



## 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

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#### Date of Application

21 July 2020

#### Application No.

**NCC Ref:** 20/00038/MINFUL

**ENC Ref:** 20/00938/NCC

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### Particulars and location of development

Extension to the existing plant and ancillary work site in order to provide additional operational space for material treatment, stockpiling and temporary storage with restoration to agricultural land at Land North of Eaglethorpe, Elton Estate, Warmington, Northamptonshire

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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 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 in the interest of clarity.

**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.

## Scope of Planning 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 13 July 2020

Planning Statement dated July 2020

Appendix 1 – Permissions 18/00031/MINVOC and 18/00032/MINVOC

Appendix 2 – Summary of Ecological Monitoring (2019) dated 8 June 2020

### *Drawings*

Drawing No. 95010/C/A/1 v1	Combined Application Plan
Drawing No. 95010/EP/1 v1	Existing Permission (18/00031/MINVOC)
Drawing No. 95010/EP/2 v1	Existing Permission (18/00032/MINVOC)
Drawing No. 95010/PS/A/1 v4	Plant Site Extension Area

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

## Dust

3. 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. 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 NMWLP (2017).

## Noise

4. Monitoring of noise at nearby noise sensitive residential properties of the Water Mill House and Lady Margaret Cottages (if occupied) shall be undertaken if required in writing by the Mineral Planning Authority in accordance with the Protocol for Periodic Noise Monitoring dated March 2006 prepared by ANV Acoustic Consultants approved by the Mineral Planning Authority. The agreed scheme shall be implemented throughout the operations.
5. In the event that monitored noise levels exceed those in the submitted noise report, 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

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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 4 and 5: 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 NMWLP (2017).

### **Hours of Working**

6. 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 NMWLP (2017).

### **Access and Protection of the Public Highway**

7. 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.
8. The detailed scheme of highway works and specifications for the improvements at the 'Lady Margaret' access constructed in accordance with 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 29 of this permission (whichever is sooner), after which the site access shall be reinstated in accordance with the requirements of the Highway Authority.

Reason for conditions 7 and 8: In the interest of highway safety and to safeguard the interests of users of the public highway having regard to Policy 18 of the NMWLP (2017).

### **Wheel Cleaning**

9. 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: In the interest of highway safety and to safeguard the interests of users of the public highway having regard to Policy 18 of the NMWLP (2017).

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## Flood Protection

10. Surface water drainage shall be retained in general accordance with plan/drawing ref. 95010/PS/D/1 as approved under the provisions of permission ref. 09/00047/MIN, until the date the development hereby permitted is complete and site restored or the end date in condition 29 of this permission, whichever is sooner.

Reason: To reduce the risk of flooding and pollution having regard to Policy 18 of the NMWLP (2017).

## Soil Stripping and Storage

11. Bunds for the storage of agricultural soils shall conform to the following criteria:
  - a) Topsoils, subsoils and subsoil substitutes shall be stored separately;
  - b) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with the MPA;
  - c) Topsoil bunds shall not exceed 3m in height and subsoil bunds shall not exceed 5m in height;
  - d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.
12. All storage bunds remaining in situ for 6 months or over the winter period are to be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Planning Authority.
13. All topsoil, subsoil and soil forming material shall be retained on the site.

Reason for conditions 11 to 13: 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 NMWLP (2017).

## Soil Handling

14. Soil handling should only be carried out when the soil is in a dry and friable condition (see condition 15), should be restricted to the months of April to October inclusive, and during that period, soil handling should only commence or continue when ground and weather conditions are suitable e.g. no significant rain and no pools of water on the soil surface.
15. Soil should only be moved when in a dry and friable condition. The criteria for determining dry and friable shall be based on a field assessment of the soils 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 3mm diameter can be formed, the soil is wetter than the lower plastic limit and soil moving should not take place until the soils have dried out. If the soil crumbles before a long thread of 3mm diameter can be formed, then the soil is dry enough to move. This

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assessment shall be carried out on representative samples on each major soil type.

16. 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 purposes of stripping or replacement operations.

Reason for conditions 14 to 16: 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 NMWLP (2017).

### **Soil Replacement**

17. Unless otherwise previously agreed in writing by the Mineral Planning Authority as part of restoration the minimum settled depth of subsoil/subsoil-substitute and topsoil should be 1.2 metres.
18. All stones and other materials in excess of 10cm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.
19. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.

