



**Town and Country Planning Act 1990**

**PLANNING PERMISSION**

**Name and address of applicant**

Anglian Water Services Ltd

**Name and address of agent (if any)**

Savills  
Unex House  
132-134 Hills Road  
Cambridge  
CB2 8PA

**Part I - Particulars of application**

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**Date of Application**

23<sup>rd</sup> October 2017

**Application No.**

**NCC Ref:** 17/00053/MINFUL

**NBC Ref:** N/2017/1148

**WBC Ref:** WP/17/00686/CRA

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**Particulars and location of development**

Extraction of sand and gravel, construction of concrete batching plant, processing plant, including ancillary weighbridge, office, workshop, recycling activities and access, plus the importation of inert material and restoration to agriculture and nature conservation at Land to the East of Great Billing WRC, Northampton, Northamptonshire, NN3 9BX

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**Part II - Particulars of decision:**

**The Northamptonshire County Council**

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

**Commencement and Compliance**

1. The development hereby permitted shall be begun before the expiry of **FIVE 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.

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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:

### *Planning Documents*

Application Forms dated 13 October 2017  
Planning Statement dated September 2017  
Statement of Community Involvement dated September 2017  
Description of Development, prepared by D K Symes dated July 2017

### *Drawings*

Drawing No. F191-033-RevB	Application Area Plan
Drawing No. F191-300	Contour Plan
Drawing No. F191-301	Water Level Sections
Drawing No. F191-302	Soil Sections
Drawing No. F191-034	Site Access Works
Drawing No. 0047/PO/1	Initial Development & Phases 1 and 2
Drawing No. 0047/PO/2	Phases 3-4 & 5-6
Drawing No. 0047/PO/3	Phases 7-8 & 9-10
Drawing No. 0047/PO/4	Phases Final Works & Completed Restoration
Drawing No. 30755-3005-01-RevF	Restoration Plan (to be revised as per Condition 24)

### *Technical Reports*

Ecology Update Report, ref. 776175-MLM-ZZ-XX-RP-J-0001, prepared by MLM dated 29 March 2018

- Environmental Statement Appendix E.1 Landscape Figures
- Environmental Statement Appendix E.2 Panoramic Viewpoint Photographs
- Environmental Statement Appendix E.3 Landscape Planning Policies
- Environmental Statement Appendix E.4 LVIA Methodology
- Environmental Statement Appendix E.5 Visual Effects Table
- Environmental Statement Appendix E.6 Landscape Effects Table
- Environmental Statement Appendix E.7 Lighting Assessment
- Environmental Statement Appendix F.1 Ecology Drawings
- Environmental Statement Appendix F.2 Legislation and Policy Context
- Environmental Statement Appendix F.3 Survey Methods
- Environmental Statement Appendix F.4 Ecton Brook Crossing Point Otter Survey
- Environmental Statement Appendix F.5 Consultation Correspondence
- Environmental Statement Appendix F.6 Citations for the Upper Nene Valley Gravel Pits Designated Sites

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Environmental Statement Appendix F.7 Survey Results  
 Environmental Statement Appendix F.8 Summary of Previous Surveys  
 Undertaken by HAD  
 Environmental Statement Appendix F.9 Summary of Ecological Impact  
 Assessment for Ecology and Nature Conservation  
 Environmental Statement Appendix F.10 Habitat Regulations Assessment  
 Screening  
 Environmental Statement Appendix F.11 Operational Phase Ecological  
 Mitigation Plan  
 Environmental Statement Appendix F.12 Nature Conservation and Landscape  
 Management and Restoration Strategy  
 Environmental Statement Appendix G Transport Assessment  
 Environmental Statement Appendix H.1 Noise Figures  
 Environmental Statement Appendix I.1 Air Quality Figures  
 Environmental Statement Appendix I.2 Policy Context  
 Environmental Statement Appendix I.3 Road Traffic Data  
 Environmental Statement Appendix I.4 Meteorological Data  
 Environmental Statement Appendix I.5 Model Verification  
 Environmental Statement Appendix J.1 Flood Risk Assessment  
 Environmental Statement Appendix K.1 Recorded Heritage Assets  
 Environmental Statement Appendix K.2 Archaeological Evaluation and Auger  
 Survey  
 Environmental Statement Appendix L.1 Historical Mapping  
 Environmental Statement Appendix L.2 County Borough of Northampton  
 Sewage Disposal Farm (Irrigation) plan  
 Environmental Statement Appendix L.3 Groundsure Enviro-Insight Report  
 Environmental Statement – Volume 2 Appendices Great Billing Sand and  
 Gravel Extraction and Restoration  
 Environmental Statement Appendix L.4 Summary of Chemical Laboratory  
 Testing - Soil  
 Environmental Statement Appendix L.5 Summary of Chemical Laboratory  
 Testing - Groundwater  
 Environmental Statement Appendix L.1 Summary of Chemical Laboratory  
 Testing – Soil Leachate  
 Environmental Statement Appendix L.1 Summary of Chemical Laboratory  
 Testing – Surface Water Samples  
 Environmental Statement Appendix M.1 Agricultural Land Classification and  
 Soil Resource report

