

# ELTON 2 QUARRY RESTORATION

## Waste Recovery Plan

Prepared for: Ingrebourne Valley Ltd

Client Ref: 01526

SLR Ref: 416.01526.00029  
Version No: V2  
May 2021



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## 1.0 Introduction

### 1.1 Background

Ingrebourne Valley Limited (IV) has instructed SLR Consulting Limited (SLR) to prepare a Waste Recovery Plan (WRP) in support of an environmental permit application for the restoration of Elton 2 quarry (the site), located near Warmington, Northants as a waste recovery operation.

IV propose to extract ca. 850 – 900,000 tonnes of sand and gravel from Elton 2 quarry and restore the site using in-situ materials and approximately 500,000m<sup>3</sup> imported inert waste. Planning permission requires that the site is restored back to a mixture of pasture and woodland and, as the groundwater level is very high, this will be achieved by restoring the site to its original pre-development levels. The use of suitable inert wastes to achieve this outcome will substitute virgin materials which would otherwise have had to be used. It is therefore considered that the operation is recovery.

This WRP has been drafted in accordance with the specific requirements laid down in the Environment Agency's (EA's) revised guidance on Waste Recovery Plans and Permits, first published on the EA website on 18<sup>th</sup> October 2016 and accessed in March 2021. This WRP seeks agreement from the EA that the proposed activity satisfies all the principles of recovery in accordance with the guidance. Further technical details on the proposals including risk assessment, stability, engineering and monitoring will be provided within the subsequent permit application.

This second version of the plan, V2, incorporates minor modifications as a result of post submission queries received from the Environment Agency dates 7 May 2021.

### 1.2 Site Location and Setting

The site lies to the north of the A605 and the village of Warmington, approximately 17 miles to the south-west of Peterborough at National Grid Reference TL 070 919.

A previous quarry development, Elton 1, lies adjacent to the east of the site. Elton 1 has been restored to open water under a recovery permit, Reference EPR/CB3201MY. Elton 2 will continue to use the existing plant and processing area to the east of Elton 1 for mineral washing, silt settlement lagoons and acceptance of inert waste for restoration. A haul road and bailey bridge will connect the processing area to the site to transport extracted mineral and restoration materials.

The site is surrounded on all sides by the River Nene and adjoining water courses and groundwater level is approximately 0.5 – 1m below the surface.

The nearest residential receptors are in the hamlet of Eaglethorpe, located 200 to the south east and beyond the A605 road corridor. Water Mill House, located approximately 150m to the south of the site is the nearest workplace receptor. The site is crossed by the 'Nene Way' footpath and several other rights of way are located adjacent to the site and processing area.

The site location is shown in Drawing 01 and the Site Layout and Boundary is illustrated on Drawing 02.

### 1.3 Planning Status

A planning application, reference 19/00033/MINFUL was submitted to Northamptonshire County Council in April 2019 for the 'Phased mineral extraction, construction of a bailey bridge to cross a branch of the River Nene, importation of reclamation material including ancillary activities, with restoration to agricultural pasture and wet woodland'. Planning consent was granted on 31<sup>st</sup> March 2021 and a Section 106 Notice agreed on 26<sup>th</sup> March 2021 is enclosed as Appendix 01 to this WRP.

The planning permission requires that IV restore the site to original levels post extraction of mineral, for use as agricultural pastureland and woodland. This requirement is included within Schedule 1 Condition 4 of the Section 106 agreement:

#### **4. RESTORATION SCHEME**

*4.1 Following the completion of the works authorised by the Planning Permission to restore the Property in accordance with the Restoration Scheme and Restoration Timetable to the reasonable satisfaction of the Council.*

Where 'restoration scheme':

*'means all those documents submitted to the Council setting out the Developer's proposed restoration measures including but not limited to Landscape and Visual Impact Assessment April 2019 and the Restoration Plan submitted as part of the Planning Application and completed using both inert waste and other non-waste materials.'*

The Section 106 agreement therefore places an enforceable obligation on IV to restore the quarry to the approved restoration scheme.

### **1.4 Consultation with Environment Agency**

Enhanced pre-application advice was received from the EA at a meeting held on 30<sup>th</sup> May 2019. The pre-application notes were received from the EA on 2 October 2019 and are enclosed in Appendix 02 of this application.

The EA confirmed that both planning permission and any S106 agreement could be contributory evidence to a specific obligation that would require that the work go ahead with non-waste if waste was not available. They also highlighted the evidence requirements for specific obligations include in their online guidance.

### **1.5 Demonstrating Waste Recovery**

A legal test derived from the Waste Framework Directive and European Case Law is used to decide whether an activity constitutes disposal or recovery. The EA guidance states that *"Waste recovery is when your main aim is replacing a non-waste material you would have used in your operation with a waste material that performs the same function. That waste then serves a useful purpose as you're using fewer natural resources"*.

This WRP has been developed in order to demonstrate that the proposed restoration of Elton 2 quarry with inert waste constitutes recovery and not disposal by satisfying the requirements of the EA Guidance 'Waste recovery plans and permits'<sup>1</sup>. The WRP specifically addresses the issues set out in the EA guidance, in order to demonstrate that if waste material couldn't be used the work would be done to achieve the same outcome using non-waste.

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<sup>1</sup> Waste recovery plans and permits, gov.uk, accessed September 2019.

## 2.0 Purpose of the proposed development

The following section details how the work at Elton 2 will be carried out and completed, why the work is needed and how the work will meet that need.

### 2.1 How the work will be carried out and completed

The site is approximately 20 hectares in size and consists mainly of agricultural pasture currently used for livestock grazing, with a commercial poplar plantation near the eastern boundary. Approximately 850 – 900,000 tonnes of sand and gravel will be extracted and the site will be restored using a combination of site-won overburden and imported inert wastes, with a final layer comprising replacement of the site-derived topsoil.

The site is divided into Eastern, Central and Western areas with work beginning in the south eastern corner. The phases are shown in Drawing 03 Operational Phases. Overburden at the site comprises 2m thick clay which will be used as infill and to construct a side-wall barrier before the rest of the void in each area is restored using imported inert waste. Approximately 500,000m<sup>3</sup> of imported inert waste in total, comprising carefully selected soil and stones from naturally occurring or low contamination sources, will be used for infill at a rate of approximately 75,000m<sup>3</sup> per annum.

Imported inert wastes for restoration will be initially tipped in the processing area (to be regulated under a separate permit). They will undergo rigorous waste acceptance checks to ensure that they are chemically and physically suitable for placement as restoration materials. If required, imported inert waste will be screened to separate oversize material which will then be reduced in size using a mobile crushing unit before being used for restoration.

Articulated dump trucks (ADT) will be used to transfer the imported inert wastes to the restoration site where they will be placed into water against the natural basal clay and side wall attenuation barrier in each phase. The relevant risk assessments to demonstrate stability of the operations and no impact on groundwater quality will be provided as part of the subsequent permit application.

Once restoration with inert waste has been completed to the required levels, the reserved topsoils will be placed on the surface to return the site to agricultural use. In addition, a new wet woodland area designed to enhance local biodiversity will be established near the eastern boundary of the site to replace the existing poplar plantation. The restoration and final contours are shown in Drawing 04 Restoration Scheme.

#### 2.1.1 Sequence of Operations

The proposed sequence of operations is as follows:

- A haul road and bailey bridge will be constructed to connect the existing process area and the site;
- Hydraulic excavators will be used to strip topsoil and subsoil, which will be transported by ADT for storage in the processing area;
- The working of the site will proceed in 3 phases as illustrated in Drawing 03;
- Dewatering of the site is not practical given the proximity to the River Nene and high groundwater level. Gravel will be extracted 'wet' from each area and be transported to the process area for washing;
- Mineral will be extracted down to the clay which underlies the sand and gravel seam. The underlying clay forms a natural geological barrier;
- During extraction of each phase, the clayey overburden will be used to construct an artificial side-wall attenuation barrier against the basal clay to restrict groundwater inflow;

- Imported inert waste will be transported from the processing area, following rigorous waste acceptance checks, and placed directly into water within the void;
- Once the imported restoration materials have been placed to the required level, site-derived subsoil and topsoil will be replaced. Subsoil and topsoil will be transported by ADT from stockpiles in the processing area and a low ground pressure dozer will be used to spread the material loosely and avoid any compaction. The finished topsoil thickness will depend on the original amount removed but is expected to be 0.2m on average.

### 2.1.2 Timescales

The overall development is expected to take about 10 years for the extraction and full restoration of the site. Restoration of the site using imported material is not expected to begin until year 3 of the development.

## 2.2 Why the work is needed and how the work will meet that need

The objective of the restoration of the quarry post-extraction of the mineral is to return the site to agricultural pasture and wet woodland. Northamptonshire County Council no longer wish to see any restoration to open bodies of water, as there are extensive examples of this throughout the Nene Valley already from historic mineral extraction. The local planning policy requires return of the site to its existing use, to prevent the further loss of agricultural land.

Groundwater levels at the site are very high at between 0.5 – 1m below the existing pre-development surface. Therefore, to achieve the planning requirement the void needs to be restored back to the original pre-development levels (as a minimum). If the void was not restored, it would result in open water or waterlogged land unsuitable for pasture which would not satisfy the planning obligation.

An agricultural soil assessment has classified the land as moderate quality but generally of a poorer standard (Grades 3b and 4). Although this is considered as lower significance in terms of soil quality, it is suitable for grazing (its current use). Its re-instatement would prevent other, better quality agricultural land from having to be used for grazing if the area was left as open water instead.

The proposed restoration of the site back to the original levels includes an area of wet woodland in the eastern section of the site, which would replace the existing commercial poplar plantation. The new wet woodland area would be planted with a wider range of species to reflect the Biodiversity Action Plan for this part of Northamptonshire, including woodland species which are currently in decline both nationally and locally, thus creating an enhanced environment compared with pre-development.

It is clear that there is a genuine need to carry out the proposed infilling to achieve the planning requirement and that the approved restoration scheme will meet that need for the following reasons:

- The quarry must be infilled as otherwise the void would be open water and could not be used for agricultural pasture;
- A lower level restoration would result in risk of waterlogging making it unsuitable for pasture; and
- The proposed restoration scheme will incorporate the ecological enhancements required by the planning permission.

## 2.3 Quantity of waste used

Approximately 500,000m<sup>3</sup> of imported reclamation material comprising inert waste will be required to restore the site to the original levels and return it to agricultural use. This equates to approximately 900,000 tonnes at an assumed density of 1.8 t/m<sup>3</sup>.



These figures were calculated using data from boreholes installed as part of the geological assessment survey of the site. This data was included in the planning application to inform those technical reports and the same data source has been used for the recovery plan.

Borehole logs show that the depth of mineral increases in thickness from ca. 2.2m in the north-west to over 7m in the south-eastern area of the site and that the overburden varies between 1.5 and 2.5m in thickness. A cross-section of the site is provided in Drawing 05 Cross Sections, to show the depth of the extraction and thickness of the in-situ materials.

### 2.3.1 Direct Replacement of non-waste material

The planning consent and associated Section 106 notice places an obligation on IV to restore the quarry to agricultural pastureland. As the groundwater level is very high, the only practical scheme to deliver this requirement (in order to avoid open water) is to restore the site to original pre-development levels as a minimum. The use of suitable inert wastes to achieve this outcome will directly replace non-waste virgin materials which would otherwise have had to be used to achieve this function. **Non-waste materials would comprise primary aggregate or soils and stones with suitable geotechnical properties for infill, which are comparable with the proposed wastes.**

### 2.3.2 Minimum Amount of Waste needed to achieve the restoration obligation

In situ topsoil, subsoil and overburden will be used in the restoration, to minimise the amount of imported waste required to achieve the approved scheme. It is anticipated that approximately 400,000m<sup>3</sup> of overburden will be extracted in order to win the mineral. This will be used to construct the artificial side wall attenuation barrier as well as infill of the void, thus reducing the volume of imported waste material needed by 42%.

### 2.3.3 Consideration of Alternative Proposals

The EA's guidance requires evidence that alternative proposals that could use a smaller amount of waste to achieve the same function as the proposed scheme have been considered. The following alternative proposals would use a smaller amount of waste:

- No restoration – site left as open water;
- Low level restoration – infill above the groundwater levels but lower levels than those proposed.

