

**LAND NORTH OF EAGLETHORPE  
WARMINGTON  
NORTHANTS**

***Application 1***

**Section 73 application to vary  
Condition 26 - end date  
of  
Permission 18/00031/MINVOC**

***Application 2***

**Section 73 application to vary  
Condition 26 - end date  
of  
Permission 18/00032/MINVOC**

***Application 3***

**Retrospective Mineral Application  
for**

**An extension to the existing plant and ancillary works site  
in order to provide additional operational space for material treatment,  
stockpiling and temporary storage with restoration to agricultural land**

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

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## **APPENDICES:**

**APPENDIX 1** - Permissions 18/00031/MINVOC and 18/00032/MINVOC

**APPENDIX 2** – Updated Ecological Management Plan (2019)

## **PLANS:**

**95010/EP/1 v1** – Existing Reservoir Permission

**95010/EP/2 v1** – Existing Plant Site Permission

**95010/PS/A/1 v4** - Plant Site Extension Area

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



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**1. BACKGROUND**

1.1 The agricultural reservoir approved by permission 18/00031/MINVOC is now over halfway through the clay engineering works to complete the construction. The material previously excavated comprised good quality sand and gravel that was taken to an adjacent site where it was processed. This 'plant site' is subject to a separate permission 18/00032/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 and this has continued throughout the last two years. 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 2020. However, initially due to a prolonged 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.

1.3 The initial delays associated with the lack of engineering materials have been exacerbated further by the Covid-19 pandemic, which brought the construction industry as well as the wider economy to a complete standstill in early 2020, as the Government imposed a nationwide ‘lockdown’. Nevertheless, prior to the pandemic, the company had managed to import and stockpile sufficient clay that will enable a further ‘dewatering’ campaign to proceed (as it is uneconomical to dewater unless the engineering material is readily available).

1.4 Since 2018, a further 3 applications were submitted to Northamptonshire County Council which relate to a mineral ‘extension site’ (Elton 2) on adjacent land west of the existing reservoir. The first application applies for phased mineral extraction, construction of a bailey bridge, importation of reclamation material including ancillary activities with restoration to agricultural pasture and wet woodland (Ref: 19/00033/MINFUL). The second, a Section 73 application to vary a number of planning conditions attached to permission 18/00032/MINVOC, which relate to the scope of the permission, reclamation material treatment, hours of working and the completion date (Ref: 19/00034/MINFUL). The third application retrospectively applies for an extension to the existing plant site area (Ref: 19/00035/MINFUL) as the operator was previously informed land was being utilised outside the permission boundary.

1.5 All three applications are yet to be determined and this is unlikely to happen before September 2020 and therefore the existing permissions (18/00031/MINVOC) and (18/00032/MINVOC) must be extended in the event that the ‘extension site’ and associated applications are not granted planning permission.

1.6 In addition to extending the end dates for both existing permissions as outlined above, it is clear that the already submitted retrospective application for an extension to the plant site (19/00035/MINFUL) is intrinsically linked to the ‘extension site’ proposals. As a result of this, a new retrospective application must be submitted to regularise the plant site area in the event that applications 19/00033/MINFUL, 19/00034/MINFUL and 19/00035/MINFUL are not granted approval.

## **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 July 2020 and the company constructing the reservoir (Ingrebourne Valley Ltd (IVL)) recognise that this end date is now unachievable as although there is sufficient stockpiles of clay to undertake a further dewatering and engineering campaign, it is anticipated that this campaign will take approximately 6 – 8 weeks to complete. Furthermore, it is also recognised that at least one additional campaign will be required next year. The additional two year period allows time for importation of materials and the next campaign to be completed or if Elton 2 is granted permission, the overburden from Phase 1 will be used to ensure the reservoir is fully restored as this material is considered ‘indigenous’ and therefore complies with the existing permit.

2.2 Given the above, a Section 73 application needs to be submitted for each of the permissions to extend the completion date to 31 July 2022. This Section 73 application allows for a further period of time to be applied for.

2.3 Generally a Section 73 application does not require a plan showing the application area however Plans 95010/EP/1 and 95010/EP/2 are attached and show the extent of the reservoir and plant site permissions respectively.

2.4 The third application is made retrospectively as the operator has become aware that land outside of the ‘plant site’ application boundary is currently being utilised for ancillary mineral development, i.e. principally for stockpiling and temporary soil storage. This additional area extends to almost 3 hectares as shown on Plan 95010/PS/A/1.

2.5 The purpose of this application is to extend the end date on the two existing permissions (18/00031/MINVOC and 18/00032/MINVOC) by two years to 31 July 2022 as well as retrospectively applying for an extension to the plant site.

2.6 The completed application forms and certificates for the three applications have been submitted individually and are provided separately.

### **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, the imported construction materials stockpiled within the existing plant site need to be engineered within the base of the reservoir following the dewatering operations. However, it should be noted these 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 had an additional two years for establishment 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 which remains valid.

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 will be 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 the 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 was updated in 2019 by the Ecological Clerk of Works who is now Victoria Harris (IVL). This document essentially outlines the procedures that must be in place prior to any works associated with the construction of the agricultural reservoir recommencing. No surveys were required last year as the site has remained inactive whilst the company has been importing clay to the plant site. The mitigation measures relate predominantly to the engineering / dewatering operations as well as the planting schedule which together ensures the full restoration of the reservoir. The 2019 report is attached at **Appendix 2**.

4.7.2 As it is the company's intentions to recommence the dewatering and engineering operations this summer, further surveys in 2020 will be required and these are in hand. The EMP will be updated accordingly and submitted for approval to Northamptonshire County Council as these are completed.

## **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 Northamptonshire Minerals and Waste Local Plan – July 2017**

5.2.1 The Northamptonshire Minerals and Waste Local Plan provides the basis for determining mineral and waste planning applications within the county and the most plan was adopted in July 2017. The relevant policies within this document are assessed below.

### **Policy 10 – Northamptonshire’s Waste Management Capacity**

5.2.2 The site supports the county’s waste management capacity by providing a facility which accepts inert waste i.e. the engineering materials required to restore the reservoir.

### **Policy 16 – Development Criteria for Inert Waste Disposal and Recovery**

5.2.3 Similarly to the above, the engineering materials required for the reservoir support the policy to recover ‘waste’ materials for beneficial reuse where this is applicable. In this case, excavated clay materials from the locality can be imported to engineer the reservoir if these are compliant with the existing environmental permit.

### **Policy 18 – Addressing the Impact of Proposed Mineral and Waste Development**

5.2.4 This was addressed in the original submission.

### **Policy 20 – Natural Assets and Resources**

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

#### **Policy 21 – Landscape Character**

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

#### **Policy 22 – Historic Environment**

5.2.7 This was addressed in the previous submission.

#### **Policy 23 – Layout and Design Quality**

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

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

#### **Policy 24 – Restoration and After-use**

5.2.10 As mentioned above, once the reservoir has been fully restored, the site will offer a range of new habitats and increase the level of biodiversity.

5.2.11 The plant site will be restored to agricultural use as per its original use.

## **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, historically due to a lack of suitable engineering / construction materials and more recently the Covid-19 pandemic. Having built up quantities of suitable clay, the next dewatering and engineering campaign can recommence this Summer but clearly the timescales need extending in order to achieve this as well as allowing time for importation and a further campaign next year to ensure completion. 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.

JS/yw/9510  
21 July 2020