



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

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

Name and address of agent (if any)

D. K. Symes Associates
39 Main Road
Middleton Cheney
Banbury
Oxon
OX17 2ND

Part I - Particulars of application

Date of Application

18 April 2019

Application No.

NCC Ref: 19/00034/MINVOC

ENC Ref: 19/00857/NCC

Particulars and location of development

Section 73 application to vary conditions 2, 3, 7 & 26 of planning permission 18/00032/MINVOC to enable a new replacement low profile processing plant to be erected as well as to import reclamation material, a proportion of which will need to be treated to make it suitable for restoration and an extension of the completion date to 31 July 2030 at Elton Quarry, Peterborough Old Road, Eaglethorpe, Warmington, Peterborough

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 and Compliance

1. The development hereby permitted shall be begun before the expiry of THREE YEARS from the date of this permission. Written notification of the date of commencement shall be sent to the Minerals Planning Authority within 7 days of such commencement.

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.

Reason: 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

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:

Planning Documents

Application Forms dated 18 April 2019
Non-Technical Summary dated April 2019
Planning and Environmental Statement dated April 2019
Update Statement 1 – rev 1 dated November 2019

Drawings

Drawing No. 95010/E2/L/1 v2	Location Plan
Drawing No. 95010/E2/SC/1 v3	Site Context
Drawing No. 95010/E2/A/1 v4	Application Plan 1 – Extension Area
Drawing No. 95010/E2/A/2 v4	Application Plan 2 – Plant Site
Drawing No. 95010/PS/A/1 v5	Application Plan 3 – Plant Site Extension Area
Drawing No. 95010/E2/PS/1 v4	Illustrative Layout of Plant Site
Drawing No. 95010/E2/CO/1 v5	Composite Operations Plan
Drawing No. 95010/E2/PO/1a v4	Progressive Operations Plans
Drawing No. 95010/E2/R/1 v7	Restoration Scheme – Extension Area
Drawing No. 95010/E2/R/2 v1	Restoration Scheme – Plant Site
Drawing No. 95010/E2/BC/1 v2	Illustrative Detail of Bridge Crossing
Drawing No. 95010/E2/PP/1 v2	Illustrative Detail of Processing Plant
Drawing No. Gen./02 v3	Illustrative Detail of Typical Office & Weighbridge
Drawing No. Gen./03 v3	Illustrative Detail of Typical 12m Office/Messroom
Drawing No. Gen./06 v3	Illustrative Detail of Typical Fuelling Area

Technical Reports

Hydrogeological Impact Appraisal dated April 2019 by SLR
Flood Risk Assessment dated April 2019 by SLR
Ecological Impact Assessment dated April 2019 by ECOSA
Landscape and Visual Impact Assessment dated April 2019 by DB Landscape Consultancy
Noise Assessment dated April 2019 by LF Acoustics
Air Quality Assessment dated 17 October 2018 by Redmore Environmental
Transport Statement dated April 2019 by Intermodal Transportation
An Archaeological Desk-Based Assessment dated 3 November 2015 by Archaeological Solutions

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Geophysical Survey dated 29 March 2016 by Archaeological Solutions
Geoarchaeological Window Sampling dated 28 January 2019 by
Archaeological Solutions
Agricultural Land Classification and Soil Resources dated May 2018 by
Reading Agricultural Consultants

Reason: To specify the approved documents in the interests of amenity.

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 as notified under condition 1. The site shall be subject to aftercare for a further period of five years.

Reason: To retain control over the development and in the interests of visual amenity and to ensure that the development does not prejudice the overall restoration of the site having regard to Policies 18 and 24 of the Northamptonshire Minerals and Waste Local Plan (2017).

Hours of Working

5. Except as may otherwise be agreed in writing by the Minerals Planning Authority, the development hereby permitted and all operations thereto shall only operate between the hours of 7.00am to 6.00pm Mondays to Fridays and 7.00am to 1.00pm on Saturdays, with no such operations being carried out on the site on Sundays, Bank 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 (2017).