However, neither of the above alternatives will achieve the same function as the approved scheme, for the following reasons:

- Leaving the site as open water would mean the site could not be used for agricultural land and would result in a loss of agricultural land;
- If the site was restored to lower levels than proposed, the natural groundwater levels would be likely to lead to waterlogging of the surface which would make it unsuitable for agricultural pastureland.

It is therefore clear that there are no alternative schemes using less waste which would achieve the same function as the approved scheme.

## 2.4 Meeting Quality Standards

The recovery activity at Elton 2 would be carried out and implemented in strict accordance with the planning application and consent granted by Northamptonshire County Council (Reference 19/00033/MINFUL).

Operations at the site would be undertaken in accordance with Ingrebourne Valley's Environmental Management System (EMS), which would also ensure procedures are implemented to achieve appropriate standards for managing environmental impacts.

In addition, the recovery activities would be supervised by technically competent persons who hold the necessary Certificate of Technical Competence (CoTC) under the Waste Management Industry Training and Advisory Board (WAMITAB).

Furthermore, the proposed development would be carried out in accordance with the conditions of an Environmental Permit issued and regulated by the EA under the provisions of the Environmental Permitting (England & Wales) Regulations 2016.

Strict waste acceptance procedures would ensure that only suitable materials are accepted at the site.

Reclamation operations will be conducted in accordance with an approved method statement and risk assessment, to ensure that the work is carried out to an appropriate standard and in accordance with the requirements set out in part VI of the 1999 Quarry Regulations for formation and compaction.

An earthworks methodology will be set out in detail in an engineering specification that will be completed prior to undertaking any works. This will set out requirements for:

- Material acceptance testing and classification;
- Material placement into water and compaction requirements for final levels;
- Requirements for retrospective testing of compaction and permeability of the attenuation sidewall following placement of materials;
- Procedures to be followed where materials or compaction are deemed not to have met the specification; and
- Requirements for any monitoring of the compaction / engineering works.

Following completion of the works a Construction Quality Assurance (CQA) Report will be prepared summarising the works undertaken and presenting the results of laboratory and in-situ testing carried out during or following the works. Details of any remedial works undertaken will also be presented.

The finished re-profiling layer will be engineered and suitable for its intended purpose as agricultural grazing land and wet woodland.

The finished scheme will be designed and operated to ensure that it does not result in any environmental problems such as soil erosion, pollution or increase the risk of flooding in the surrounding area.

It is considered that the foregoing factors will ensure that the proposal will be completed to an appropriate standard.

## 3.0 Waste Recovery Criteria

The EA guidance describes 3 main ways of providing evidence that waste is being used in place of non-waste, namely:

- Obligations to do work;
- Financial gain; or
- Availability of funding to use non-waste.

Only one of these is required to demonstrate that the activity is recovery. In the case of Elton 2, it is anticipated that planning consent will require restoration to be completed to original levels and therefore there will be an obligation to do the work. This is described in further detail below.

### 3.1 Obligations to do work

As specified in the EA guidance, evidence of an obligation to do the work could be that a regulator has imposed a requirement, such as planning conditions, to complete work in accordance with an approved plan.

A planning application reference 19/00033/MINFUL was submitted to Northamptonshire County Council on 18 July 2019 by IV for the extraction of mineral and restoration of Elton 2 quarry. Planning permission was granted on 31<sup>st</sup> March 2021 and a Section 106 notice agreed on 26<sup>th</sup> March 2021.

The planning permission requires that IV restore the site to original levels post extraction of mineral, for use as agricultural pastureland and woodland. This requirement is included within Schedule 1 Condition 4 of the Section 106 agreement:

#### **4. RESTORATION SCHEME**

*4.1 Following the completion of the works authorised by the Planning Permission to restore the Property in accordance with the Restoration Scheme and Restoration Timetable to the reasonable satisfaction of the Council.*

Where 'Restoration Scheme':

*'means all those documents submitted to the Council setting out the Developer's proposed restoration measures including but not limited to Landscape and Visual Impact Assessment April 2019 and the Restoration Plan submitted as part of the Planning Application and completed using both inert waste and other non-waste materials.'*

The Section 106 agreement therefore places an enforceable obligation on IV to restore the site in accordance with the approved scheme and therefore, it is considered that this satisfies the required criteria to demonstrate that the restoration is a recovery activity.

## 4.0 Waste Suitability

It is confirmed that only waste material that is suitable for the intended purpose will be used in the restoration of Elton 2.

### 4.1 Waste Sources

Approximately 500,000m<sup>3</sup> of imported reclamation material comprising inert waste will be required to restore the site to the original levels, which equates to approximately 900,000 tonnes at an assumed density of 1.8 t/m<sup>3</sup>.

Inert waste will be sourced from the Construction, Demolition and Excavation sector of the construction market. However, the waste types accepted for restoration at the site will only be from excavation sources. Typical sources are wastes extracted for construction of foundations, bored pilings etc and which consist mainly of naturally occurring soils, stones, clay or sandy clay or soils. The proportion of recycled material within these waste streams is low. As such, it is anticipated that this will consist predominantly of uncontaminated, naturally occurring soils and stones.

### 4.2 Waste Types

The waste types which will be used for the development are detailed in Table 2 below with their associated European Waste Catalogue (EWC) code. These waste types have historically been accepted by the EA as being potentially suitable for recovery.

**Table 2**  
**List of Wastes to be Accepted**

EWC Code	Description
01	WASTES RESULTING FROM EXPLORATION MINING, QUARRYING AND PHYSICAL AND CHEMICAL TREATMENT OF MINERALS
01 04	Wastes from physical and chemical processing of non-metalliferous minerals
01 04 08	Waste gravel and crushed rocks other than those containing dangerous substances
01 04 09	Waste sand and clays
17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)
17 01	Concrete, bricks, tiles and ceramics
17 01 01	Concrete
17 01 02	Bricks
17 01 03	Tiles and ceramics
17 01 07	Mixtures of concrete, bricks, tiles and ceramics
17 05	Soils Stones and Dredging Soil
17 05 04	Soil and Stones

EWC Code	Description
19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FOR INDUSTRIAL USE
19 12	Wastes from the mechanical treatment of waste
19 12 09	Minerals (excluding residual fines)
20	MUNICIPAL WASTE (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS
20 02	Garden and Park Wastes
20 02 02	Soil and Stones

Strict acceptance procedures will be implemented at the site to ensure only uncontaminated inert materials that are suitable for infill are used in the recovery operation. Procedures will be in place to inspect imported materials at the weighbridge as they enter the site, and again when the materials are tipped in the process area before being loaded onto ADTs for transfer to the quarry site.

Any materials which are found to be unsuitable will be placed in a quarantine area in the processing area. Depending on the reason for being unsuitable, they will either be removed from site for treatment or disposal at an appropriately permitted facility or placed in a stockpile for crushing to an appropriate size for restoration.

All waste accepted at the Site will be inert, and no contaminated materials will be accepted. Documentation will accompany all waste material accepted, which will be reviewed in accordance with the Site's waste pre-acceptance and acceptance procedures to ensure any materials used are suitable for use in the restoration operations.

A description of the material acceptance procedures for the restoration of the Site, including basic characterisation and on-site verification will be included in the environmental permit application. These procedures will ensure that only materials that are both chemically and physically suitable for use in the recovery activity will be accepted at the Site.

## 5.0 Conclusion

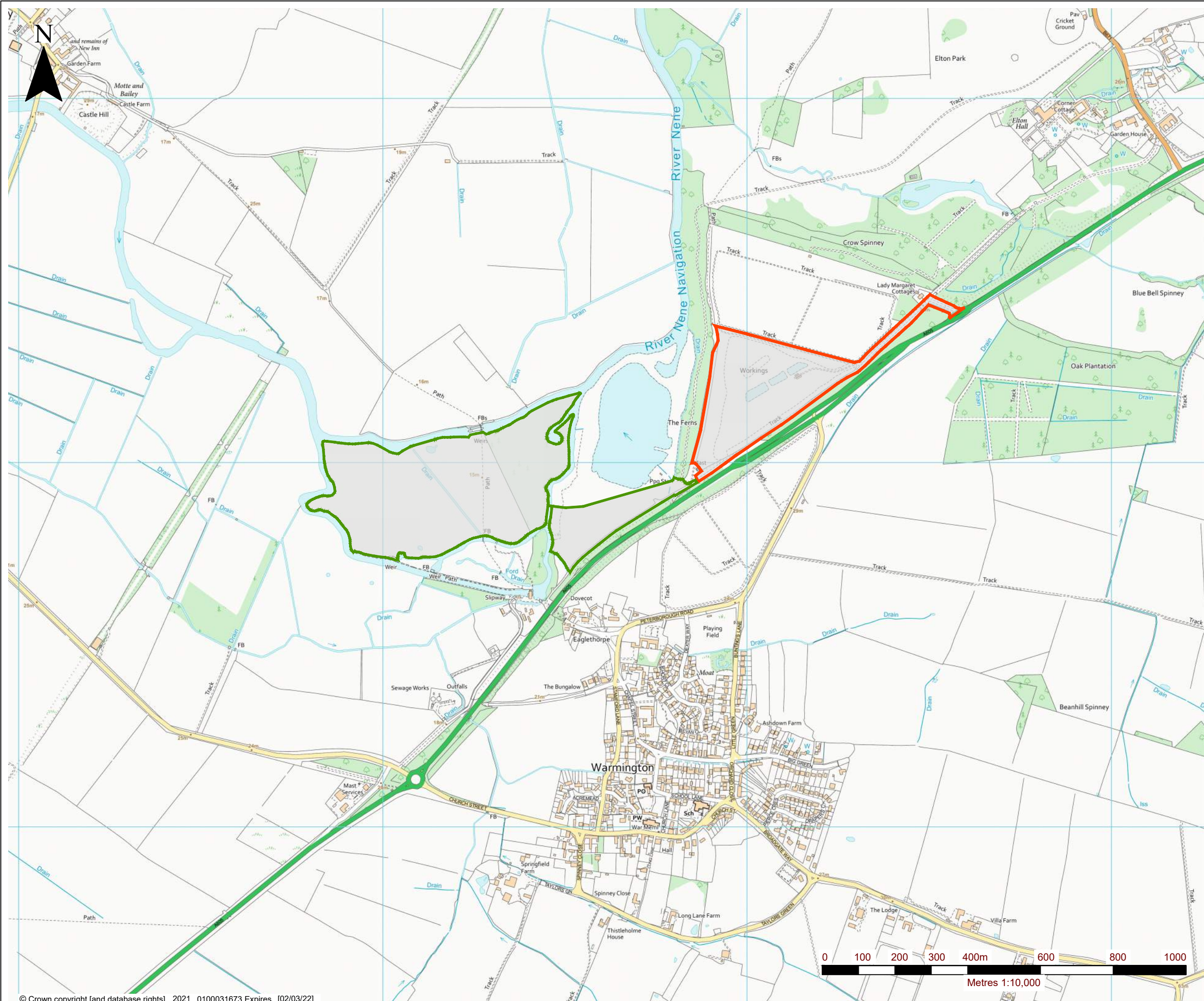
In view of the foregoing details it is concluded that the proposed restoration of Elton 2 using inert waste satisfies all the requirements of a recovery operation as the main aim is to replace a non-waste material that would otherwise have to be used for the restoration, with a waste material that performs the same function. In summary:

- IV have an enforceable obligation under a Planning S106 Notice which requires them to restore the quarry to pre-development levels;
- The proposed inert waste is suitable for the intended purpose;
- Alternative proposals that could use a smaller amount of waste would result in the restoration leaving a water body or waterlogged land, which will not achieve the obligation required by the planning permission; and
- The proposal will be completed to an appropriate standard.



