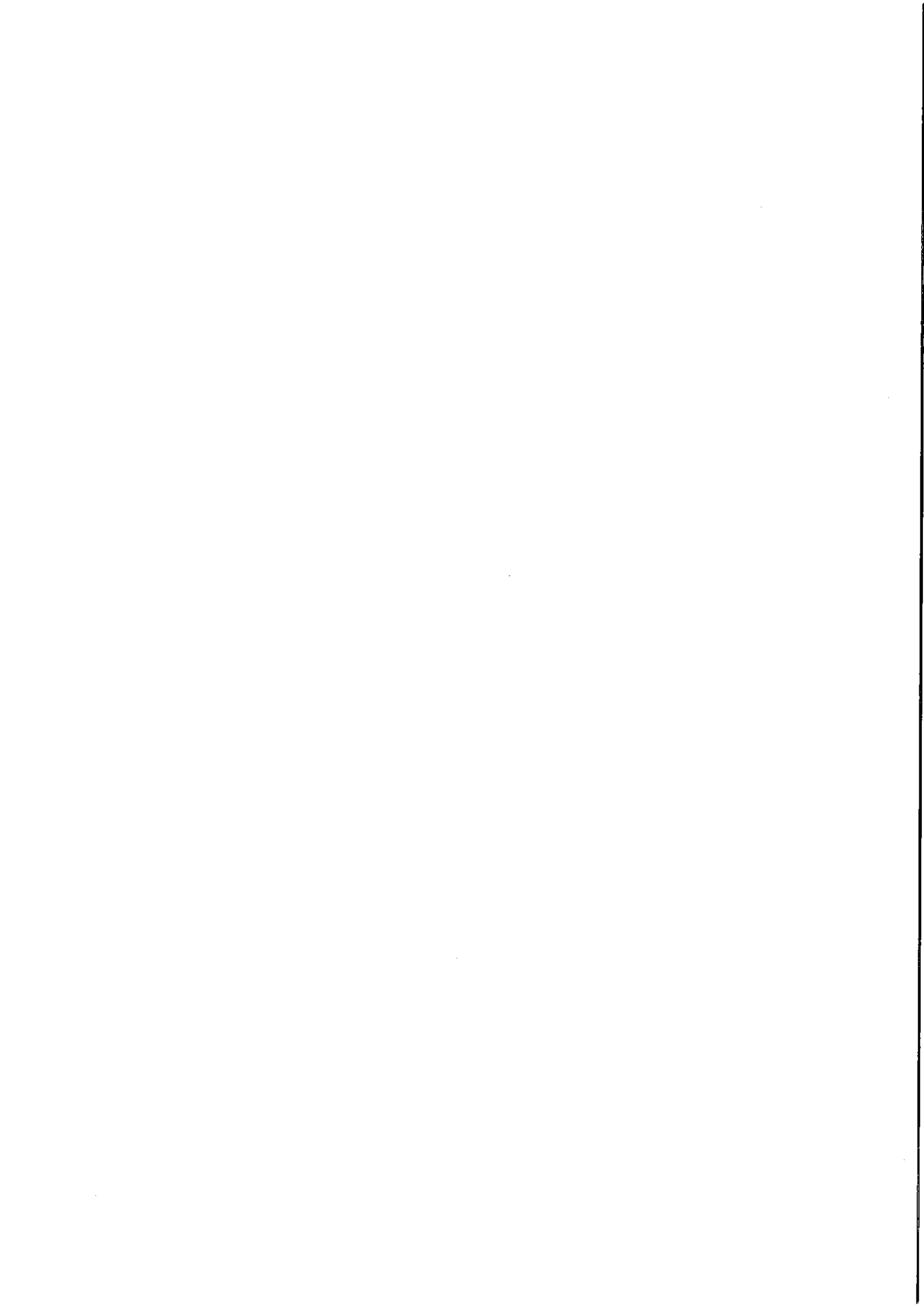
July 2018

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APPLETREE FARMHOUSE, 39 MAIN ROAD,  
MIDDLETON CHENEY, BANBURY, OXON OX17 2ND

Tel: 01295 712266  
Fax: 01295 712283

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## **APPENDICES:**

**APPENDIX 1** - Permissions 13/00073/MINVOC and  
13/00074/MINVOC

**APPENDIX 2** - *Application 1* Application forms

**APPENDIX 3** - *Application 2* Application forms

**APPENDIX 4** - Proposed variation of conditions 25 and 26

**APPENDIX 5** - Ecological Management Plan

## **PLAN:**

**95010/PE/1 v2** - Proposed Elton Extension

***NOTE: CD attached at back of report on inside cover***



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**1. BACKGROUND**

1.1 The agricultural reservoir approved by permission 13/00073/MINVOC has been fully excavated and is now approximately halfway through the clay engineering works to complete the construction. The material excavated comprised good quality sand and gravel that was taken to the adjacent site where it was processed. This 'plant site' is subject to a separate permission 13/00074/MINVOC. As the excavation works are completed, the plant structure has been removed but the site is still needed for the reception and storage of the engineering clay required to complete the reservoir engineering works. Copies of both permissions are attached at **Appendix 1** for information.

