Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant: Cemex UK Cement Limited
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Thorpe
Egham
Surrey
TW20 8TD

Name and address of agent (if any): WYG Environment
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47 Newport Road
Cardiff
CF24 0AD

Part I - Particulars of application

Date of Application: 29 July 2013
Application No.: NCC Ref: 13/00048/MINFUL
DDC Ref: DA/2013/0604

Particulars and location of development:
Proposed construction of a Pipeline Inspection Gauge compound at Land At Patford Bridge, Brington Road, Great Brington, NN6 7NT.

Part II - Particulars of decision:

The Northamptonshire County Council

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

1. Commencement

The development to which this permission relates must 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 seven 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.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
2. **Scope of the Permission**

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:

- Application forms dated 4 June 2013
- Drawing No. P1/5021/1 - Site Location Context Plan
- Drawing No. P1/5021/2 - Location Plan
- Drawing No. P1/5021/3 - Existing Site Layout
- Drawing No. P1/5021/4 - Proposed Site Layout
- Drawing No. P1/5021/5 - Section Planning Drawing
- Supporting Statement v2 dated July 2013
- Bowland Ecology - Badger Survey Advice Note reference BOW0017/410 dated 6th July 2012
- Hafren Water Flood Risk Assessment dated March 2013

Reason: To specify the approved documents and secure the mitigation measures set out in the application in the interests of amenity and the environment having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

3. **Highway Safety**

All HGVs arriving at and leaving the site shall be cleansed of mud and other debris to ensure that there is no nuisance dust and no mud or debris deposited on the public highway.

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

4. **Highway Safety**

Prior to the commencement of the development, confirmation of a completed Section 59 agreement (relating to damage to the highway) with the Highways Authority shall be submitted to the Minerals Planning Authority. No works shall take place until written approval has been received from the Minerals Planning Authority.

Reason: In the interests of highway safety.

5. **Lighting**

No external lighting shall be erected or installed until a scheme has been submitted in writing and approved by the Minerals Planning Authority. The scheme shall include a layout plan that covers all new proposed external lighting and details the proposed beam orientation and schedule of equipment.

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in the design, including luminaire type, mounting height, aiming angles and luminaire profiles. In addition a lighting contour map shall be submitted along with detail of the proposed operating hours for the lighting and how these would be controlled. The approved scheme shall be installed, maintained and operated in accordance with the approved details for the lifetime of the development.

Reason: In the interests of amenity, ecology, site security and sustainability having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

6. Operational Limits

Prior to the commencement of development, a method statement and risk assessment shall be submitted to the Minerals Planning Authority for approval in writing in consultation with Network Rail’s Asset Protection Engineer. The approved method statement shall thereafter be implemented throughout the development.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

7. Operational Limits

Prior to the commencement of the development a scheme with full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Minerals Planning Authority in consultation with Network Rail. The scheme as approved shall thereafter be implemented throughout the development.

Reason: To protect the adjacent railway.

8. Operational Limits

Prior to the commencement of the development, confirmation of written agreement from National Grid regarding works to be undertaken within the vicinity of the high pressure gas pipeline, shall be submitted to and approved in writing by the Minerals Planning Authority. No works shall take place until written approval has been received from the Minerals Planning Authority.

Reason: In the interests of safety.

9. Surface and Foul Water Drainage

Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to, and approved in writing by the Minerals Planning Authority in consultation with Network Rail. The details as agreed shall thereafter be implemented throughout the development.

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Reason: To protect the adjacent railway from the risk of flooding and pollution

REASONS FOR APPROVAL

The application is for the construction of a compound to enable the launch and receipt of Pipeline Inspection Gauges (PIGs) to help maintain the 92 kilometre long chalk slurry pipe running between the Kensworth Chalk Quarry near Dunstable and Cemex Cement Plant in Rugby. The development will include the modification of the existing pipe work to include valves and the construction of launch and receive chambers for the PIGs. Associated works include an injection sump, lagoon and electrical kiosk.

The application site is located over 700 metres away from the nearest residential property and following the construction phase will be largely unmanned, therefore it is not considered that the proposals will have a significant adverse impact on local amenity. No representations were received in response to the public consultation. Other issues raised include the potential flood risk, access and lighting but these matters have been addressed by condition. Due to the proximity of the development to both utility pipelines and an operational railway line, the applicant is also required, by condition, to liaise with Network Rail and National Grid to ensure the development does not interfere with either.

The proposals have also been assessed against the local development plan, in particular Policies CS9 and CS14 of the Northamptonshire Core Strategy DPD (May 2010) and CMD10 of the Northamptonshire Control and Management of Development DPD (July 2011). The NPPF supports the maintenance and improvement of equipment and plant utilised in connection with industrial minerals. The movement of minerals by pipeline is also a sustainable transport mode with a significantly lower carbon footprint than movement by road vehicles. It is therefore considered that the development is acceptable in principle having regard to the local development plan policies and that there are no flood risk, access or amenity grounds for the Minerals Planning Authority to refuse the application. On balance it is considered that planning permission should be granted, subject to the recommended conditions of consent.

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application, the Mineral 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) (Amendment No.2) Order 2012.

INFORMATIVE

1. The applicant's attention is drawn to the contents of Network Rail's email

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2. The applicant’s attention is drawn to the contents of National Grid’s letter reference: EM_TE_Z6_3NW_000393, dated 27th September 2013.


Date: 24th October 2013 Signed ..........................................................

For Assistant Director of Environment and Planning

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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.


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