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## DRAWINGS

01526.00029.003.13.001.1\_SITE\_LOC\_PLAN.dwg



**LEGEND**

-  PROPOSED ELTON 2 WASTE RECOVERY OPERATION ENVIRONMENTAL PERMIT BOUNDARY
-  PROPOSED ELTON 2 WASTE OPERATION ENVIRONMENTAL PERMIT BOUNDARY



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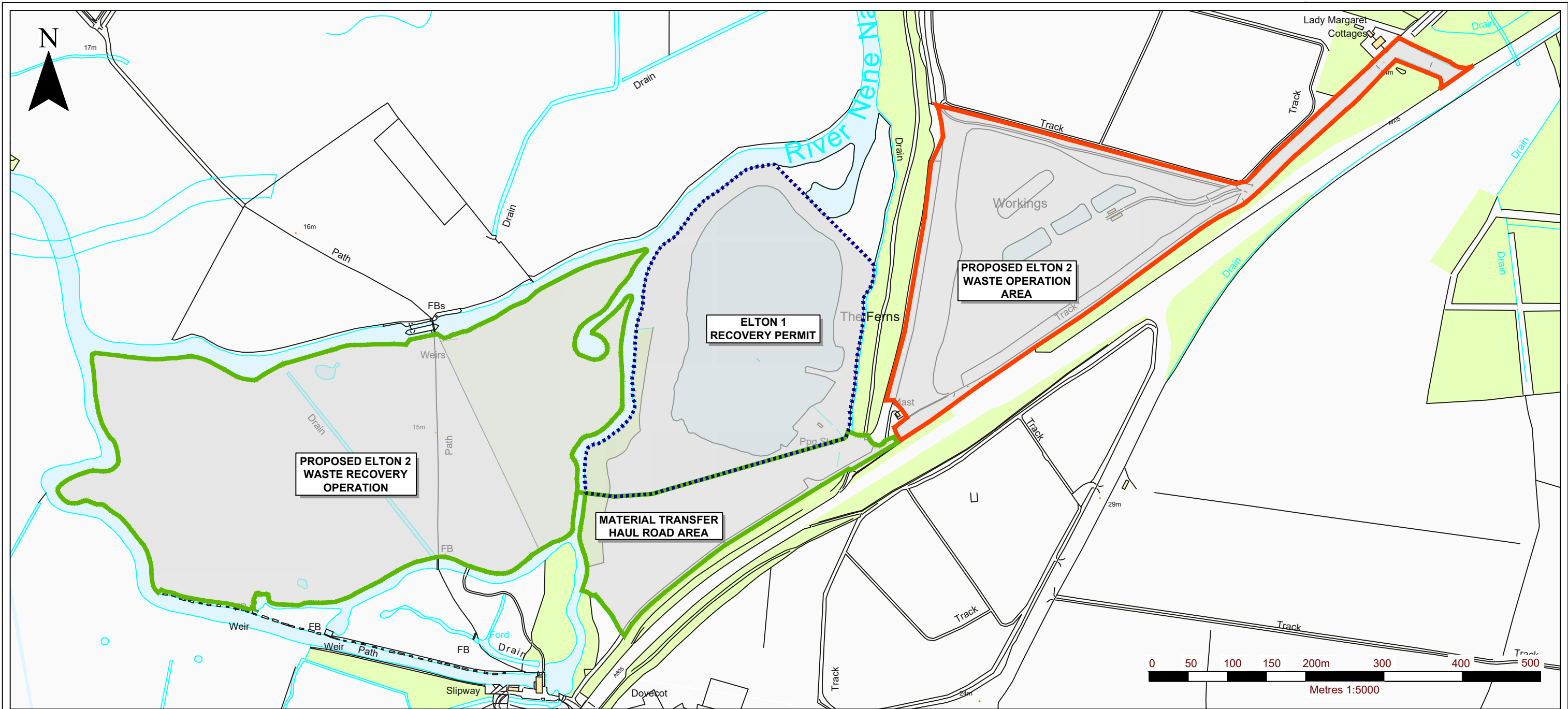
**ELTON SAND AND GRAVEL QUARRY**  
**ENVIRONMENTAL PERMIT APPLICATION**  
**SITE LOCATION PLAN**




**DRAWING 01**



Scale 1:10,000 @ A3 Date MARCH 2021





-  PROPOSED ELTON 2 WASTE RECOVERY OPERATION ENVIRONMENTAL PERMIT BOUNDARY
-  ELTON 1 RECOVERY PERMIT
-  PROPOSED ELTON 2 WASTE OPERATION ENVIRONMENTAL PERMIT BOUNDARY



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**SITE BOUNDARY PLAN**

**DRAWING 02**

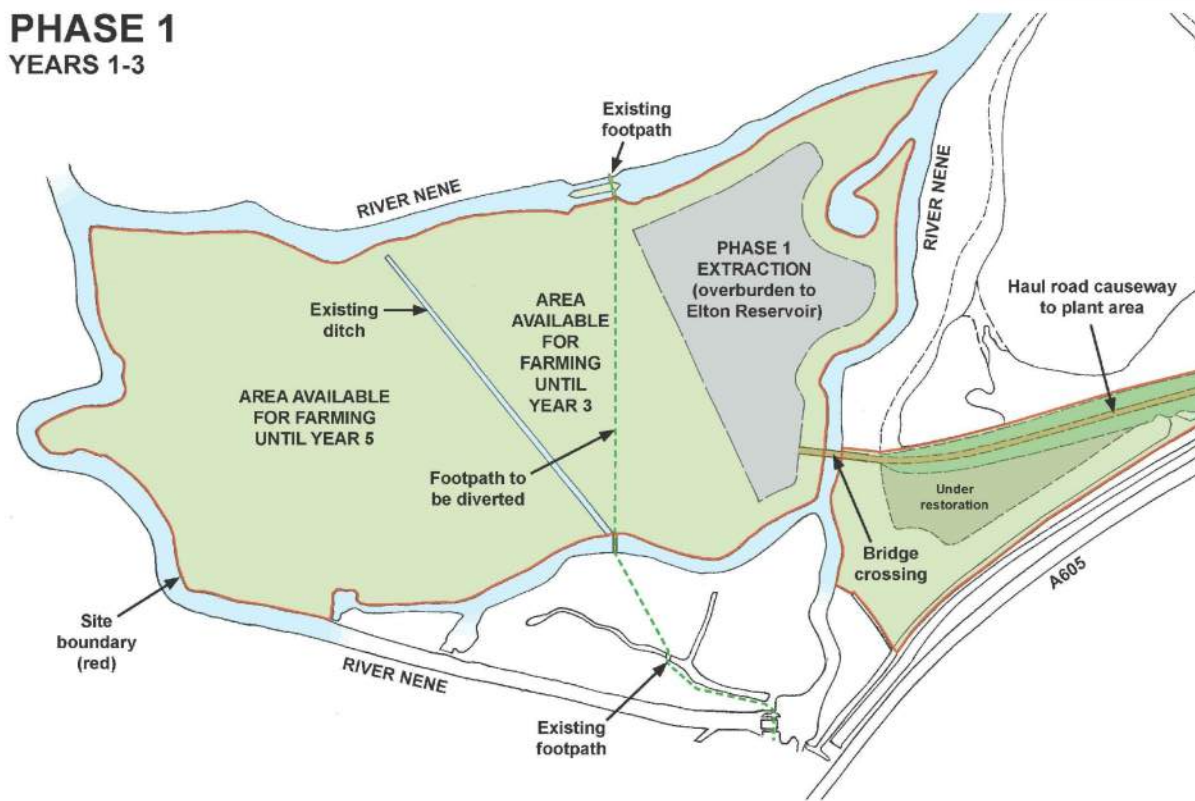
Scale 1:5000 @ A3 Date MARCH 2021

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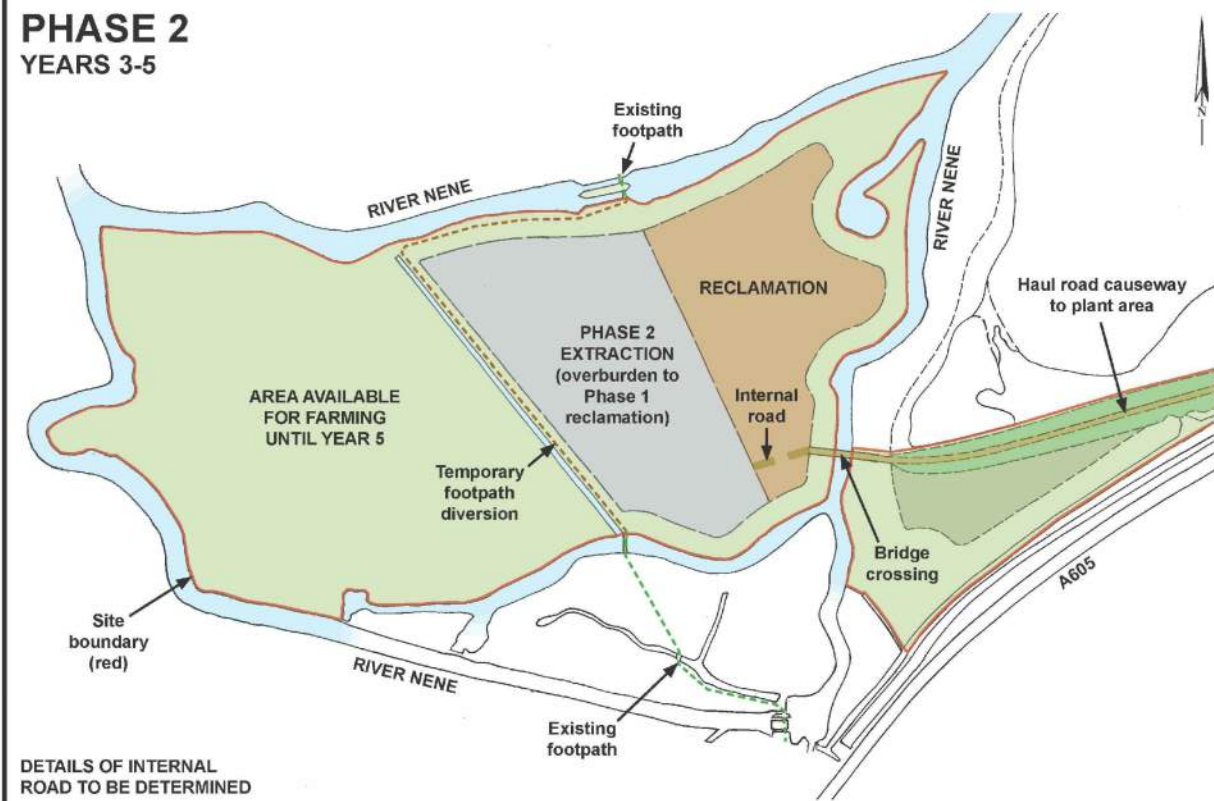
NOTES

1. DRAWING IS SUPPLIED BY D.K. SYMES ASSOCIATES, DRAWING: PROGRESSIVE OPERATIONS PLAN, REF: 95010/E2/PO/1A V5, DATED: 30.03.2021.