Method of Working

6. Only sand and gravel from the mineral extraction works permitted under planning permission 19/00033/MINFUL shall be processed at the plant site for this life of this permission.
7. No waste shall be imported into the site other than inert waste for the purposes of backfilling and/or restoration purposes.

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8. All topsoil, subsoil and soil making material shall be retained on the site for subsequent re-use in site restoration.

Reason for conditions 6 to 8: To specify working methods to protect amenity, natural assets and landscape character restoration having regard to Policies 18, 20, 21 and 24 of the Northamptonshire Minerals and Waste Local Plan (2017).

Removal of Permitted Development Rights

9. With the exception of a weighbridge, office and messroom, and notwithstanding the provisions of parts 7 and 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 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 18 and 21 of the Northamptonshire Minerals and Waste Local Plan (2017).

Built Development, Fencing, Machinery

10. No perimeter fencing shall be erected on site unless and until the details of the proposed locations, heights, materials, design and colour of any perimeter fencing have been submitted to and approved in writing by the Mineral Planning Authority. Any approved fencing shall be maintained in accordance with the approved details for the lifetime of the development.
11. 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 they are no longer required, and not later than the date referred to in condition 4 of this permission.

Reason for conditions 10 – 11: In the interests of amenity protection and landscape character having regard to Policies 18 and 21 of the Northamptonshire Minerals and Waste Local Plan (2017).

Access and Highway Safety, including Public Rights of Way

12. The sole vehicular access for the development hereby permitted shall be by the access located as shown on Drawing No. 95010/E2/A/1 v4 Application Plan 1 – Extension Area. This access shall be maintained to the satisfaction of the Mineral Planning Authority.
13. The detailed scheme of highway works and specifications for the improvements to 'Lady Margaret' access constructed in accordance with planning permissions EN/02/0846C and 09/00047/MIN, shall be retained to the satisfaction of the Highway Authority until the date the development

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hereby permitted is complete and the site restored or the end date in condition 4 of this permission (whichever is sooner), after which the site access shall be reinstated in accordance with the requirements of the Highway Authority.

14. Within 3 months of the date of this permission details of provision of a new road sign for the routing of works traffic to be located on the A605 to the west of the Elton junction (to replace the existing sign located to the east of the junction), shall be submitted for approval in writing by the Mineral Planning Authority. The details, as may be approved in writing and incorporating such modifications as the Mineral Planning Authority in consultation with Cambridgeshire County Council may require, shall be fully implemented at the applicant's expense prior to the commencement of development hereby permitted.
15. All operational vehicles transporting minerals from the site or importing waste materials 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.
16. 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. In the event that the existing wheel cleaning facilities fail to prevent the deposit of mud, then additional wheel cleaning facilities shall be installed.

Reason for conditions 12 – 16: In the interests of highway safety and amenity having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

Ecology

17. Having regard to the protection of badgers, the development hereby permitted shall not in any circumstances commence unless the Mineral Planning Authority has been provided with either:
 - i. A licence issued by Natural England pursuant to Section 10 of the Protection of Badgers Act 1992 authorising the development to go ahead; or
 - ii. A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the development will require a licence.
18. Prior to the commencement of the development hereby permitted badger surveys (in accordance with best practice guidelines) including any necessary mitigation measures shall be submitted to and approved in writing by the Mineral Planning Authority. The development shall only proceed in accordance with any mitigation measures approved by the Mineral Planning Authority.
19. Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of February to September inclusive, unless an ecologist report demonstrating that breeding birds will not be affected is submitted to and approved in writing by the Mineral Planning Authority.

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Should nesting birds be found, development shall be delayed until such time as nesting has ceased.

Reason for conditions 17 – 19: In the interests of landscape and biodiversity having regard to Policies 18, 20 and 24 of the Northamptonshire Minerals and Waste Local Plan (2017).

