Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Barton Plant Ltd
Cranford Road
Burton Latimer
Kettering
NN15 5TB

Name and address of agent (if any)
Gill Pawson Planning
Mill House
East Haddon
Northampton
NN6 8DU

Part I - Particulars of application

Date of Application
26th July 2005

Application No.: DA/05/876C

Particulars and location of development
Extension to Harlestone Stone Quarry, Land Adjacent to A428, Harlestone

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

1. The development must be begun not later than the expiration of two years beginning with the date of this permission.

Scope of Planning Permission

2. Minerals to be extracted from the site shall be restricted to sandstone and the depth of the working shall not exceed 15.0 metres below original ground levels.

3. Sufficient building stone for hand working shall be made available during the life of the quarry to supply the reasonable demands for such stone in the area.

Soil Handling and Stockpiling

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4. a) Before mineral extraction operations are commenced in each phase of the development, all available topsoil shall be stripped and stored separately for reinstatement.

b) Before mineral extraction operations are commenced in each phase of the development, all available subsoil shall be stripped and stored separately for ultimate replacement.

c) All operations referred to in (a) and (b) of this Condition shall be undertaken during suitable dry weather conditions. During periods of unsettled weather conditions the operations shall be undertaken in stages with breaks during wet spells.

d) The stored materials shall be sown with grass seed or sprayed with herbicides to prevent weed accumulation.

e) In any event no soil stripping operations should be undertaken during the months October to March inclusive unless otherwise agreed in writing by the County Planning Authority in consultation with the Ministry of Agriculture.

5. The materials stripped in accordance with condition 4 shall be used for the construction of the earth bunds required in Conditions No 11 and 12 pending their ultimate replacement in the final restoration of the site.

Hours of Working

6. Except as may be otherwise be approved in writing by the Mineral Planning Authority, site preparation, the working and processing of minerals and the importation of inert waste material and all tipping operations at the site shall be restricted to between the hours of 7.30 am and 6.00 pm on Mondays to Fridays and 7.30 am and 1.00 pm on Saturdays with no such operations being carried out on the site on Sundays or Public Holidays. The transportation of processed minerals from the site shall be restricted to between the hours of 7.00 am and 6.00 pm on Mondays to Fridays and 7.00 am and 1.00 pm on Saturdays, with no such operations on the site on Sundays or Public Holidays. No crushing operations shall take place on Saturdays.

Access and Highway Safety

7a) The sole vehicular access for the development hereby permitted shall be by way of the existing access with the A428 Northampton to Rugby Road. This access shall be improved to the specification outlined in planning permission DA/81/373C and shall be maintained to that standard for the duration of the life of this planning permission.

b) Upon completion of the restoration operations or the date referred to in Condition 25 of this permission, whichever is the sooner, the vehicular access and haul route shall be reinstated in accordance with a scheme to be

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Vehicle Cleaning/Mud on the Road

8. No mineral extraction shall take place until modern wheel cleaning facilities have been installed, in accordance with details of design, specification and position which shall have first been agreed in writing with the Mineral Planning Authority. The agreed facilities shall be available in full working order for use at all times. The wheels of all vehicles leaving the site shall be cleansed of mud and other debris by the use of such facilities to the fullest extent reasonably practicable, and a road sweeping vehicle shall be employed to clean the access and internal road, to prevent mud and dust being carried onto the highway.

Noise/Amenity Protection

9. All vehicles, permanent plant and machinery controlled by the applicant and operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers and “White noise or broadband audible warning signals shall be used by all mobile plant including lorries.”

10. Prior to the commencement of the development, a scheme for the monitoring of noise levels at the noise sensitive properties (The Quarries, The Lodge, 51 Rugby Road) adjacent to the site shall be submitted to the Mineral Planning Authority for approval. This scheme, as may be amended by and incorporating any modifications or additions the Mineral Planning Authority may require, shall be implemented on commencement of operations on site. Except as may otherwise be agreed in writing by the Mineral Planning Authority, this scheme shall inter alia provide for the following:-

i) The proposed location points for the monitoring to be undertaken.
ii) The monitoring of noise levels at intervals and by equipment which must be agreed in writing by the Mineral Planning Authority.
iii) The results of the noise monitoring to be submitted to the Mineral Planning Authority in accordance with details to be agreed in writing by the Mineral Planning Authority.

The noise levels at the noise sensitive properties shall not exceed 45 dB(A) LAeq 1 hour (free field) at the Quarries and 55 dB(A) LAeq (free field) at the Lodge and 51 Rugby Road, during working hours, other than those during initial stripping and bund formation which shall be no greater than 70 dB(A) LAeq 1 hour (free field). Should the agreed maximum specified level be exceeded the operator shall immediately implement remedial measures to rectify the situation and the Mineral Planning Authority shall be notified in writing of the remedial measures undertaken.