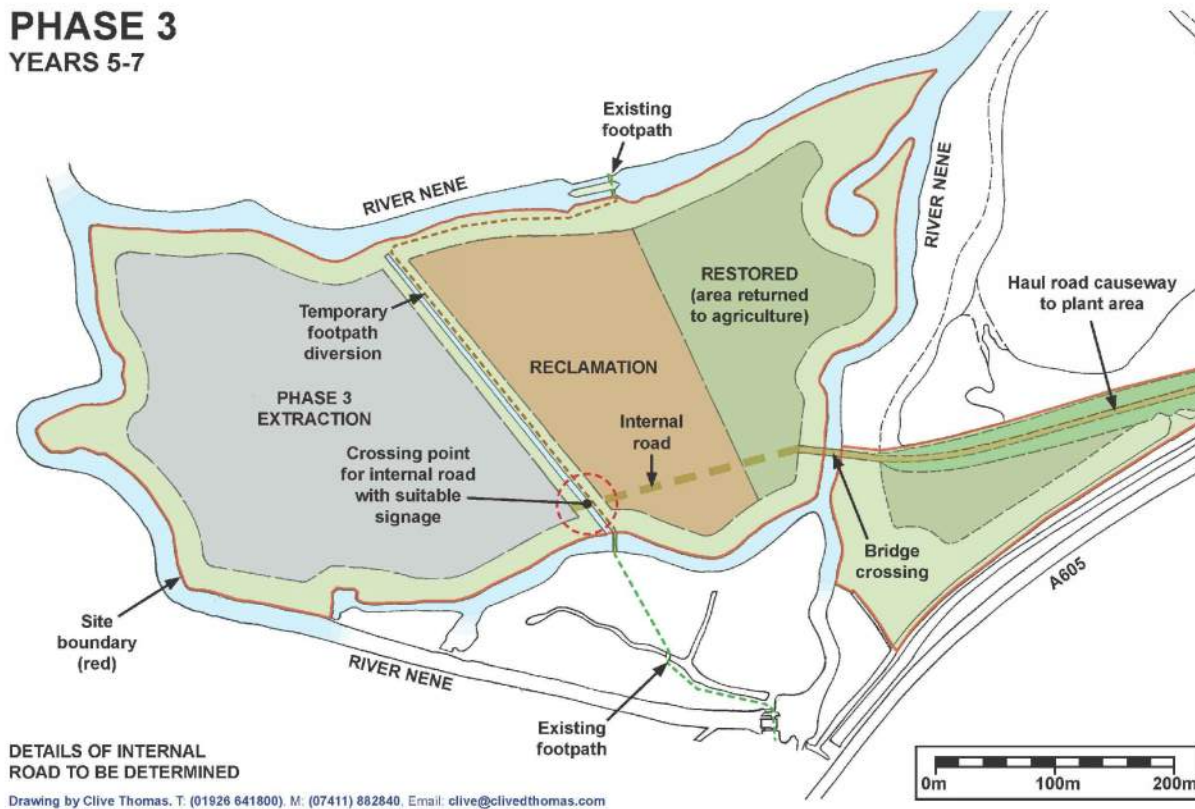
**PHASE 1**  
YEARS 1-3



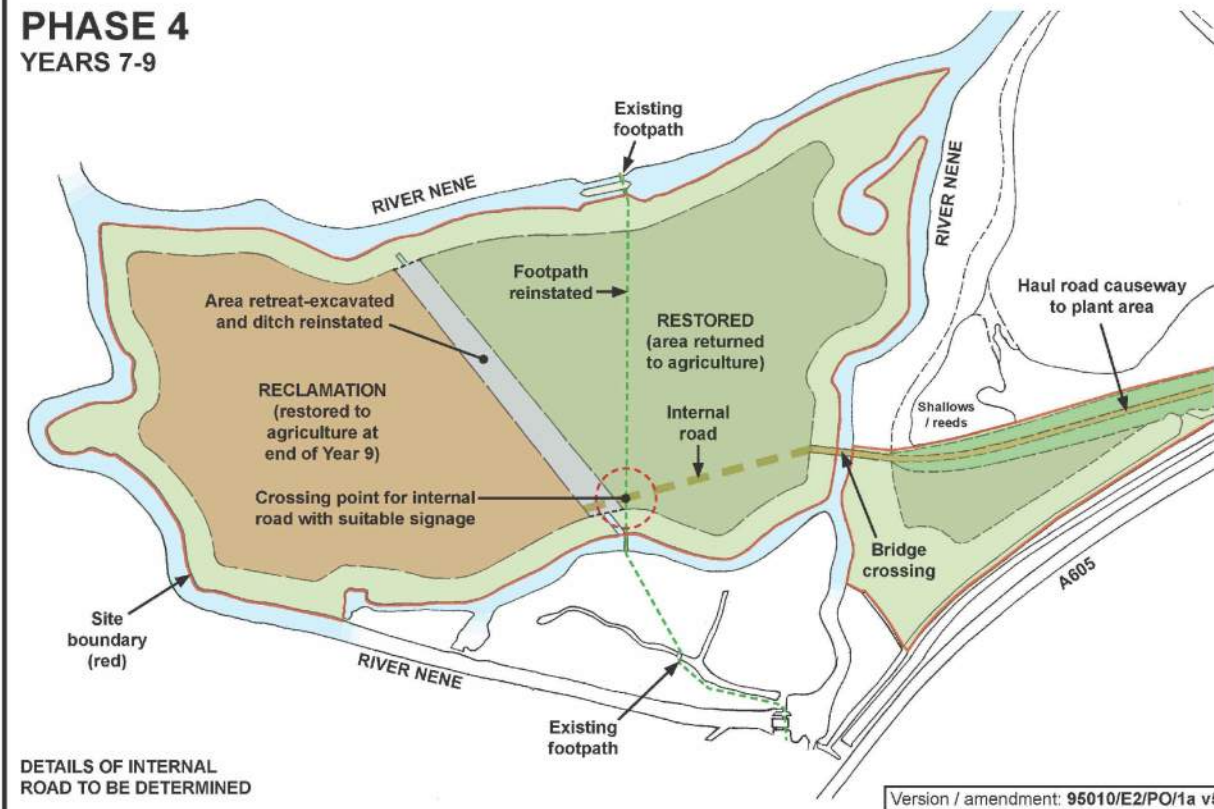
**PHASE 2**  
YEARS 3-5



**PHASE 3**  
YEARS 5-7



**PHASE 4**  
YEARS 7-9



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OPERATIONAL PHASES

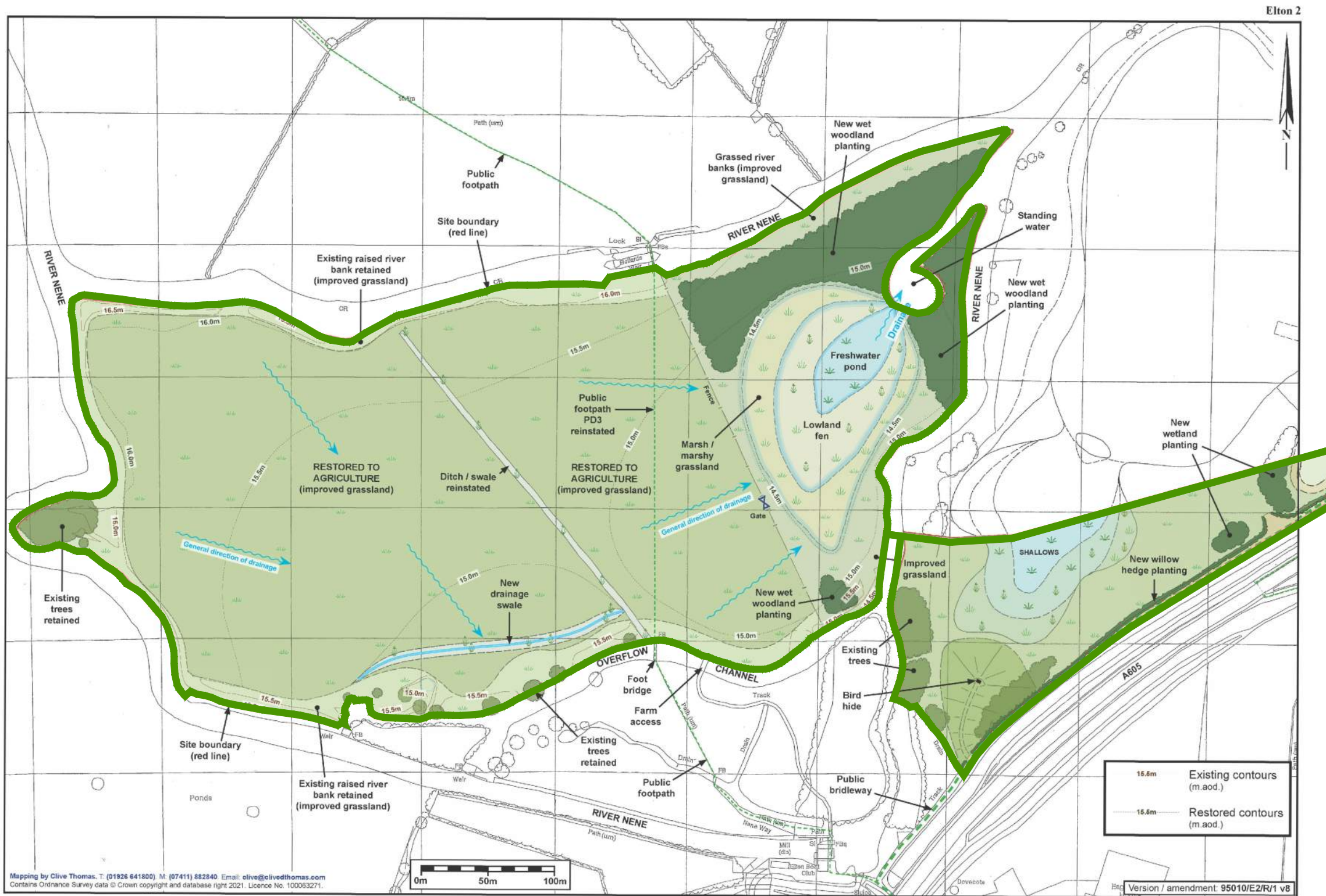
**DRAWING 03**

Scale NTS (A3)

Date APRIL 2021

01526.00029.003.13.003.1\_OPERATION\_PHASES.dwg

01526.00029.003.13.004.2\_RESTORATION\_SCHEME.dwg



Ingrebourne Valley Limited

Restoration Scheme - Extension Area

Scale - 1:2,500 (at A3)

Date - 30-03-2021

Plan No. 95010/E2/R/1

Mapping by Clive Thomas, T: (01926 641800), M: (07411) 882840 Email: clive@clivedthomas.com  
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**NOTES**

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**LEGEND**



PROPOSED ELTON 2 WASTE RECOVERY OPERATION ENVIRONMENTAL PERMIT BOUNDARY



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**ELTON SAND AND GRAVEL QUARRY**  
ENVIRONMENTAL PERMIT APPLICATION  
RESTORATION SCHEME

**DRAWING 04**

Scale NTS (A3)

Date APRIL 2021



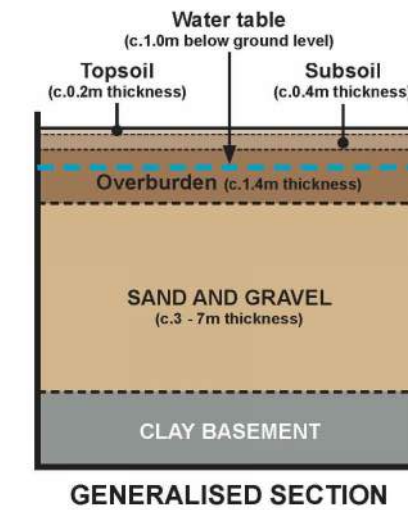
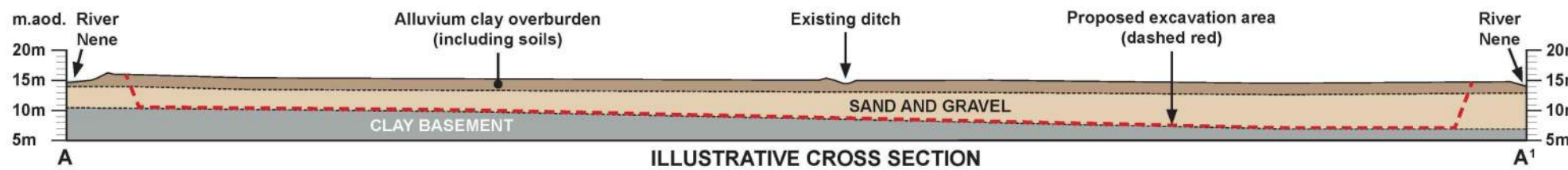
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NOTES

1. DRAWING CROSS SECTIONS SUPPLIED BY D.K. SYMES ASSOCIATES, DRAWING: COMPOSITE OPERATIONS PLAN, REF: 95010/E2/CO/1, DATED: 15.04.2019.