1.2 In view of the interlinked nature of these two permissions they both have a common completion date of 31 July 2018. However, due to a shortage of suitable engineering / construction materials in the local area over recent years it has not been possible to complete the engineering operations necessary for the reservoir which has delayed the timescales that were originally proposed. These applications seek to address this issue by extending the end date for both the reservoir permission (13/00073/MINVOC) and plant permission (13/00074/MINVOC) to ensure full completion can be achieved for both areas.

## 2. THE APPLICATION

2.1 As explained above, there are two permissions which need to be amended. The existing end date on both permissions is 31<sup>st</sup> July 2018 and the company constructing the reservoir (Ingrebourne Valley Ltd - IVL) recognise that this end date is now unachievable due to the difficulty in sourcing the engineering clay. Therefore a Section 73 application needs to be submitted for each of the permissions to extend the completion date to 31<sup>st</sup> July 2020. This Section 73 application allows for a further period of time to be applied for.

2.2 Generally a Section 73 application does not require a plan showing the application area however plan reference Plan 95010/PE/1 is attached which shows the extent of both the reservoir and plant permissions.

2.3 The purpose of this application is to extend the end date on the two existing permissions (13/00073/MINVOC and 13/00074/MINVOC) by two years to 31<sup>st</sup> July 2020 with no other changes. The application does not require permission for any further land and/or type/quantity of material.

2.4 The relevant planning application forms and certificates for Application 1 (Reservoir permission ref. 13/00073/MINVOC) to vary condition 26 are attached at **Appendix 2** and those for Application 2 (Plant permission ref. 13/00074/MINVOC) to vary condition 25 are attached at **Appendix 3** together with the suggested changes to condition 25 and condition 26 at **Appendix 4**.

### 3. DEVELOPMENT DETAILS

3.1 The primary purpose of the development is to build an agricultural reservoir within the low lying land adjacent to the River Nene. As the surplus materials (sand and gravel) have been fully removed and processed at the plant site, the void now needs to be fully engineered.

3.2 However, in order to engineer the reservoir, construction materials need to be imported via the existing access. The plant site continues to be required as it supports the reservoir construction by providing space for temporary stockpiling as the engineering works take place on a periodic basis due to the need for dewatering and are subject to suitable weather conditions.

3.3 The engineering work within the reservoir site is summarised below;

- dewatering of the site starts 2 – 3 weeks before engineering works can start in order to lower the level of groundwater,
- suitable and cohesive construction materials are delivered from the temporary stockpile in the plant area, and moisture content checked before engineering through rolling and compaction via a D6 dozer to ensure it meets the low permeability and strength requirements of the EA,
- the plant site provides areas for stockpiling and any pre-treatment in terms of moisture content, if required,
- the final shaping operations and re-spreading of the soils, construction of the feeder channel etc., complete the construction works ready for landscape planting.

3.4 The principle design of the reservoir remains unchanged. The only operations required are to stockpile materials if required and engineer the reservoir with suitable clay material once site is dewatered.

## **4. ENVIRONMENTAL IMPACTS**

### **4.1 General**

4.1.1 With reference to the Environmental Impact Assessment Regulation, mineral extraction is a Schedule 2 development so an EIA is not mandatory. Furthermore, the remaining works are for engineering operations as opposed to any extractive works.

4.1.2 In view of the above and the absence of any impacts since the operation commenced it is considered that an Environmental Impact Assessment is not warranted.

4.1.3 In terms of the environmental impacts of the proposals, as the details of the development remain unchanged, there will be no additional impacts if baseline data has not altered. This applies to the majority of the environmental criteria which are assessed individually below.

### **4.2 Landscape & Visual**

4.2.1 The original Environmental Statement recognised that the greatest impact would be during the extraction phase but this would not be permanent. The extraction phase has now ceased and therefore the landscape and visual impact is greatly reduced as the current landform is essentially the final restoration. The remaining operations required are to complete the engineering of the reservoir which are short term.

4.2.2 The site is naturally screened by embankments and planting alongside the A605 thus the activities are not readily visible from any nearby properties or from the road. Furthermore, the willow planting along the bridleway has been strengthened over the last two years and this has increased the screening further.

4.2.3 The design and landscape planting of the completed scheme do not change so any landscape and visual impacts upon completion remains the same.