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.

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### **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 20 years from the date of commencement as notified under condition 1. The site shall be subject to aftercare for a period of 5 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 Minerals and Waste Local Plan (2017)

### **Hours of Working**

5. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable), no operations, other than water pumping, plant servicing, and environmental monitoring of plant shall be carried at the site except between the following times:
  - 07:00 to 18:00 hours Monday to Fridays
  - 07:00 to 13:00 hours Saturdays
  - and at no other times or on Sundays, Bank or Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

### **Method of Working**

6. The site shall be worked and restored sequentially in accordance with details contained in the submitted and approved Progressive Operations Plans refs: 0047/PO/01, 0047/PO/2, 0047/PO/3 and 0047/PO/4 unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To specify working methods to protect amenity, natural assets and landscaping character in accordance with this planning permission having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

7. No waste shall be imported into the site other than inert waste for the purposes of backfilling and/or restoration purposes.

Reason: To prevent uncontrolled waste importation to the site having regard to amenity and proposed restoration in accordance with Policies 18 and 24 of the Minerals and Waste Local Plan (2017).

### **Access and Highway Safety**

8. No development shall take place until full engineering, drainage and constructional details of the highway improvement works currently shown

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indicatively on plan/s ref. F191/034 have been submitted to, and approved in writing by, the Mineral Planning Authority. These works being to improve the Crow Lane site access junction.

Reason: In the interests of highway safety and safeguarding local amenity having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

9. No extraction and export of saleable minerals shall commence until the works outlined on plan/s ref. F191/034 and subsequently agreed in detail, subject to any changes arising from the appropriate technical and safety audit process, have been constructed on site and opened to traffic

Reason: In the interests of highway safety and safeguarding local amenity having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

10. All operational vehicles arriving at and leaving the site shall be sheeted to prevent material spillage, wind blow and dust nuisance.

Reason: In the interests of highway safety and safeguarding local amenity having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

11. All operational vehicles leaving the site shall be cleansed of mud and other debris to ensure that no mud or debris is deposited on the public highway.

Reason: In the interests of amenity protection and highway safety having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

12. Prior to the commencement of development, a Traffic Management Plan shall be submitted to and approved in writing by the Mineral Planning Authority. The Plan shall include a scheme of access improvements, access restrictions during peak hours, mud on the road controls, and HGV routing proposals to avoid local villages. The Plan as agreed shall thereafter be fully implemented throughout the life of the development.

Reason: In the interests of amenity protection and highway safety having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

## Noise

13. Except as otherwise may be agreed in writing by the Minerals Planning Authority:

- i. All plant, equipment and machinery used on site; including vehicular traffic, shall be designed and maintained to reduce noise levels to a minimum and be operated in accordance with manufacturer's instructions.
- ii. All plant, equipment and machinery, including vehicles shall, where capable, be fitted with silencers, baffles, cladding or rubber linings, and

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be maintained so as to reduce noise to a minimum and operated in accordance with manufacturer's instructions.

- iii. All mobile plant/vehicles operating on the site shall be fitted with white noise audible reversing alarms 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 the site
- iv. 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.
- v. The equivalent sound level (LAeq), measured over any 1 hour time period, attributable to the normal operations on site, as measured free field shall not exceed 55 dBA (1hrLAeq) at the noise sensitive premises identified in the submitted Environmental Statement. For soil stripping and bund formation and removal the equivalent sound level (LAeq), measured over any 1 hour time period as measured free field shall not exceed 70 dBA (1hrLAeq) at any residential property.