Reason for conditions 17 to 19: To ensure the satisfactory restoration of the site having regard to Policy 24 of the NMWLP (2017).

### **Buildings, Plant and Machinery**

20. With the exception of a weighbridge and office, and pump house, and notwithstanding the provisions of Part 7 and 17 of Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015, no fixed plant or machinery, or any building in connection with the development hereby permitted shall be erected, installed, rearranged, repaired or altered, without the prior written approval of the Mineral Planning Authority other than those hereby permitted.

Reason: To ensure that the MPA retains control over the erection of fixed buildings, plant and machinery in the interests of amenity and having regard to Policy 18 of the NMWLP (2017).

21. 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 Mineral Planning Authority. All heavy goods vehicles entering the site shall be routed to minimise reversing manoeuvres.

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Reason: To minimise the noise disturbance to local residents having regard to Policy 18 of the NMWLP (2017).

22. All building and fixed or mobile plant associated with mineral extraction and construction of the reservoir 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 29 of this permission.

Reason for conditions 20 to 22: To ensure that all plant, machinery and hardstanding is removed from the site upon completion of operations.

### **Fuel Storage**

23. 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 NMWLP (2017).

### **Archaeology**

24. No development shall take place within the area indicated on the submitted plan titled "Application Plan 3 – Plant Site Extension Area" until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written statement of investigation which has been submitted by the applicant and approved in writing by the Mineral Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded prior to development taking place having regard to Policies 18 and 22 of the Minerals and Waste Local Plan (2017).

### **Restoration**

25. Except as may otherwise be agreed in writing by the Mineral Planning Authority the application site shall be fully restored to agriculture in accordance with plan/drawing ref. Drawing No. 95010/E2/R/2 v1 Restoration Scheme – Plant Site (submitted and approved under permission ref. 19/00033/MINFUL) not later than the date in condition 29 of this permission.

Reason: To ensure that the physical characteristics of the soil are reinstated in the interests of the agricultural afteruse having regard to 24 of the NMWLP (2017).

### **Aftercare**

26. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for the proposed afteruse shall be submitted to and

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approved in writing by the MPA prior to commencement of restoration works. The submitted scheme shall:

- a) Provide an outline strategy in accordance with paragraphs 56-58 of the Minerals Chapter of the National Planning Practice Guidance at the date of the planning permission. The scheme shall specify steps to be taken and the period during which they are to be taken including provision of a field drainage system and provide for an annual meeting between the applicants and the Mineral Planning Authority;
- b) Provide a detailed annual programme, in accordance with paragraphs 56-58 of the Minerals Chapter of the National Planning Practice Guidance at the date of the planning permission, to be submitted to the MPA not later than two months prior to the annual Aftercare meeting.

The scheme shall be fully implemented as approved.

27. Before 31<sup>st</sup> January of every year during the aftercare period, an Aftercare Management Report shall be submitted to the MPA recording the restoration operations carried out on the land during the previous 12 months and setting out the intended restoration 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.

Reason for conditions 26 and 27: To ensure that the physical characteristics of the soil are reinstated in the interests of the agricultural afteruse having regard to 24 of the NMWLP (2017).

### **Plant Site Use**

28. The plant site area use shall be to support the reservoir construction by providing space for temporary storage of engineering clays, plant and equipment as required to complete restoration of the adjacent reservoir site.

Reason: To specify the scope of the use of the plant site in the interest of amenity having regard to Policy 18 of the NMWLP (2017).

### **End Date**

29. The development hereby permitted shall cease and the site be fully restored not later than 31 July 2022 unless another planning permission is granted for continued use of the plant site and thereafter implemented.

Reason: To specify the date when the conditions of this permission shall have been fully implemented and to enable the MPA to reconsider the development in the light of the circumstances prevailing at the end of the consent period having regard to Policy 18 of the NMWLP (2017).

### **Local Liaison Group**

30. Within one month of the date of this permission details of a Local Liaison Group to be established, including proposed membership and ongoing

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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 NMWLP (2017).

## Complaints

31. 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 NMWLP (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.

## 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

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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 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](mailto: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](mailto: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.

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](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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