### **4.3 Access and Traffic**

4.3.1 The access to the A605 was designed to ensure that when the site was fully operational there would be no unacceptable impacts on highway capacity and safety. Following the completion of the 'extraction phase' the level of HGV activity at the site has reduced significantly.

4.3.2 The fact that the site has operated without any traffic impacts, even when operating at full capacity suggests that the importation of the remaining quantity of engineering clay will have no adverse traffic impacts.

### **4.4 Water**

4.4.1 The water environment of the local area has not changed and nor have the operational details relating to water management. Impacts are only likely when the reservoir is dewatered; however the impacts of this have been fully addressed and mitigated through the discharge consent/permit.

4.4.2 There have been no adverse impacts during the period of active development and there are no proposed changes to the operations both during the continued restoration operations and at completion.

### **4.5 Flood Risk**

4.5.1 Similar comments apply to the Flood Risk Assessment, namely there are no changes proposed to the scale or nature of the development so there is no change to the flood risk status of the site.

4.5.2 Dewatering is already controlled by a discharge consent/permit, which requires any dewatering to cease if the River Nene is running close to 'bank full' status. At completion the reservoir is filled by gravity from the Nene and the 'free board' of the engineered reservoir will provide additional flood storage capacity.

## **4.6 Agriculture**

4.6.1 The purpose of the development is to provide an assured supply of water for irrigation that will increase the yield and quality of crops grown on at Elton Estate. This does not change so there is a permanent benefit at completion.

## **4.7 Ecology**

4.7.1 The Ecological Management Plan (EMP) required by condition 12 of the reservoir permission is currently being updated by the Ecological Clerk of Works (ECoW) who are ECOSA.

4.7.2 Essentially the site remains unchanged from the last applications submitted in 2014. The Willow planting located along the bridleway has been strengthened and further planting is planned for the shallows area.

4.7.3 Please see **Appendix 5** for the updated EMP.

## **4.8 Archaeology**

4.8.1 The archaeological interest of the site was fully assessed prior to disturbance and no additional land is proposed so there will be no further impacts on archaeology

## **4.9 Noise**

4.9.1 The location of the site is relatively remote from any residential dwellings and the adjacent A605 creates a corridor of noise which has a strong influence on background noise levels. In addition, there have been no noise complaints as a result of the development demonstrating that the activities are within the recognised noise criteria.

## **4.10 Dust**

4.10.1 The operations involved in engineering the remaining void space are generally damp due to the natural moisture content of the area as well as the cohesive nature of the engineering clay material. This material is dense and therefore does not give rise to any dust particles. As the site will need to be dewatered, it is essentially a damp operational area.

4.10.2 Again, the operations at this site have taken place without causing any dust and there have been no complaints.

## **5. PLANNING**

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

5.1.1 Upon completion of the proposed works, the agricultural reservoir will capture surplus water for storage and provide a valuable water source during the Spring and Summer when resources are under stress. This represents a very sustainable solution and is in line with guidance from the Environment Agency. Without a further extension of time the reservoir will not be completed so the benefit will be lost.

5.1.2 By allowing the development to continue and thereby finishing the project, it would;

- support a rural economy as the irrigation would support a higher crop yield and quality,
- meet the challenge of climate change by capturing surplus water for use when it is scarce,
- enhances the natural environment through good design and biodiversity created on adjacent land,

## **5.2 Northants Minerals and Waste Framework**

5.2.1 The adopted Control and Management of Development Plan Document is currently being updated but the existing policies are reviewed below;

### **CMD7 – Natural Assets and Resources**

5.2.2 One the reservoir has been fully restored, the site will offer a range of new habitats and increase the level of biodiversity.

### **CMD8 – Landscape Character**

5.2.3 The development has been designed to protect the existing landscape features by providing flood storage attenuation and does not jeopardise the existing landscape setting.

### **CMD9 – Historic Environment**

5.2.4 This was addressed in the original submission.

### **CMD10 – Layout and Design**

5.2.5 The existing facilities are well screened and are not overlooked by any residential properties and are operated to high safety standards.

5.2.6 It is considered that the current operations at both the reservoir and plant site are in accordance with the current polies and do not give rise to any unacceptable impacts.

## **6. CONCLUSION**

6.1 The development of the reservoir at Elton Estate is controlled by two separate but linked permissions. One covers the reservoir construction, whilst the other covers the plant area where the materials may be stockpiled during the remaining engineering operations.

6.2 The project has experienced delays due to a number of factors, principally due to a lack of suitable engineering / construction materials. In order to complete the scheme to the highest standards a further period of 2 years is needed delivering biodiversity benefits without giving rise to any unacceptable impacts.

DKS/yw/9510  
20 June 2018