LEGEND

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ENVIRONMENTAL PERMIT APPLICATION

CROSS SECTIONS

**DRAWING 05**

Scale 1:2500 @ A3 Date MARCH 2021

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## APPENDIX 01

### S106 Planning Agreement

DATED *26<sup>th</sup> March* 2021

**NORTHAMPTONSHIRE COUNTY COUNCIL (1)**

and

**Sir WILLIAM HENRY PROBY (2)**

and

**INGREBOURNE VALLEY LIMITED (3)**

**DEED OF AGREEMENT**

Relating to Planning Obligations under Section 106 of The Town And Country Planning Act 1990  
for Land At Elton Quarry, Peterborough Old Road, Eaglethorpe, Warmington, Peterborough, PE8  
6SN

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THIS DEED is dated 26<sup>th</sup> March 2021

- (1) NORTHAMPTONSHIRE COUNTY COUNCIL of One Angel Square, Angel Street, Northampton NN1 1ED (**Council**).
- (2) Sir WILLIAM HENRY PROBY of Elton Hall, Elton, Peterborough PE8 6SH (**Owner**).
- (3) INGREBOURNE VALLEY LIMITED incorporated and registered in England and Wales with company number 02848746 whose registered office is at Cecil House, Foster Street, Harlow Common, Harlow, Essex CM17 9HY (**Developer**)

## **BACKGROUND**

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) The Owner is the freehold owner of the Property
- (C) The Developer has made the Planning Application and is proposing to carry out the Development.
- (D) The Council having regard to the provisions of the Local Plan and to all other material considerations resolved at its meeting on 17 November 2020 that Planning Permission should be granted for the Development subject to the prior completion of this deed.

## **AGREED TERMS**

### **1. INTERPRETATION**

The following definitions and rules of interpretation apply in this deed:

#### **1.1 Definitions:**

<b>Base Rate</b>	means the higher of 5% and the base rate from time to time of Barclays Bank plc
<b>Bridleway Plan</b>	means the plan attached as Annex C and numbered 95010/S106/BP/1
<b>Commencement of Development</b>	means the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990 but disregarding for the purposes of this deed and for no other purpose, the following operations, demolition works, site clearance, ground investigations, site survey works,

temporary access construction works, archaeological investigation and erection of any fences and hoardings around the Property.

Commence and Commences shall be construed accordingly.

<b>Commencement Date</b>	means the date Development Commences
<b>Community Benefit Contribution</b>	means the sum of £50,000.00 to undertake the Community Benefit Works
<b>Community Benefit Works</b>	means the works (to be agreed with the landowner) to upgrade the surface of a section of bridleway PD1 shown on the Bridleway Plan or, in the event that this cannot be achieved, other works of benefit to the local community and such provision to be entirely at the discretion of Warmington Parish Council in terms of nature and geographical location within the Warmington Parish Council area subject to the agreement of the owners of the property on which the works are to be undertaken
<b>Default Interest Rate</b>	4% per annum above the Base Rate.
<b>Development</b>	means the development of the Property authorised by the Planning Permission.
<b>Highways Contribution</b>	means the sum of £35,000 to undertake the Highways Works
<b>Highways Works</b>	means a resurfacing works scheme on the Warmington roundabout shown on the plan attached at Annex E marked "Highway Contribution Plan" number 95010/S106/HC/1
<b>Index Linked</b>	increased in accordance with the following formula:  Amount payable = the payment specified in this deed x (A/B) where:  A= the figure for the Retail Prices Index (All Items) that applied immediately preceding the date the payment is due.  B= the figure for the Retail Prices Index (All Items) that applied when the index was last published prior to the date of this deed.

<b>Local Plan</b>	Northamptonshire Mineral and Waste Local Plan adopted July 2017
<b>Plan</b>	the plan attached as Annex A and numbered 95010/S106/S/1
<b>Planning Application</b>	the application for a minerals planning permission for phased mineral extraction, construction of a bailey bridge to cross a branch of the River Nene, importation of reclamation material including ancillary activities, with restoration to agricultural pasture and wet woodland submitted to the Council on 18 April 2019 under reference number 19/00033/MINFUL
<b>Planning Permission</b>	the planning permission to be granted by the Council in respect of the Planning Application in the draft form attached as Annex B.
<b>Property</b>	the land at Elton Quarry, Peterborough Old Road, Eaglethorpe, Warmington, PE8 6SN shown edged red on the Plan and <b>being part of the land</b> registered at HM Land Registry with absolute title under title numbers CB381171 and NN318378
<b>Restoration Plan</b>	means the plan attached as Annex D and numbered 95010/S106/R/1
<b>Restoration Scheme</b>	means all those documents submitted to the Council setting out the Developer's proposed restoration measures including but not limited to Landscape and Visual Impact Assessment April 2019 and the Restoration Plan submitted as part of the Planning Application and completed using both inert waste and other non-waste materials.
<b>Restoration Timetable</b>	<p>compliance with the Progressive Operations Plan (Plan No. 05010/E2/PO/1a v4) shall be strictly adhered to as follows:</p> <ul style="list-style-type: none"> <li>Phase 3 extraction area (western area) shall not start until Phase 1 extraction area (eastern area) has been fully restored (with the exception of the haul road to allow continued access to Phase 3) in accordance with the Restoration Plan to the</li> </ul>

satisfaction of the Council and approved in writing by the Council following a site visit and progress report.

- The infilling/reclamation of Phase 2 extraction area (central area) shall be complete within 1 year following completion of extraction of the central area, and the site fully restored (with the exception of the haul road to allow continued access to Phase 3) within 2 years following completion of extraction of the central area.
- The infilling/reclamation of Phase 3 extraction area (western area) shall be complete within 2 years following completion of extraction of the western area, and the site fully restored within 3 years following completion of extraction of the western area.

<b>TCPA 1990</b>	means the Town and Country Planning Act 1990 (as amended)
<b>Traffic Management Plan</b>	means the traffic management plan setting out HGV routing to avoid dangerous U-turns at the Elton/A605 junction and ensure drivers comply with instructions to use the A1 services roundabout to travel west. To include installation of a new road sign, to be agreed with Cambridgeshire Highways
<b>VAT</b>	value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax
<b>Working Day</b>	any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England

1.2 Clause headings shall not affect the interpretation of this deed.

- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.7 A reference to any party shall include that party's personal representatives, successors and permitted assigns and in the case of the Council the successors to its respective statutory functions.
- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **writing** or **written** includes fax but not e-mail
- 1.11 A reference to **this deed** or to any other deed or document referred to in this deed is a reference to this deed or such other deed or document as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.
- 1.12 References to clauses and Schedules are to the clauses and Schedules of this deed.
- 1.13 An obligation on a party not to do something includes an obligation not to allow that thing to be done.
- 1.14 Any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

- 1.15 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

## **2. STATUTORY PROVISIONS**

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011 and any other enabling powers.
- 2.2 The covenants, restrictions and obligations contained in this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner and the Developer with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.
- 2.3 The covenants, restrictions and obligations contained in this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

## **3. CONDITIONALITY**

With the exception of clauses 2, 3, 7, 8, 10, 13, 16, 17 and 19(which take effect immediately), this deed is conditional on the grant and issue of the Planning Permission.

## **4. COVENANTS TO THE COUNCIL**

The Developer covenants with the Council to:

- (a) observe and perform the covenants, restrictions and obligations contained in Schedule 1.
- (b) give at least 21 Working Days written notice to the Council of the intended Commencement Date.

## **5. COVENANTS BY THE COUNCIL**

The Council covenants with the Owner and the Developer to observe and perform the covenants, restrictions and obligations contained in Schedule 2.

## **6. INDEXATION**

- 6.1 All financial contributions payable to the Council shall be Index Linked.

- 6.2 Where reference is made to an index and that index ceases to exist or is replaced or rebased then it shall include reference to any index which replaces it or any rebased index (applied in a fair and reasonable manner to the periods before and after rebasing under this deed) or in the event the index is not replaced, to an alternative reasonably comparable basis or index as the Council shall advise the Developer in writing.

## **7. RELEASE**

No person shall be liable for any breach of a covenant, restriction or obligation contained in this deed after parting with all of its interest in the Property or that part of the Property in respect of which the breach relates, except in respect of any breach subsisting prior to parting with such interest.

## **8. DETERMINATION OF DEED**

The obligations in this deed (with the exception of clause 10) shall cease to have effect if before the Commencement of Development, the Planning Permission:

- (a) expires;
- (b) is varied or revoked other than at the request of the Developer and the Owner; or
- (c) is quashed following a successful legal challenge.

## **9. LOCAL LAND CHARGE**

This deed is a local land charge and shall be registered as such by the Council.

## **10. COUNCIL'S COSTS**

The Developer shall pay to the Council on or before the date of this deed:

- (a) the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed.
- (b) the reimbursement of the Council's reasonable costs of monitoring the implementation of this deed in accordance with The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006.

## 11. INTEREST ON LATE PAYMENT

If any sum or amount has not been paid to the Council by the date it is due, the Developer shall pay the Council interest on that amount at the Default Interest Rate (both before and after any judgment). Such interest shall accrue on a daily basis for the period from the due date to and including the date of payment.

## 12. OWNERSHIP

12.1 The Owner warrants that no person other than the Owner and the Developer and the trustees from time to time of the 1973 Elton Settlement have any legal or equitable interest in the Property and that the Owner has power under the settlement to enter into this agreement

12.2 The Owner and the Developer shall upon parting with their respective interests in the Property be released from all obligations rights and duties (save for liability in respect of any antecedent breach) under the terms of this deed PROVIDED THAT

(a) if the Owner and/or the Developer shall retain an interest in any part of the Property such party shall remain liable insofar as such liability relates to such retained interest; and

(b) upon parting with their interest in the Property it releases any and all rights to any sums that may become payable to the Owner or the Developer under the terms of this deed such sums to be payable to the relevant successors in title within the context of repayment provisions at the time the sums become payable.

12.3 Until the covenants, restrictions and obligations in Schedule 1 have been complied with, the Owner and the Developer will give to the Council within 15 Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:

(a) the name and address of the person to whom the disposition was made; and

(b) the nature and extent of the interest disposed of.

12.4 The covenants, restrictions and obligations in Schedule 1 shall not be enforceable against any statutory undertaker after the transfer of statutory apparatus by the Owner to a relevant undertaker or any person benefitting only from an easement or licence in relation to the Property.



- 12.5 The parties agree that any future mortgagee or chargee of the Property from time to time will only be liable for any breach of the provisions of this agreement:
- (a) To the extent that such breach affects a part of the Property in which the mortgagee or chargee has an extant legal interest; and
  - (b) Arising during such period as it is a mortgagee or chargee in possession of the whole or any part of the Property;

Provided that (and for the avoidance of doubt) any subsequent owners of the Property shall be liable to fulfil any outstanding obligations under this agreement.

### **13. CANCELLATION OF ENTRIES**

13.1 On the written request of the Owner at any time after each or all of the obligations have been performed or otherwise discharged (and subject to the payment of the Council's reasonable and proper costs) the Council will issue a written confirmation of such performance or discharge.

13.2 Following the performance and full satisfaction of all the terms of this agreement or if this deed is determined pursuant to clause 8 (and subject to the payment of the Council's reasonable and proper costs and charges) the Council will on the written request of the Owner cancel all entries made in the local land charges register in respect of this deed.

### **14. DISPUTES**

Any dispute, controversy or claim arising out of or relating to this deed, including any question regarding its breach, existence, validity or termination or the legal relationships established by this deed, shall be finally resolved by arbitration in accordance with the Arbitration Act 1996. It is agreed that:

- (a) the tribunal shall consist of one arbitrator appointed jointly by the parties;
- (b) in default of the parties' agreement as to the arbitrator, the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Institution of Chartered Surveyors;
- (c) the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction, then equally); and
- (d) the seat of the arbitration shall be London.

**15. NO FETTER OF DISCRETION**

Nothing (contained or implied) in this deed shall fetter or restrict the Council's statutory rights, powers, discretions and responsibilities.

**16. WAIVER**

No failure or delay by the Council to exercise any right or remedy provided under this deed or by law shall constitute a waiver of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

**17. FUTURE PERMISSIONS**

17.1 Subject to Clause 17.2 below, nothing in this agreement shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission or modification, variation or amendment thereof) granted after the date of the Planning Permission.

