



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

D. A. Bird Ltd
51 Camp Hill
Bugbrooke
Northampton
NN7 3PH

Name and address of agent (if any)

Part I - Particulars of application

Date of Application

12 February 2018

Application No.

NCC Ref: 18/00010/MINVOC

SNC Ref: S/2018/0639/PC

Particulars and location of development

Variation of Condition 21 (End Date) of planning consent ref.: 07/00012/MIN to extend the end date at Pury End Quarry, Westy Road, Pury End, Northamptonshire.

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:-

1. Commencement

The development (subject of application ref. no. 18/00010/MINVOC) hereby permitted has commenced.

Reason: In the interest of clarity and to comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Scope of Planning Permission

The permission relates to the areas of previous planning permissions

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SN/90/849C, SN/98/121C and SN/90/1208C (as extended in time by permission SN/01/938C) and the area covered by planning permission SN/01/939C. These areas are identified outlined in red on submitted drawings GPP/DA/07/04 and GPP/DAB/07/05.

Reason: To specify the scope of this planning permission and the earlier planning permissions which are being modified by this permission having regard to Policy 18 of the NMWLP (2017).

3. The permission includes details submitted with application SN/01/939C for retrospective consent for the soil stripping operations, permanent screen bank and the topsoil bund with effect from the 8th August 2001.

Reason: To clarify the retrospective consent development which are covered by this permission having regard to Policy 18 of the NMWLP (2017).

4. Materials to be deposited shall be confined to inert waste soils and all inert waste materials capable of being recycled shall have been removed from the waste prior to importation to the site.

Reason: To define the waste materials to be deposited in the interests of amenity and sustainability having regard to Policy 18 of the NMWLP (2017).

5. Hours of Working

Except as may otherwise be agreed in writing by the Minerals Planning Authority, site preparation, mineral extraction, levelling and restoration operations and any associated activities including plant and machinery maintenance shall be restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and 7.00am and 1.00pm on Saturdays, with no such operations being carried out on the site on Sundays or Public Holidays.

Reason: To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to nearby residential properties having regard to Policy 18 of the NMWLP (2017).

6. Access, Highway Safety and Routing

The sole vehicular access to the public highway for the development hereby permitted shall be by the existing access to the quarry site which shall be maintained to current standards and no vehicles travelling to or from the site shall travel through the villages of Pury End and Paulerspury.

Reason: In the interests of highway safety and traffic amenity having regard to Policy 19 of the NMWLP (2017).

7. Wheel Cleaning

Wheel cleaning facilities shall be provided on site with appropriate drainage and thereafter maintained to the satisfaction of the Mineral Planning Authority. The wheels of all vehicles leaving the site shall be cleansed of mud and other

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debris by the use of such facilities to prevent mud being carried onto the highway. In this connection the access road into the site shall be provided with a tarmac surface for a distance of 75 metres back from the public highway as agreed in the applicant's letter dated the 9th October 2001 (application SN/01/939C) and this section of internal road shall be cleansed to prevent deleterious material being carried out on to the public highway.

Reason: In the interests of highway safety and traffic amenity having regard to Policy 18 of the NMWLP (2017).

8. Protection of Vegetation

In respect of the area covered by permission SN/01/939C, no mineral extraction operations or other associated activities shall take place within three metres of the hedgerow on the northern boundary of the site or within five metres of the hedgerow on the eastern side, and the hedgerow along the eastern boundary shall be reinforced by additional planting.

Reason: To safeguard the adjacent land and natural boundary features having regard to Policy 18 of the NMWLP (2017).

9. Right of Way

The opening in the hedge at the north eastern corner of the site covered by permission SN/01/939C shall be closed by the erection of a gate or fence and a suitable sign shall be erected adjacent to the public footpath RU14 warning members of the public of the presence of "Dangerous Mineral Working".

Reason: In the interests of the users of the adjacent public right of way having regard to Policy 18 of the NMWLP (2017).

10. Stockpile Area

Except as may otherwise be approved in writing by the Mineral Planning Authority, the areas for stockpiling and storing of minerals, mineral waste, and topsoil, shall be as indicated on Drawing ASC/07/287 (submitted with planning application 07/00011/MIN), with the exception of the minerals fines stockpile which shall be reduced in height to a maximum of 4 metres or relocated to an alternative location and height, to be agreed in writing.

Reason: To safeguard the visual amenities of the area and to provide for the satisfactory restoration of the site having regard to Policy 18 of the NMWLP (2017).