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

## Dust

14. Prior to the commencement of soil stripping operations, a Dust Action Plan shall be submitted to and approved in writing by the Mineral Planning Authority. The assessment shall include the following information:
  - i. A scheme for the management and mitigation of dust in order that all site operations take place without causing harm to the amenity of the locality or nearby land uses;
  - ii. A procedure for the review of operations upon the receipt of complaints by the Mineral Planning Authority, upon notification to the operator;

The soil stripping operations hereby permitted shall not commence until such time as the scheme submitted has been approved in full. The development hereby permitted shall be undertaken in full accordance with the approved scheme.

Reason: In the interests of the amenities of the area as a whole having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

## Lighting

15. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved

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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.

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

16. 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: In the interests of the visual and rural amenities of the area having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

### **Removal of Permitted Development Rights**

17. 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, 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 20 of the Minerals and Waste Local Plan (2017).

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

18. No buildings, structures (including security fencing), plant or machinery shall be erected until details of the proposed location and external materials, colour and finishes have been submitted to and approved in writing by the Mineral Planning Authority. Development shall be implemented in accordance with the approved details.

Reason: In the interest of the amenity of the local area having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

### **Water Resources & Pollution Prevention**

19. No soil stripping operations shall take place within a 30 metre standoff of the Main River unless a scheme for working within the 30 metre standoff from the Main River has been submitted for prior approval in writing by the Mineral Planning Authority in consultation with the Environment Agency. The scheme as approved shall be fully implemented and subsequently maintained, in accordance with the plan, unless any changes are subsequently agreed in writing by the Mineral Planning Authority.

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Reason: To ensure that the development does not significantly reduce water levels on surrounding land, and increase flood risk having regard to Policy 18 of the Minerals and Waste Local Plan (2017)

20. Any fuel, lubricant or/and chemical storage vessel shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the duration of extraction and restoration operations on site.

Reason: To minimise the risk of pollution of the water environment having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

### **Archaeology**

21. No development shall take place within the area indicated, in this case the areas shown in the submitted plans titled "Initial development phases 1-10: 0047/PO/1-4" until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved 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 any archaeological interest has been adequately investigated and recorded prior to the development taking place having regard to Policy 22 of the Minerals and Waste Local Plan (2017).

### **Landscaping, Habitat Creation, Ecology, Restoration and Aftercare**

22. The proposed development shall be undertaken be in strict accordance with the recommendations as detailed in the Operational Phase Ecological Mitigation Plan prepared by MLM dated 29 March 2018.

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Reason: In the interests of biodiversity and ecology having regard to Policies 18 and 20 of the Minerals and Waste Local Plan (2017).

23. No extraction and export of saleable mineral shall commence until a revised Nature Conservation Management and Restoration Strategy has been submitted to and approved in writing by the Mineral Planning Authority. The development shall thereafter be implemented in full accordance with the approved scheme, including aftercare, monitoring and long term management.

Reason: In the interests of biodiversity and ecology having regard to Policies 18 and 20 of the Minerals and Waste Local Plan (2017).

24. Except as may otherwise be agreed in writing by the Mineral Planning Authority a revised restoration plan amending the submitted plan, Plan ref: 30755-3005-01-RevF received on 23 October 2017 shall be submitted to this Authority prior to commencement of extraction for approval in writing. This revised plan shall reflect the principles in the submitted Nature Conservation Management and Restoration Strategy dated 29 March 2018. The approved scheme shall be implemented upon cessation of each phase of the mineral extraction operations hereby permitted and be completed not later than the date specified in Condition 4 of this permission.

Reason: To aid in ensuring that proper restoration is carried out to a detailed agreed plan within a reasonable time in the interests of local amenity having regard to Policies 18 and 24 of the Minerals and Waste Local Plan (2017).

25. 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: To minimise the environmental impact of the development and to safeguard and enhance the visual amenities of the area having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

## **Trees**

26. The proposed access road improvement works shall be undertaken in strict accordance with the recommendations as detailed in the submitted Arboricultural Impact Assessment prepared by AT Coombes Associates Ltd dated April 2018.

Reason: To ensure that retained trees, shrubs and hedgerows are protected from damage in the interests of visual amenity and biodiversity, having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

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27. Prior to commencement of each phase of development a detailed scheme shall be submitted for approval in writing showing how all trees and hedgerows that are to be retained shall be protected from any development, including the storage of earth and material, by means of fencing in accordance with BS5837:2012. The approved scheme shall be implemented and maintained throughout the mineral extraction, construction and restoration phases.