17.2 If the Council agrees in writing following an application under section 73 of the TCPA 1990 to vary or release of any condition contained in the Planning Permission or if a condition is varied or released following an appeal under section 78 of the TCPA 1990 the covenants or provisions of this agreement shall be deemed to bind the varied permission and to apply in equal terms to the new planning permission.

**18. AGREEMENTS AND DECLARATIONS**

The parties agree that:

- (a) nothing in this deed constitutes a planning permission or an obligation to grant planning permission; and
- (b) nothing in this deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.

**19. NOTICES**

19.1 Any notice or other communication to be given under this deed must be in writing and must be:

- (a) delivered by hand; or
- (b) sent by pre-paid first class post or other next working day delivery service.

19.2 Any notice or other communication to be given under this deed must be sent to the relevant party as follows:

- (a) to the Council at One Angel Square, Angel Street, Northampton, NN1 1ED marked for the attention of Development Control Manager, Minerals and Waste;
- (b) to the Owner at Elton Hall, Elton, Peterborough PE8 6SH marked for the attention of Sir William Henry Proby;
- (c) to the Developer at Cecil House, Foster Street, Harlow Common, Harlow, Essex CM17 9HY marked for the attention of Andy Clark

or as otherwise specified by the relevant party by notice in writing to each other party.

19.3 Any notice or other communication given in accordance with clause 19.1 and clause 19.2 will be deemed to have been received:

- (a) if delivered by hand, on signature of a delivery receipt [or at the time the notice or document is left at the address] provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or
- (b) if sent by pre-paid first class post or other next working day delivery service, at 9.00 am on the second Working Day after posting.

19.4 A notice or other communication given under this deed shall not be validly given if sent by e-mail.

19.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

## **20. THIRD PARTY RIGHTS**

Subject to Clause 1.7 a person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

## **21. VALUE ADDED TAX**

21.1 Each amount stated to be payable by the Council or the Developer to the other under or pursuant to this deed is exclusive of VAT (if any).

21.2 If any VAT is at any time chargeable on any supply made by the Council or the Developer under or pursuant to this deed, the party making the payment shall pay the other an amount equal to that VAT as additional consideration on receipt of a valid VAT invoice

## 22. GOVERNING LAW

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Signed as a deed by  
SIR WILLIAM HENRY PROBY  
in the presence of:



JULIE WARD  
ELTON ESTATE OFFICE  
ELTON HALL  
PETERBOROUGH  
PE8 6SH



Executed as a deed by  
INGREBOURNE VALLEY LIMITED  
acting by Andrew Clark,  
a director in the presence of:



PAUL JELANY  
CECIL HOUSE  
HARLOW COMMON  
HARLOW  
ESSEX  
CM17 9HY



Director

The common seal of NORTHAMTONSHIRE COUNTY COUNCIL  
was affixed to this document in the presence of:

Authorised signatory



## **Schedule 1 Covenants to the Council**

### **1. TRAFFIC MANAGEMENT PLAN**

- 1.1 Prior to the Commencement Date submit to the Council for approval the Traffic Management Plan.

### **2. HIGHWAYS CONTRIBUTION**

- 2.1 On or before the Commencement Date to pay to the Council the Highways Contribution.

### **3. COMMUNITY BENEFIT CONTRIBUTION**

- 3.1 On or before the Commencement Date to pay to the Council the Community Benefit Contribution

### **4. RESTORATION SCHEME**

- 4.1 Following the completion of the works authorised by the Planning Permission to restore the Property in accordance with the Restoration Scheme and Restoration Timetable to the reasonable satisfaction of the Council

## **Schedule 2 Covenants by the Council**

### **1. TRAFFIC MANAGEMENT PLAN**

- 1.1 Not to unreasonably delay or refuse to approve the Traffic Management Plan.

### **2. HIGHWAYS CONTRIBUTION**

- 2.1 To pay the Highways Contribution into a separately identified interest-bearing section of the Council's combined accounts as soon as reasonably practicable.
- 2.2 Not to use any part of the Highways Contribution other than for the Highways Works
- 2.3 In the event that the Highways Contribution has not been spent or committed for expenditure by the Council within 10 years following the date of receipt of the Highways Contribution the Council shall refund to the Developer any part of the Highways Contribution which has not been spent or committed for expenditure, together with any accrued interest.
- 2.4 Upon receipt of a written request to provide a statement detailing how the Highway Contribution has been spent or committed for expenditure by the Council.

### **3. COMMUNITY BENEFIT CONTRIBUTION**

- 3.1 To pay the Community Benefit Contribution into a separately identified interest-bearing section of the Council's combined accounts as soon as reasonably practicable.
- 3.2 Not to use any part of the Community Benefit Contribution other than for either the specified bridleway improvement purposes or for other community benefit purposes at the discretion of Warmington Parish Council but only to be carried out either on land belonging to the Owner ( in which case both works and relevant land to be agreed by the Owner or his successor in title to the Property acting reasonably and without delay) or on land belonging to a charity community organisation or statutory authority (whether carried out by the Council or another party).
- 3.3 In the event that the Community Benefit Contribution has not been spent or committed for expenditure by the Council within 10 years following the date of

receipt of the Community Benefit Contribution the Council shall refund to the Developer any part of the Community Benefit Contribution which has not been spent or committed for expenditure, together with any accrued interest.

- 3.4 Upon receipt of a written request to provide a statement detailing how the Community Benefit Contribution has been spent or committed for expenditure by the Council.



## Annex A. Plan



Mapping by Clive Thomas. T: (01926 641800), M: (07411) 882840. Email: clive@clivedthomas.com  
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Version / amendment: 95010/S106/S/1 v3

## **Annex B. Draft Planning Permission**

## Appendix A – 19/00033/MINFUL – Recommended conditions and reasons

### 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.

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  
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  
Arboricultural Implications Assessment and Method Statement dated 10 October 2019 by Andrew Belson Arboricultural Consultant

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. Operations on the application site shall be carried out in a phased manner in accordance with Progressive Operations Plans Drawing No. 95010/E2/PO/1a v4 and paragraphs 4.8.1 – 4.8.7 of the Planning and Environmental Statement dated April 2019. The operations shall be controlled in the following manner:
  - The extraction of minerals in any one phase shall be completed before extraction of minerals commences in the next phase;
  - No more than two phases of the development shall be actively worked for minerals and in the process of being restored at any one time; and
  - no part of the operations specified therein shall be amended or omitted without the prior written approval of the Mineral Planning Authority.
7. No waste shall be imported into the site other than inert waste for the purposes of backfilling and/or restoration purposes.
8. All topsoil, subsoil and soil making material shall either be used directly in association with restoration works or retained on the plant site area (ref. 19/00034/MINVOC and 19/00035/MINFUL) 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. 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 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. The internal haul road to the development hereby permitted shall be maintained in a clean and good state of repair and free from potholes for the lifetime of the development hereby permitted.
16. 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.
17. 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.

18. Prior to the commencements of works affecting existing public right of way PD3, a scheme of details for its diversion, timetables for works, signage and way marking, surfacing and proposed enhancements and improvements for diverted and reinstated routes shall be submitted to and be approved in writing by the Mineral Planning Authority. The scheme shall be implemented in full as approved.
19. The section of public right of way PD1 which is traversed by operational vehicles to access the application site (hereafter referred to as the 'bridleway crossing point') shall be safeguarded and maintained throughout the life of the development by the following measures:
  - i. A banksman will be located at the bridleway crossing point at all times when operational vehicles are utilising the crossing point, throughout the life of the development. The banksman will manage vehicles and users of the public right of way PD1, and in doing so give priority to users of the public right of way PD1 informing them when it is safe to cross;
  - ii. Provision, prior to use of the internal haul road by operational vehicles, and maintenance of signage erected on both sides of the internal haul road at the bridleway crossing point to warn users of the public right of way PD1 and vehicles of the intersection;
  - iii. Site operatives shall be inducted to ensure they are aware of the hazards associated with crossing public right of way PD1 and that they must give priority to all public rights of way users; and
  - iv. Provision and maintenance of hard surfacing along the bridleway crossing point within the application site. Details of the hard surfacing shall be agreed in writing with the Mineral Planning Authority and installed prior to the commencement of the development hereby permitted and thereafter maintained for the life of the development.

A scheme detailing the above measures shall be submitted to, and be approved in writing by, the Mineral Planning Authority prior to the development hereby permitted utilising the bridleway crossing point. The scheme as approved shall be implemented in full and maintained for the life of the development.

Reason for conditions 12 – 19: In the interests of highway safety and amenity having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

## **Flood Protection**

20. The development shall be carried out in accordance with the submitted flood risk assessment and submitted drawings (ref. SLR 422-01526-00029) dated April 2019, 'Illustrative Detail of Bridge Crossing' drawing (ref. 95010/E2/R/1) dated 01 November 2019 and the following mitigation measures they detail:
  - i. No buildings or excavated material shall be stockpiled within the proposed area of operations as it is within the floodplain. These stockpiles shall only be kept within the Elton processing plant (areas shown on Drawing 1 in the FRA appendices).



- ii. The temporary bridge soffit shall be set above the 1% (1 in 100) plus 20% flood level.
- iii. Restored contours shall be no higher than previous contours of 15.5 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

21. Before commencing Phase 2 extraction of the development hereby permitted a scheme for flood risk mitigation and betterment shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed in writing by the Mineral Planning Authority.

Reason for conditions 20 – 21: To prevent an increase of flooding elsewhere having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

## Ecology

22. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Mineral Planning Authority prior to the commencement of the development hereby permitted. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objections.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

23. 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.
24. Prior to the commencement of working at each phases 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.
25. Having regard to the protection of otters, the installation of the temporary bridge crossing the location of which is shown on Composite Operations Plan (Plan No. 95010/E2/CO/1 v4) 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 Regulation 55 of the Conservation of Habitats and Species Regulations 2017 authorising the installation of the bridge crossing to go ahead; or
  - ii. A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the installation of the bridge crossing will require a licence.
26. 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. Should nesting birds be found, development shall be delayed until such time as nesting has ceased.
27. No vegetation clearance or working shall take place on the site until a detailed Construction Environmental Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The plan shall detail how the impact of the development upon features and species of ecological importance will be protected, managed and impacts will be mitigated throughout the life of the development. The Construction Environmental Management Plan shall be fully implemented as approved.
28. No vegetation clearance or working shall take place on the site until an Ecological Management, Restoration & Aftercare Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Plan shall be based upon the principles of the restoration scheme shown on Plan No. 95010/E2/R/1 v7 Restoration Scheme – Extension Area. The plan shall include:

- i. The aims and objectives of management;
- ii. Prescription for management actions;
- iii. A comprehensive restoration plan including detailed levels;
- iv. Comprehensive details of proposed planting and seeding of locally native species of local provenance;
- v. Maintenance of habitat types proposed as part of the ecological enhancement of the site;
- vi. Preparation of a work, monitoring and reporting schedule;
- vii. Monitoring, remedial and contingency measures triggered by monitoring;
- viii. Aftercare and long term management and maintenance.

The scheme as agreed in writing by the Mineral Planning Authority shall be fully implemented as approved in accordance with the timescales prescribed within the Ecological Management Plan, unless a subsequent revision is previously agreed in writing by the Mineral Planning Authority.

Reason for conditions 22 – 28: 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

29. 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.
30. 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.
31. 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.
32. 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.
33. In the event that monitored noise levels exceed 55 dB  $L_{\text{aeq}, 1 \text{ hour}}$ , 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 29 – 33: 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).

## **Dust**

34. 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**

35. All topsoil shall be stripped from any areas to be excavated, or used for the stationing of plant and buildings, the storage of subsoil and overburden, haul roads or traversed by heavy machinery. No plant or vehicles shall cross any areas of unstripped topsoil except for the purpose of stripping operations.

36. 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.

37. 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.

Reason for conditions 35 – 37: 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).

### **Soil Stripping**

38. 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**

39. 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.
40. 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 39 – 40: 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**

41. 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).

### **Landscaping**

42. Prior to completion of Phase 1 of the development hereby permitted, a Landscaping Scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The Landscaping Scheme shall be in accordance with the Restoration Scheme – Extension Area, Drawing No. 95010/E2/R/1 v7 and Ecological Management Plan as approved by the Mineral Planning Authority under condition 28 of this planning permission,

43. The implementation of the landscaping scheme as approved by the Mineral Planning Authority under condition 42 of this planning permission shall be undertaken and completed to the satisfaction of the Authority by the end of the first planting season following the restoration of the site.