Noise

20. 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 site. All heavy good vehicles entering the site shall be routed to minimise reversing manoeuvres.
21. 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 so as to reduce noise to a minimum.
22. The site shall 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.
23. Monitoring of noise at the nearby noise sensitive residential properties of Water Mill House and Lady Margaret Cottages (if occupied) shall be undertaken in accordance with the Noise Assessment dated April 2019 and updated October 2019 prepared by LF Acoustics Ltd. Noise monitoring shall be carried out at the commencement of extraction and at a time whilst the processing plant is operational. Further noise monitoring shall be carried out at intervals to be agreed in writing with the Mineral Planning Authority.
24. In the event that monitored noise levels exceed 55 dB $L_{aeq, 1 \text{ hour}}$, proposals for mitigation and further monitoring shall be submitted and agreed in writing by the Mineral Planning Authority and implemented forthwith and not later than two weeks from the occurrence of the breach. In the event that the remedial noise measures do not prove effective, all operations shall cease until further mitigation proposals have been submitted and agreed in writing by the Mineral Planning Authority, implemented and shown to be effective through further noise monitoring.

Reason for conditions 20 – 24: 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 (2017).

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Dust

25. No development shall take place until a Dust Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Plan shall include the following information:
- i. The suppression of dust caused by the moving, processing and storage of soil, sand and gravel, and other materials within the site;
 - ii. Dust suppression on haul roads, including speed limits;
 - iii. Provision for monitoring and review of the Plan;
 - iv. Details of all dust suppression measures;
 - v. A procedure for the review of operations upon the receipt of complaints by the Mineral Planning Authority, upon notification to the operator;
 - vi. Precise arrangements for the measurement of wind speed on the site; and
 - vii. Dust monitoring points around the site boundary.

The approved Plan shall be implemented and adhered to at all times.

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 (2017).

Soil Handling

26. All topsoil, subsoil and soil making material shall only be handled when in a dry and friable condition. The criteria for determining dry and friable shall be based on a field assessment of the soil's wetness in relation to its lower plastic limit. An assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If a long thread of less than 3 millimetres diameter can be formed, the soil is wetter than the lower plastic limit, and soil movement should not take place until the soils have dried out. If the soil crumbles before a long thread of 3 millimetres diameter can be formed, then the soil is dry enough to move. This assessment shall be carried out on representative samples of each major soil type.
27. The movement and handling of all soils shall be in accordance with sheets 1-4 (soils handling using excavators and dump trucks) and sheet 15 (soil replacement with bulldozers and dump trucks) of the "Good practice guide for handling soils" published by the Ministry of Agriculture Fisheries and Food in April 2000 or subsequent edition thereof.
28. Plant or vehicle movement shall be confined to clearly defined haul routes agreed in writing by or on behalf of the Mineral Planning Authority, or to the overburden surface and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Reason for conditions 26 – 28: To prevent damage to soils and in the interests of the visual amenities of the area having regard to Policies 18 and 20 of the Northamptonshire Minerals and Waste Local Plan (2017).

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Soil Stripping and Storage

29. Except as may otherwise be agreed in writing bunds for the storage of soils (on the plant site only) shall conform to the following criteria:
- i. Topsoil bunds shall not exceed 3 metres in height; and
 - ii. 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 (2017).

Lighting

30. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties, natural environment and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.
31. Any external lighting shall be downward facing to minimise the risk of light spillage beyond the operational areas and into the sky. The lighting shall be switched off when not required and shall not be operated outside the permitted working hours at the site.

Reason for conditions 30 – 31: In the interests of the visual and rural amenities of the area having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

Fuel Storage

32. Any fuel storage above ground and refuelling facilities should 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 (2017).

Restoration

33. Except as may otherwise be agreed in writing by the Mineral Planning Authority the restoration scheme Drawing No. 95010/E2/R/2 v1 (Plant Site) shall be implemented upon cessation of the mineral extraction operations

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hereby permitted and shall be completed before the end of this permission as stated in condition 4 of this planning permission.

Reason: To ensure proper restoration of the site and in the interests of the general amenity of the area having regard to Policies 18, 20 and 24 of the Northamptonshire Minerals and Waste Local Plan (2017).

