

Agenda Item 8(a) - Appendix 2

Under Section 73 (2) of The Town and Country Planning Act 1990, if where permission is sought to vary a condition, it is at the discretion of the Local Planning Authority as to whether or not they consider it both necessary and appropriate to amend, discard or propose new conditions as part of the original consent. In the current instance, Northamptonshire has varied the cited conditions and, notwithstanding Section 6.0 of the revised report, the cited conditions shall be substituted for those revised conditions listed below:

1. The development shall be begun within two years of the date of this planning permission.
2. The development hereby permitted shall cease not later than 31 May 2017 and the land shall be restored in accordance with details to be approved by the Mineral Planning Authority under condition 16 of this planning permission. If the working of minerals ceases for a period in excess of nine months or the extraction permitted in Milton Keynes under planning permission 04/02194/MIN (and any subsequent variations thereof) ceases for a like period, a revised timetable for the restoration, rehabilitation and aftercare of the site shall be submitted to the Mineral Planning Authority for agreement in writing. This agreed timetable shall be implemented.

Reason: To ensure appropriate restoration having regard to Policies CS13 and CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

3. Dust control measures shall be in accordance with the scheme submitted to the Mineral Planning Authority on 20 February 2006 as approved on 25 April 2006 in connection with planning permission SN/05/560C.
4. Noise control measures shall be in accordance with the scheme submitted to the Mineral Planning Authority on 3 March 2006 as approved on 25 April 2006 in connection with planning permission SN/05/560C.
5. No vehicles and mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarm or an alternative system with written agreement from the Mineral Planning Authority.
6. No vehicle, plant, equipment or machinery used exclusively 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 manufacturers specification.
7. Unless otherwise agreed in writing by the Mineral Planning Authority, the use of the access roadway by dumper trucks or heavy lorries for the transportation of minerals or fill materials shall be restricted to between the hours of 7.30am to 6.30pm 5.00pm Mondays to Fridays with no such working on Saturdays, Sundays or Public Holidays.
8. Restoration in connection with the haul road shall be restricted to between the hours of 7.30am and 5.00pm on Mondays to Fridays.
9. 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. 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. For soil stripping and bund formation the equivalent sound level (LAeq), measured over any 1 hour time period as measured free field shall not exceed 70 dBA (1hrLAeq) at the noise sensitive premises.

The noise sensitive premises and areas are:

- (a) Manor Farm Cottages;
- (b) Dwellings adjacent to the churchyard within Passenham;
- (c) Mill Farm; and
- (d) Kingfisher Dwelling (at Kingfisher Country Club)

10. Monitoring of noise from the mineral extraction operations shall be undertaken at the sites listed in condition 9 at the written request of the Mineral Planning Authority and the monitoring shall be undertaken for a period of 1 hour during operational phases.

11. The results of the noise monitoring shall be submitted to the Mineral Planning Authority within 2 weeks of monitoring taking place and shall include the following information:

- (a) The measured LAeq (free field) level in dB(A)
- (b) The LAeq (free field) attributable to operations on the development site
- (c) Date and time of measurement
- (d) Description of site activity
- (e) Details of measuring equipment
- (f) Weather conditions, including wind speed and direction

12. In the event that complaints regarding noise or dust are received by the Mineral Planning Authority from any sensitive receptor, and thereafter notified to the operator, an 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 to be undertaken shall be submitted to the Mineral Planning Authority no later than five working days from the receipt of the complaint, unless a later date is otherwise agreed in writing by the Mineral Planning Authority. If complaints relate to noise and continue after remedial measures have been implemented noise monitoring shall be undertaken at the request of the Mineral Planning Authority to verify whether the requirements of condition 9 are being met.

Reason for conditions 3 to 12: In the interests of local amenity and having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

14. Topsoil on the route of the access roadway shall be stripped and stored for re-use. Soil shall be handled in accordance with conditions on planning permission 12/00026/MIN.

Reason: To ensure that suitable soils are retained for site restoration (CSP Policy-M5) having regard to Policy CS13 of the Northamptonshire MWDF Core Strategy (May 2010).

16. Within three months of the completion of mineral extraction and tipping operations or of the date referred to in Condition 2 of this permission, whichever is the sooner, the haul road and bailey bridges, together with any associated structures and foundations, shall be removed, the stored topsoil reinstated, and the land shall be restored in accordance with the landscaping, restoration and aftercare conditions on planning permission 12/00026/MIN.

Reason: To ensure appropriate restoration and aftercare having regard to Policy CS13 and Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

17. All inert waste materials to be deposited at the site shall originate from sources within a 20 mile radius of the site.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interests of self sufficiency and sustainability having regard to Policy CS9 of the Northamptonshire MWDF Core Strategy (May 2010) and to enable the Mineral and Waste Planning Authority to monitor progress towards achieving the principles in Policy CS1 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD14 of the Control and Management of Development DPD (June 2011).

18. The operating company shall submit an annual report in writing to the Mineral Planning Authority by 31 May 2013 and at 12 monthly intervals thereafter. The report shall include detailed information on the quantities and types of mineral extracted and on the types, quantities and sources of all inert waste materials brought on to the site. The annual report shall also incorporate records that demonstrate compliance with the indicative catchment area condition (condition 17). The information required by this condition shall also be supplied at any other time on 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 Policy CS1 and Policy CS6 of the Northamptonshire MWDF Core Strategy (May 2010) and to ensure that waste materials are dealt with close to their source in accordance with Policy CS9 of the Northamptonshire MWDF Core Strategy (May 2010) and Policies CMD1 and CMD14 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).