44. Any trees, shrubs or plants which die, become diseased, damaged or are removed within 5 year period shall be replaced in the next planting seasons with others of the same size and species, unless otherwise agreed in writing with the Mineral Planning Authority.

Reason for conditions 42 to 44: In the interests of visual amenity and landscape character having regard to Policies 18 and 21 of the Northamptonshire Minerals and Waste Local Plan (2017).

### **Provision of Bird Hide**

45. Prior to commencement of development details of the hide and public access including design, materials, colour and location shall be submitted and agreed with the Mineral Planning Authority. The bird hide and public access linked to the existing public bridleway PD1 shall be installed and available for public use prior to commencement of development and thereafter maintained throughout the working and aftercare period for the site.

Reason: In order to provide local community benefit having regard to Policy 25 of the Northamptonshire Minerals and Waste Local Plan (2017).

### **Archaeology**

46. No development shall take place within the area indicated on the submitted plan titled "Application Plan 1 – Extension Area" until the applicant 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. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- i. fieldwork in accordance with the agreed written scheme of investigation;
- ii. post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Mineral Planning Authority);
- iii. completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Mineral Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with 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 Policy 22 of the Northamptonshire Minerals and Waste Local Plan (2017).

### **Tree Protection**

47. All trees to be retained shall be protected from any development, including site clearance and the storage of earth and materials, by means of appropriate fencing in accordance with the provisions of the BS5837:2012. The fencing shall be erected in accordance with the Arboricultural Implications Assessment and Method Statement dated October 2019 before any equipment, machinery or plant are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and plant have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Mineral Planning Authority.

Reason: In the interests of amenity protection, landscape character and biodiversity having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

### **Restoration**

48. Except as may otherwise be agreed in writing by the Mineral Planning Authority the restoration scheme Drawing No. 95010/E2/R/1 v7 (Extension Area) shall be implemented upon cessation of the mineral extraction operations hereby permitted and shall be completed before the end of this permission as stated in condition 4 of this planning permission, except where it is modified by the landscape scheme submitted under condition 42 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**

49. Not later than the completion of the mineral extraction operations or the date referred to in condition 4 of this permission, whichever is the sooner, a 5 year ecological aftercare programme for all areas restored for biodiversity after use incorporating the provisions of the scheme agreed under condition 28 of this permission shall be submitted to the Mineral Planning Authority for approval in writing. The five year ecological aftercare programme, as may be approved by the Authority, shall be implemented throughout the aftercare period.

50. An aftercare scheme detailing the steps that are necessary to bring the areas of the site to be restored to agricultural use to the required standard 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.

51. Before 31<sup>st</sup> January of every year during the aftercare period, an Agricultural 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.

52. 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.

53. Before 31<sup>st</sup> January of every year during the aftercare period, an Ecological Aftercare Management Report shall be submitted to the Mineral Planning Authority recording the operations carried out on the land during the previous 12 months 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.

Reason for conditions 49 – 53: To ensure appropriate aftercare having regard to Policy 24 of the Northamptonshire Minerals and Waste Local Plan (2017).



## **Monitoring**

54. 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 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**

55. 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**

56. 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).

## **Informative(s)**

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 Northamptonshire County Council website, a fee is payable for this service and a period of six weeks' notice period is required. Please contact the Highway Authority at :- [defmap@kierwsp.co.uk](mailto:defmap@kierwsp.co.uk)  
[www.northamptonshire.gov.uk/en/councilservices/transport/row/legal/pages/temptros.aspx](http://www.northamptonshire.gov.uk/en/councilservices/transport/row/legal/pages/temptros.aspx)
- Any new path furniture (e.g. gates preferred over stile) needs to be approved in advance with the Access Development Officer, 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.

## Appendix B – 19/00034/MINVOC and 19/00035/MINFUL – Recommended conditions and reasons

### 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.

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  
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.
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 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:
  - iii. A licence issued by Natural England pursuant to Section 10 of the Protection of Badgers Act 1992 authorising the development to go ahead; or
  - iv. 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. 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).

## **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:

- viii. The suppression of dust caused by the moving, processing and storage of soil, sand and gravel, and other materials within the site;
- ix. Dust suppression on haul roads, including speed limits;
- x. Provision for monitoring and review of the Plan;
- xi. Details of all dust suppression measures;
- xii. A procedure for the review of operations upon the receipt of complaints by the Mineral Planning Authority, upon notification to the operator;
- xiii. Precise arrangements for the measurement of wind speed on the site; and
- xiv. 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).

### **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).

### **Archaeology (planning application 19/00035/MINFUL only)**

33. 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 Northamptonshire Minerals and Waste Local Plan (2017).

### **Restoration**

34. 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 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**

35. 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.

36. Before 31<sup>st</sup> 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.
37. 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 35 – 37: To ensure appropriate aftercare having regard to Policy 24 of the Northamptonshire Minerals and Waste Local Plan (2017).

### **Monitoring**

38. 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 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**

39. 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).

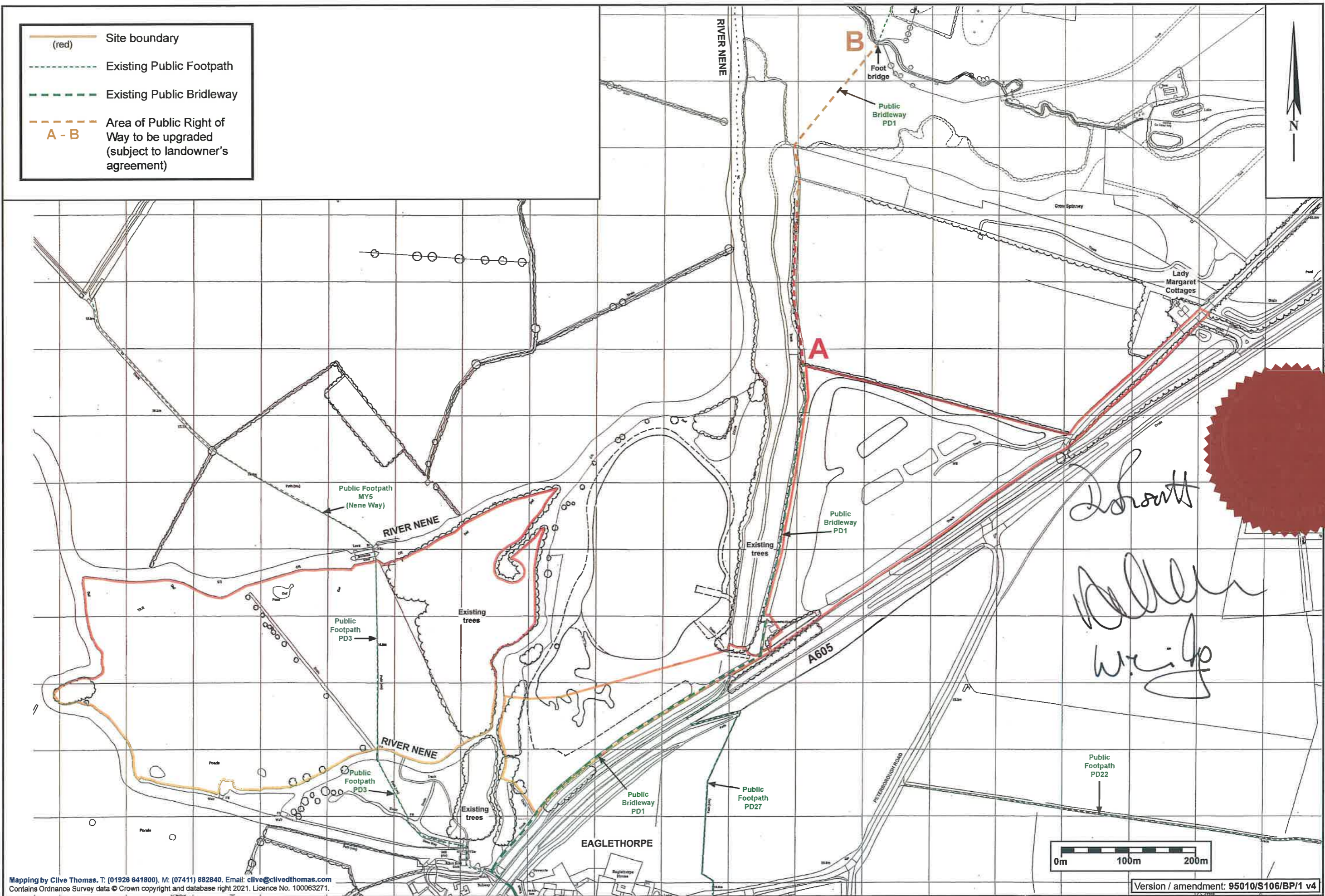
### **Local Liaison Group**

40. 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).

## Annex C. Bridleway Plan

- (red) Site boundary
- - - Existing Public Footpath
- - - Existing Public Bridleway
- - - A - B Area of Public Right of Way to be upgraded (subject to landowner's agreement)



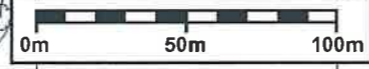
Mapping by Clive Thomas. T: (01926 641800), M: (07411) 882840. Email: clive@clivethomas.com  
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## Annex D. Restoration Plan



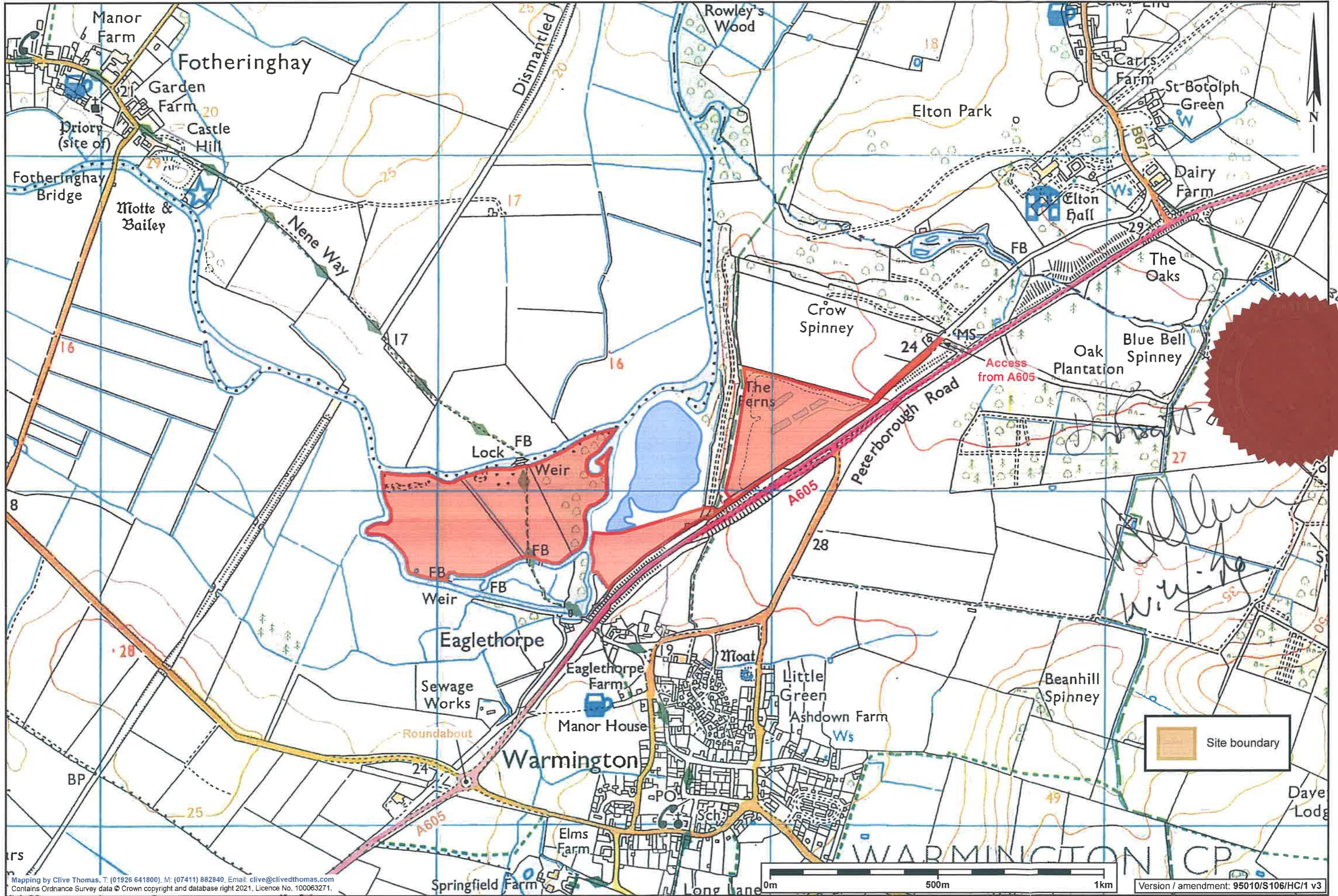
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## **Annex E Highway Contribution Plan**



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Version / amendment: 95010/S106/HC/1 v3

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## APPENDIX 02

### EA Enhanced Pre-application advice



Maggie Dutton

Elton 2 Quarry  
Warmington  
Peterborough  
PE8 6SN

Our Ref: EA/EPR/HB3206MC/A001

Date: 02 October 2019

Dear Madam

**Pre application checks – Basic service**

I am pleased to provide you with your basic level of pre application advice for Ingrebourne Valley Limited as requested.

