

## **Agenda Item 8(b) - 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 commenced within two years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

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 33. 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. carried out forthwith.

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

3. The sole vehicular access in association with the development hereby permitted shall be via the existing access from Passenham Lane.

4. The vehicular access shall be hard surfaced and maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and aftercare.

5. The internal haul road between the processing plant and the public highway shall be hard surfaced and kept free of mud, dust and detritus material to ensure that such material is not carried onto the public highway.

6. No Heavy Goods Vehicle shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the public highway.

7. Within three months of the date of approval of this planning permission, the applicant shall submit to the Mineral Planning Authority for approval in writing a revised scheme for cleansing of the wheels of all Heavy Goods Vehicles leaving the site. The approved scheme shall be implemented and be maintained for the duration of operations at the site.

8. 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 vehicular access and haul road shall be removed and the highway boundary hedgerow and verge shall be reinstated in accordance with details to be provided submitted to the Mineral Planning

Authority for agreement in writing. The site access and haul road shall thereafter be reinstated as agreed.

9. All loaded Heavy Goods Vehicles arriving at and leaving the site shall be securely sheeted.

**Reason for conditions 3 to 9:** In the interests of highway safety and safeguarding local amenity having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

10. The winning, working and processing of minerals and all ground preparation and restoration in connection therewith shall be restricted to between the hours 7.30 am and 5.00 pm on Mondays to Fridays. No operations or activities shall take place on Saturdays except for the sale, loading and transportation of processed sand and gravel from the plant site stockpile and plant and machinery maintenance between the hours of 8.00 am and 1.00 pm. No operations or activities whatsoever shall place on Sundays or Bank or Public Holidays.

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

11. The minerals to be extracted from the site shall be confined to sand and gravel only from below the plant site and stockpile areas and the depth of working shall not exceed six metres below existing ground level.

12. No waste other than non hazardous inert waste for restoration shall be imported to the site.

13. The disposal of waste shall be confined to voids created by mineral extraction solely from the removal of the haul road, the plant site and stockpile areas.

14. Before each phase commences, all available topsoil and subsoil shall be stripped and stored separately for re-use. All soil stripping operations shall be undertaken during dry weather conditions. During periods of uncertain weather conditions the operations shall be undertaken in stages with breaks during wet spells. The stored materials shall be sprayed with herbicides or otherwise suitably treated to prevent weed accumulation.

15. No stockpiling or storing of minerals, mineral waste, topsoil, subsoil or overburden shall take place on the site or adjacent to it except in such locations and to such height and extent as may be approved in writing by the Mineral Planning Authority. All stockpiles or stores of minerals, mineral waste, topsoil or subsoil shall be removed by the last date referred to in condition 2 of this permission.

16. Within three months of the date of approval of this planning permission, the applicant shall submit to the Mineral Planning Authority for approval in writing a revised scheme for phasing of mineral extraction and tipping operations. The approved scheme shall be implemented and be maintained for the duration of operations at the site.

**Reason for conditions 11 to 16:** To define the scope of the permission and in the interests of clarity, amenity protection and visual amenity having regard to Policies CS13 and CS14 of the Northamptonshire MWDF Core Strategy (May 2010) and Policies CMD7, CMD8 and CMD13 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

17. 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/05/395C.

18. Noise control measures shall be in accordance with the scheme submitted to the Mineral Planning Authority on 15 March 2006 as approved on 25 April 2006 in connection with planning permission SN/05/395C.

21. No vehicles and mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms or alternative systems or an alternative systems with written agreement from the Mineral Planning Authority.

22. 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.

23. The rubber lining of the plants feed hopper and screening unit shall be as previously approved by the Mineral Planning Authority.

24. 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)

25. Monitoring of noise from the mineral extraction operations shall be undertaken at the sites listed in condition 24 at the written request of the Mineral Planning Authority and the monitoring shall be undertaken for a period of 1 hour during operational phases.

26. 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.

26. 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 24 are being met.

27. No fixed or temporary lighting shall be erected or installed unless full 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 that 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 for conditions 17 to 27: To reduce the amenity impacts of noise and dust disturbance from the site on the local environment having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

28. The plant site and buildings shall be generally located in accordance with the revised plan P1/1271/3/7 submitted with the applicants' letter dated 2nd May 2001 and the height of the plant shall not exceed 9 metres as approved in connection with planning permission SN/05/395C.

29. All buildings, plant, fixed machinery and other fixed structures shall be finished and maintained in materials and colour, or colours, as previously agreed by the Mineral Planning Authority.

30. Notwithstanding the provisions of parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (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, replace, repairs or altered at the site without prior planning permission from the Mineral Planning Authority.