Aftercare

34. An aftercare scheme detailing the steps that are necessary to bring the areas of the site to the required standard for agriculture shall be submitted and approved in writing by the Mineral Planning Authority prior to commencement of restoration works. The submitted scheme shall:

- (a) Provide an outline strategy in accordance with the Planning Practice Guidance for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. In the case of agriculture the scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants and the Mineral Planning Authority
- (b) Provide for a detailed annual programme, in accordance with the Planning Practice Guidance, to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

The aftercare shall be undertaken in accordance with the approved scheme for the duration of aftercare.

35. Before 31st January of every year during the aftercare period, an Aftercare Management Report shall be submitted to the Mineral Planning Authority recording the operations carried out on the land during the previous 12 months, results of tests undertaken to ensure satisfactory soil structures, and setting out the intended operations for the next 12 months. A site meeting shall be arranged to discuss the report to which the Mineral Planning Authority shall be invited together with any other parties as necessary.

36. During the aftercare period, temporary drainage works (e.g. ditches, watercourses, settling lagoons) shall be carried out as necessary to prevent soil erosion, flooding of land within or outside the site or the erosion or silting up of existing drainage channels within or outside the site.

Reason for conditions 34 – 36: To ensure appropriate aftercare having regard to Policy 24 of the Northamptonshire Minerals and Waste Local Plan (2017).

Monitoring

37. The operating company shall submit an annual report in writing to the Mineral Planning Authority within one month of the first anniversary of operations commencing at the site and at 12 monthly intervals thereafter. The report shall include the quantities and types of all mineral extracted from the site and all

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waste imported to the site and whether this has been recycled or utilised for restoration purposes. The information required by this condition shall also be supplied at any other time and by any other date upon the written request by the Mineral Planning Authority. All such information will be treated on a confidential basis.

Reason: To enable the Mineral Planning Authority to monitor progress towards achieving the principles in Policies 4 and 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

Complaints

38. In the event that complaints regarding noise or dust nuisance are received by the Mineral Planning Authority and thereafter notified to the operator, an assessment of the complaint shall be undertaken by the operator. A report on the findings, with proposals for removing, reducing or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of remedial measures (if necessary) to be undertaken shall be submitted to the Mineral Planning Authority no later than five working days from notification of the complaint to the operator, unless a later date is otherwise agreed in writing by the Mineral Planning Authority. These measures shall thereafter be maintained.

Reason: To safeguard amenity having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

Local Liaison Group

39. Prior to the commencement of 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 prior to the date of commencement as notified under condition 1. Subsequent meetings shall be arranged by the operating company at intervals as agreed by members of the Local Liaison Group, for the life of the operations.

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 (2017).

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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INFORMATIVES

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or visit the Environment Agency's National Customer Contact Centre on 03702 422549.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the applicant is advised to consult with the Environment Agency at the earliest opportunity.

2. With respect to construction works to be carried out in close proximity to and using Public Rights of Way PD1, PD3, PD27 & MY5 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 Section 137 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 the Highway Authority, under Section 131 HA 1980
 - 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 the highway authority at DefMap@westnorthants.gov.uk. A fee is payable for this service and a period of six weeks' notice is required.
 - Any new path furniture (e.g. gates preferred over stile) needs to be approved in advance with the Access Development Officer (enquiriesPROW@kierwsp.co.uk), standard examples can be provided.
 - Please do not rely on the position of features on site for an accurate position of the public rights of way. This must be taken only from the Definitive Map and Statement 2016.
3. No works affecting any existing public right of way may commence without the express written permission of the local highway authority's Rights of Way team.

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4. The developer is reminded to apply to the local planning authority for any proposed diversion of a right of way under Section 257 of the Town and Country Planning Act 1990 required to facilitate the development of 19/00033/MINFUL. The alternative route for such a diversion must be agreed with the local highway authority's Rights of Way team and be available for public use prior to the closure of any existing route.

Date 31 March 2021

Signed



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*

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