As part of this service we have provided you with the following information:

Application Reference(s) number(s)	EA/EPR/HB3206MC/A001
Habitats screening	No screening undertaken due to application type
Baseline fee required	<p>The charge for a deposit for recovery activity will be comprised of the following:</p> <ul style="list-style-type: none"><li>- Waste recovery plan or variation or revision of a waste recovery plan charge of £1,231.00 (reference 1.19.1);</li><li>- Desposit of waste for recovery charge of £9,207.00 (reference 1.17.9).</li></ul> <p>The charge for the proposed treatment of non-hazardous waste (subject to there being no appropriate standard rules for this activity):</p> <ul style="list-style-type: none"><li>- Physical treatment of non-hazardous waste charge of £7,930.00 (reference 1.16.13).</li></ul> <p>The charge for a Mining Waste Facility will depend on the facility you apply for but the list of all charges can be found in table 1.11 of our charging scheme. As an example:</p>

	<p>- An Inert mining waste operation would be charge at £2,767.00 (reference 1.11.2).</p> <p>Our full charging scheme can be found via the following link:  <a href="https://www.gov.uk/government/publications/environmental-permitting-charging-scheme-2019">https://www.gov.uk/government/publications/environmental-permitting-charging-scheme-2019</a>.</p>
Forms required to be submitted	<p>You will need to submit the following forms:</p> <ul style="list-style-type: none"> <li>- A1</li> <li>- B2</li> <li>- B4 (waste operations)</li> <li>- B5 (mining waste operation)</li> <li>- B6 (if a water discharge regulated facility is required)</li> <li>- F1</li> </ul> <p>These forms can be found via the following link:  <a href="https://www.gov.uk/government/collections/environmental-permit-application-forms-for-a-new-bespoke-permit">https://www.gov.uk/government/collections/environmental-permit-application-forms-for-a-new-bespoke-permit</a>.</p>
Additional documents required	<p>You will need to submit the following information with all of your applications:</p> <ul style="list-style-type: none"> <li>- summary of your Environmental Management system;</li> <li>- non-technical summer of the activity;</li> <li>- site plan;</li> <li>- a site specific risk assessment;</li> <li>- a site condition report.</li> </ul> <p>You will need to submit the following for your Deposit for Recovery application:</p> <ul style="list-style-type: none"> <li>- evidence of technical competency;</li> <li>- Environmental Setting and Site Design (ESSD) report;</li> <li>- a Waste Recovery Plan</li> </ul> <p>You will need to submit the following information with your mining waste operation application:</p> <ul style="list-style-type: none"> <li>- Waste Management Plan;</li> <li>- Estimated expenditure plan (Category A facility only);</li> <li>- External Emergency Plan (Category A facility only).</li> </ul>
Additional information	<p><b>Pre-application meeting: permit applications for Ingrebourne Valley Limited Elton 2 Restoration</b> (completed 30/05/2019 between 13:00 and 15:00).</p> <p><b>Attendees:</b>  Environment Agency (hereafter EA):</p>

- Guy Price (GP)
- Roland Evans (RE)
- Greg Williams (GW)
- Kim Maynard (KM)

Ingrebourne Valley (hereafter IV):

- James Sutton (JS)
- Maria Anton-Garcia (M A-G)

SLR:

- Geoff Keenan (GK)
- Maggie Dutton (MD)

**What are the key priorities for this type of facility:**

Advice sought from EA

1. Confirmation of the planned approach to demonstrate that the proposal is recovery, prior to submission of a Waste Recovery Plan to EA for formal approval;
2. Whether the planned approach to demonstrate that the proposal is recovery is acceptable (subject to submission of a Waste Recovery Plan to EA for formal approval);
3. Acceptability of the engineering approach described:
  - a) Level of detail required for the HRA; and
  - b) advice on methods accepted by EA to demonstrate stability/integrity of the AGB
4. Application documents and supporting information required for the waste storage and mining waste activities in the processing area;
5. Application fees and merits of consolidation in one permit or keeping separate.

**Overview:**

MD / JS provided an outline of the proposals which include:

- A waste recovery application for the restoration of the Elton 2 site post extraction of mineral;
- Mining waste settlement lagoons and inert waste crushing plan to be located in the process area; and
- An abstraction licence for mineral washing.

**Recovery Permit:**

There was a group discussion of evidence required to demonstrate recovery by submission of a waste recovery plan. We confirmed that both planning permission and any S106 agreement could be contributory evidence to a specific obligation that would require that the work would go ahead with non-waste if waste was not available also highlighting the evidence requirements for specific obligations

include in our online guidance.

We confirmed it would be preferable for all evidence to be submitted with the waste recovery plan. GP said there is no planned change to DfR guidance so to follow that on gov.uk. Based on the approach being taken here – that there is a specific obligation to complete the work - a waste recovery plan with need to provide evidence of the obligation, plans / cross sections, suitability of waste.

For example, if the scheme were to rely on planning permission to demonstrate a specific obligation then not including evidence of this with a waste recovery plan submission may limit our response to “not yet satisfied to agree recovery” with advisory comments confirming what further evidence would need to be provided; in this example the approved planning permission.

When discussing the final restoration layer IV confirmed that the growing medium would comprise in-situ materials rather than waste.

GP confirmed you can add his name when submitting the plan so the permitting officer assessing the plan can discuss the application.

**Site setting and design:**

JS discussed hydrogeological setting, main point was that upstream / downstream groundwater boreholes will be difficult to determine due to surrounding water bodies. Upstream / downstream may change depending on water levels surrounding site. Six groundwater monitoring boreholes have been installed, which is above the minimum requirement of one up two down.

However, we noted that given the size of the site (borehole spacings several hundred metres) and sensitivity, there may be merit to installing additional boreholes to increase coverage. This will be considered by the applicant prior to submission of the application.

Discussed issue of tipping into water and need for a geological barrier.

We can authorise the placement of waste into water as a recovery activity where the applicant can show an equivalent level of protection to groundwater and surface water receptors, as set out in the technical guidance.

Consultant stressed project is recovery and therefore not covered by landfill directive so no regulatory requirement for a barrier however acknowledged that providing one would offer more protection.

Base of site has a natural clay layer and will be a suitable barrier.

Possible to construct sidewalls from clay or other suitable material to prevent lateral migration of pollutants into surrounding watercourses.

EA stressed the need for a hydrogeological risk assessment the findings of which would help determine the need for side barriers or not. The HRA should specify whether or not any attenuating layer is required, and the waste acceptance criteria that would be required in the context of the environmental setting. Waste acceptance criteria would also need to ensure only subsoils would be accepted at the site under 17 05 04 and 20 02 02.

More stringent waste acceptance criteria may be required where materials are being tipped directly into water.

Some discussion on how to CQA the barrier. This needs to be agreed with the area team, but the details will depend on the quality of the materials used to construct the sidewall liner, and whether or not it is constructed by tipping into water.

There was a suggestion of using clay from the base of the quarry to form a sidewall barrier though this may not be possible to extract due to the groundwater present in the void space. However a combination of dewatering and over-digging the clay materials at the base to use as the sidewall should at least be considered. The alluvial materials at the surface may not have the quality of the natural clay at the base.

**Noise:**

Noise was briefly discussed, nearest sensitive receptor 500 – 700m from site.

Noise not thought to be an issue though permit will have standard condition to require a noise survey should problems arise.

A noise survey has been conducted for the planning application and this could be used to support the assessment that no Noise Impact Assessment is required.

**Permitting approach:**

Confirmed that timing for inert recovery operations could be up 6 – 12 months.

Discussion of pros / cons to include all activities in one permit.

Given that quarrying will start much sooner than restoration it may be sensible to apply for the water abstraction and mining waste first and then apply for the recovery permit at a later date.



The advice given is based on the information you have provided, and does not constitute a formal response or decision of the Environment Agency with regard to future permit applications. Any views or opinions expressed are without prejudice to the Environment Agency's formal consideration of any application. Please note that any application is subject to a full technical check during duly making and determination, and additional information may be required based on your detailed submission and site specific requirements.

When you're ready to submit your application please quote the above reference number.

Your completed application can be sent via email to [psc-waterquality@environment-agency.gov.uk](mailto:psc-waterquality@environment-agency.gov.uk) or [psc@environment-agency.gov.uk](mailto:psc@environment-agency.gov.uk).

**Or by post to**

Permitting Support Centre  
Quadrant 2  
99 Parkway Avenue  
Sheffield  
S9 4WF

**A complete application must contain the following information;**

<b>Declaration</b>	Please ensure the declaration section is completed by each relevant person. For a limited company, this must be a director/company secretary as listed on Companies House.
<b>Site Plan</b>	Site plan must be clearly marked with the full site boundary
<b>Payment</b>	Please note your application will not be processed until we receive the full payment.

If you decide you would prefer our enhanced service (this service requires a fee) please visit GOV.UK where you can complete an online referral form.

We look forward to working with you on this project.

If you have any questions please find my contact details below.

Yours sincerely,  
Guy Price  
[guy.price@environment-agency.gov.uk](mailto:guy.price@environment-agency.gov.uk)

Elton 2 Quarry  
Peterborough Old Road  
Warmington  
Northants  
PE8 6SN

**Our ref: EPR/KB3403XP/A001  
EAWML 407726**

**Date: 17/05/2021**

Dear Maggie,

**Environmental Permitting – Recovery or Disposal Operation**

**Pre-application Reference: EPR/KB3403XP/A001**

**Proposed Operator: Ingrebourne Valley Ltd**

**Regulated facility: Elton 2 Quarry**

**Site Address : Peterborough Old Road, Warmington, Northants, PE8 6SN**

As part of our pre-application discussions, you have submitted information to us that includes your assessment that the activity you wish to undertake at your site amounts to a recovery operation.

We have now fully considered your submission and we would like to advise you that:

We agree with your assessment that your activity is a recovery operation. This advice is based on the information you have provided in relation to waste types, amounts and nature of proposal including any proposed landform. If you change any of these between now and when you submit an application form, this advice may no longer apply. **Please also note that following submission of an application, additional assessment will take place (for example, further assessment of the proposed waste types based on the sensitivity of the site location) and therefore agreement that an operation is a recovery activity does not guarantee that a permit will be granted or a variation issued.**

For the sake of clarity, the following documents are considered to form the approved waste recovery plan;

- Elton 2 Quarry Restoration Waste Recovery Plan

If you have any questions please phone me or email [duncan.sharples@environment-agency.gov.uk](mailto:duncan.sharples@environment-agency.gov.uk)

Yours sincerely

Duncan Sharples  
**Permitting Officer**

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