31. All fixed and mobile buildings, plant, machinery and foundations shall be removed by the last date referred to in condition 2 or at such time or times as they are no longer required either for the purpose which they were installed or for the rehabilitation of the worked out site.

**Reason for conditions 28 to 31:** In the interests of local amenity and having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

33. At least twelve months prior to the date in condition 2, an amended restoration and landscaping scheme for the plant site and ancillary facilities shall be submitted to the Mineral Planning Authority for approval. The scheme shall amongst other matters incorporate measures for the removal of all fixed and mobile buildings, plant, machinery, foundations, mineral and mineral waste stockpiles, and the removal of all large stones and other objects which would impede agricultural restoration and cultivation, cross ripping of the site to reduce compaction, the replacement of any stored subsoil and topsoil to levels to be further agreed by the Mineral Planning Authority, which shall be slightly lower than those which existed prior to the use associated with mineral extraction, and the sowing of the site with grass seed to establish a long term ley.

34. The scheme approved by the Mineral Planning Authority shall be carried out progressively following mineral extraction (and where appropriate inert waste backfilling) in each phase and completed as may be agreed by the Mineral Planning Authority within one year of mineral extraction on site ceasing or of the date referred to in condition 2 of this permission, whichever is the sooner. The overburden shall be deposited and graded and the topsoil re-spread in accordance with the approved restoration and landscaping scheme as working proceeds.

35. Any trees, hedgerows or shrubs which die or for any reason fail to become established within five years of planting shall be replaced during the following planting season with trees, hedgerows or shrubs of similar size and species to those originally required.

36. In respect of all areas of land during suitable weather conditions and following mineral extraction and in accordance with the approved final restoration and landscaping scheme:-

(a) the imported inert waste materials shall be evenly backfilled and graded into excavated areas in order to achieve drainage of the site and to prevent flooding above, and shall be ripped (rooted) prior to the replacement of subsoil and topsoil;

(b). The topsoil and subsoil stored in accordance with condition 14 of this permission shall be carefully and evenly replaced, and supplemented as necessary with imported materials to ensure a combined restored minimum depth of one metre. The subsoil layer shall be graded and ripped prior to the final cover of topsoil and any stones or other materials likely to impede subsequent cultivation shall be buried on site to a depth of not less than one metre. The surface shall have an even fall to a natural drainage point or points, with levels and gradients to conform with those agreed under condition 33 above, and the restored areas shall be prepared and sown as soon as practicable with an appropriate grass seed mixture to establish a long term ley.

37. 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 soils wetness in relation to its lower plastic limit. An assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If a long thread of less than 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.

38. The movement and handling of 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 "Goods practice guide for handling soils" published by the Ministry of Agriculture Fisheries and Food in April 2000 or subsequent edition thereof.

39. All topsoil, subsoil and soil making material shall be retained on the site for subsequent re-use in site restoration.

40. Any ditches, fences, hedges, gates, field drains and water courses and supplies disturbed during the working shall be repaired and made good as may be agreed by the Mineral Planning Authority, and any further ditches, fences, hedges, gates, field drains and water courses and supplies shall be provided on resoiling for good husbandry.

**Reason for conditions 33 to 40:** To ensure appropriate restoration and aftercare having regard to Policy CS13 and Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

43. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for the proposed afteruses shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of final restoration works. The submitted scheme shall:

(a) Provide an outline strategy in accordance with paragraphs 45-46 of the Technical Guidance to the National Planning Policy Framework 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 paragraphs 47-48 of the Technical Guidance to the National Planning Policy Framework, to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

The approved aftercare scheme shall be implemented.

44. Before 31 May of every year during the aftercare period, an Aftercare Management Report shall be submitted to the Mineral Planning Authority recording the restoration operations carried out on the land during the previous 12 months and setting out the intended restoration operations for the

next 12 months. A site meeting shall be arranged to discuss the report to which the Mineral Planning Authority shall be invited together with any other parties as necessary.

Reason for conditions 43 to 44: To ensure appropriate aftercare having regard to Policy CS13 of the Northamptonshire MWDF Core Strategy (May 2010).

45. Trees planted in accordance with the approved schemes shall be maintained during the aftercare period, such maintenance to include the following:

- (a) Replacing any plants which die or are lost;
- (b) Weeding to prevent the growth of plants being retarded;
- (c) Maintaining any fences around planted areas in a rabbit-proof and stock-proof condition.

46. 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 45 to 46: To ensure restoration and habitat creation maximise biodiversity benefits and having regard to Policy CMD13 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

47. 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).

48. 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 47). 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).