11. Stockpile Removal

All stockpiles or stores of minerals, mineral waste, overburden, topsoil or subsoil shall be removed by the last date referred to in Condition 20 of this permission and the land reinstated to potential agricultural use in accordance with the conditions of this permission.

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Reason: To safeguard the visual amenities of the area and to provide for the satisfactory restoration of the site having regard to Policy 18 of the NMWLP (2017).

12. Noise and Dust

All plant and machinery used on site and capable of being fitted with silencers shall be so fitted and thereafter maintained in accordance with manufacturer's instructions.

13. Noise levels from operations at the site shall not exceed a maximum of 55 dB(A) Laeq 1 hr (freefield) when measured at residential properties on the edge of Pury End village. In the event that complaints regarding noise or dust are received by the Mineral Planning Authority from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. A report on the findings, with proposals for rectifying and a programme for the implementation of remedial measures to be undertaken shall be submitted to the Mineral Planning Authority no later than 5 working days from receipt of the complaint.

14. Mineral extraction, tipping and restoration operations on site, including the movements of vehicles, shall be controlled to minimise the creation of dust from these operations and appropriate measures to reduce dust emissions during dry weather periods, including the use of water spray facilities and water bowsers, shall be undertaken.

Reason for conditions 12 to 14: In the interests of residential amenity having regard to Policy 18 of the NMWLP (2017).

15. Run-off Attenuation

The approved scheme relating to the flood risk assessment (dated 17 September 2007; Abington Consulting Engineers) shall be implemented in accordance with the timescales therein.

Reason: In the interests of flood risk mitigation having regard to Policy 18 of the NMWLP (2017).

16. Restoration

The areas remaining to be filled with waste shall be restricted to those identified on Drawing No. ASC.07.293 (submitted to planning application 07/00011/MIN) and as soon as practicable the areas shall be progressively and evenly restored and the final layer shall be covered progressively to a depth of not less than 1 metre. This one metre covering shall be kept free of materials likely to interfere with final restoration and subsequent cultivation of the site and the top 300mm of this covering shall be composed of topsoil, or other suitable soil or spoil, capable of supporting plant life.

17. The layer of subsoil and overburden shall be ripped (rooted) with a heavy ripper to relieve compaction prior to the replacement of the topsoil, and any

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stones or other objects likely to interfere with final restoration or subsequent cultivation shall be buried on site to a depth of not less than one metre. Following replacement of the topsoil, the site shall be prepared and sown with an appropriate grass seed mixture to establish a long term ley.

18. The final restoration levels for the whole quarry area shall be in accordance with Drawing No. ASC.07.286 (submitted with planning application 07/00011/MIN).
19. Except as may otherwise be agreed in writing by the Mineral Planning Authority within three months of the completion of the mineral extraction and tipping operations or the date referred to in Condition 20 of this permission, whichever is the sooner, the access to the site shall be reinstated to a normal agricultural access and a verge, hedge, fence and gate shall be reinstated, in accordance with a scheme to be submitted to the Mineral Planning Authority for its consideration and approval in writing.

Reason for conditions 16 to 19: To ensure that the site is satisfactorily restored in the interests of visual amenity having regard to Policy 18 of the NMWLP (2017).

20. End Date

The development hereby permitted shall cease not later than 30th June 2020 (two thousand and twenty) and the site shall be restored or reinstated in accordance with the conditions of this permission forthwith and shall be left in a clean and tidy conditions provided that if within this period the working or minerals and tipping operations are completed, the conditions of this permission relating to the restoration, rehabilitation and aftercare, shall be carried out forthwith.

Reason: To specify the date when the conditions of this permission shall have been fully implemented and to enable the Mineral Planning Authority to reconsider the development position in light of the circumstances prevailing at the end of the consent period having regard to Policies 18 and 24 of the NMWLP (2017).

21. Aftercare

Except as may be otherwise agreed in writing by the Mineral Planning Authority, not later than the completion of tipping operations or by the date referred to in Condition 20 of this permission, which date is the sooner, a five year programme of aftercare shall be submitted to the Mineral Planning Authority for approval to bring the land to the required standard for agricultural or amenity use.

Reason: To ensure that the site has appropriate aftercare arrangements to ensure the land is brought up to a standard for beneficial use having regard to Policy 24 of the NMWLP (2017).

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POSITIVE AND PROACTIVE MANNER 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 11th May 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, 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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