Reason: To ensure that retained tree and hedgerow are protected from damage in the interests of visual amenity and biodiversity having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

### **Soil Handling**

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

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

29. All storage topsoil and subsoil bunds remaining in situ for 6 months or over the winter period shall be seeded with a mix to be submitted to the Minerals Planning Authority for agreement prior to bund construction, and managed to prevent weed accumulation.

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

30. 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.

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

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31. 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, thereof and the Defra Guidance for Successful Reclamation of Mineral and Waste Sites 2004.

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

### **Removal of Plant, Machinery and Buildings**

32. All mineral processing plant and associated apparatus including pipework, machinery and buildings, temporary offices, weighbridges, wheel cleaning facilities, all hardstandings and foundations and mineral stockpiles and temporary soil bunds shall be removed from the site by the end of the period specified in condition 4 of this permission.

Reason: To ensure that the Mineral Planning Authority retains control of the location, erection, appearance and removal of fixed and mobile plant, machinery, buildings and foundations in the interests of amenity in accordance with Policy 18 of the Minerals and Waste Local Plan (2017).

### **Removal of Haul Roads**

33. Upon completion of the restoration operations or the date referred to in Condition 4 of this permission, whichever is the sooner, the haul routes shall be reinstated in accordance with a scheme to be submitted to and agreed in writing by the Mineral Planning Authority.

Reason: To ensure that the site is satisfactorily restored and in the interests of highway safety and safeguarding local amenity and having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

### **Agricultural Aftercare**

34. An aftercare scheme detailing the steps that are necessary to bring the areas of the site to be reinstated for agriculture shall be submitted and approved in writing by the Mineral Planning Authority prior to commencement of each phase 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

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- (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.

Reason: To ensure appropriate aftercare having regard to Policy 24 of the Minerals and Waste Local Plan (2017).

35. 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.

Reason: To ensure appropriate aftercare having regard to Policy 24 of the Minerals and Waste Local Plan (2017).

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

Reason: To ensure appropriate aftercare having regard to Policy 24 of the Minerals and Waste Local Plan (2017).

## Monitoring

37. The operating company shall submit an annual report in writing to the Mineral Planning Authority within one month of the first anniversary of operations commencing at the site and at 12 monthly intervals thereafter. The report shall include the quantities and types of all mineral extracted from the site and all 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 Minerals and Waste Local Plan (2017).

## Complaints

38. In the event that complaints regarding noise or dust nuisance are received by the Mineral Planning Authority and thereafter notified to the operator, an assessment of the complaint shall be undertaken by the operator. A report on

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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 Minerals and Waste Local Plan (2017).

### **Informative(s)**

1. Please note that works within 8m of the main river (river Nene) may require a permit under the Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016. Please contact [psown@environment-agency.gov.uk](mailto:psown@environment-agency.gov.uk) if you think that a permit may be required. We have a 2 month determination period for applications for a flood risk activity permit.
2. Please note that the highway works detailed in conditions 8 and 9 F191/034 will be subject to a separate audit and approvals process under the relevant sections of the Highways Act 1980. Any planning permission granted does not imply the approval of the works under this process, which may result in further changes to the proposed works.
3. With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:
  - The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under s137 HA 1980.
  - There must be no interference or damage to the surface of the right of way as a result of construction. Any damage to the surface of the path must be made good by the applicant to the specification of the Local Highway Authority.
  - If as a result of the development the Right of Way needs to be closed application must be made for a Temporary Traffic Regulation Order. 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 is required. Please follow the link below and contact the highway authority at: [defmap@kierwsp.co.uk](mailto:defmap@kierwsp.co.uk)  
<http://www3.northamptonshire.gov.uk/councilservices/northamptonshire-highways/rights-of-way/Pages/temporary-traffic-regulation-orders.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.

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## POSITIVE AND PROACTIVE MANNER STATEMENT

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

Date 13<sup>th</sup> July 2018

Signed G. P. Watsaw

For Assistant Director of Environment,  
Planning and Transport

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1. *If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.*
2. *If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.*
3. *In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.*
  - a) *The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.*
4. *Guidance on using the Planning Portal's online appeals service, see leaflet PCS4 available at:*

*[http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs\\_a5\\_leaflet.pdf](http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs_a5_leaflet.pdf)*

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