If the levels continue to exceed the maximum specified noise level and subsequent written notice is given by the Mineral Planning Authority then all operations on site shall cease within 2 days of such a written notice. No

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operations shall re-commence on site until a programme of remedial action has been agreed in writing by the Mineral Planning Authority.

11. Earth bunds at a height of 3 metres shall be constructed prior to any mineral extraction along the western, northern and eastern boundaries of each phase of the development as shown on the deposited application plans GPP/HQ/EIA/6-8. The bunds shall be modelled and shaped; and grass seeded and maintained as grassed mounds. Other than in the creation and removal of earth bunds, all plant shall operate below the levels of the bunds required in this condition and condition 12 of this permission.

12. Unless otherwise agreed in writing by the Mineral Planning Authority, a separate 5 metre high L shaped bund shall be constructed in the north west corner of the site, prior to the extraction of minerals in Phase 4.

13. Within three months of the date of this permission, a scheme of management for the prevention of unauthorised use of the site by motorcyclists shall be submitted to the Mineral Planning Authority for approval in writing and thereafter implemented by the applicant.

Dust

14. No development shall take place until a scheme and programme of measures for the suppression of dust and the monitoring of such operations has been submitted to and approved by the Mineral Planning Authority. The scheme shall include inter alia:

(a) The suppression of dust caused by the moving and storage of soil and overburden, stone and other materials within the site;

(b) Dust suppression on the haul roads.

The scheme as approved in writing shall be implemented and complied with at all times.

Tree and Hedgerow Protection

15. The belts of trees between the eastern side of the site and the A428 road and the northern part of the site and Upper Harlestone Lane and the hedges along the western and southern sides of the site shall be retained and maintained during the whole length of the operations.

Buildings Plant and Machinery

16. With the exception of mobile plant and machinery located on the floor of the quarry and out of sight from the surrounding land and notwithstanding the provisions of Class 19 of Schedule II of the Town and Country Planning General Development Order 1995, no building, plant or machinery shall be erected, extended, installed, rearranged, repaired, or altered in any way under the provisions of Class A of Part 19 of Schedule II.

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17. All fixed and mobile buildings, plant, machinery and foundations shall be removed at such time or times as the Mineral Planning Authority shall determine that they are no longer required either for the purpose for which they were installed or for the rehabilitation of the worked out site.

Surfacing of Access

18. a) Before site preparatory works commence, the internal access road shall be hard surfaced up to the edge of the mineral extraction area in accordance with details which shall have been submitted to and approved by the Mineral Planning Authority. Thereafter, such arrangements as are agreed shall continue to be provided throughout the life of the site.

b) Before any site preparatory works commence, the remaining length of access road not surfaced in accordance with Condition 18a shall be hardened to ensure a smooth running surface free of pot holes and shall be kept free of mud and other debris at all times until completion of site restoration and aftercare.

Sheeting of Lorries

19. No loaded vehicles shall leave the site un-sheeted except those only carrying stone in excess of 500 mm in diameter.

Ecology

20. Further surveys shall be carried out prior to the commencement of work to establish the presence of great crested newts and any evidence of badger activity in the area. Suitable measures shall be taken for the protection of these species in the event that they are present on the site.

Archaeology

21. No development shall take place until the applicant has secured the implementation of a programme of archaeological investigation and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Mineral Planning Authority.

Tipping Operations

22. No materials shall be imported and deposited on the site other than those of a dry inert nature comprising topsoil, subsoil, clays and other inert materials that are unsuitable for recycling. Tipping operations shall only take place in voids resulting from mineral extraction. The final tipped levels shall be in accordance with the submitted contours and cross sections to bring the land back similar to its original levels.

Restoration

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23. The quarry complex and vehicular access shall be restored progressively in accordance with the submitted phased working plans and planted for forestry purposes in accordance with a scheme to be submitted for approval in writing by the Mineral Planning Authority twelve months prior to the completion of the quarrying operations or the end date referred to in Condition 25, whichever is the sooner.

24. The final levels of the restored site shall be in accordance with the submitted “proposed restoration contours” plan 9010/PDR3/L.

**End Date**

25. The development hereby permitted shall cease not later than 31\textsuperscript{st} December 2016 by which time the site shall be reinstated in accordance with conditions of this permission provided that if within this period operations cease for a period in excess of twelve months or the use is otherwise discontinued for a like period, the conditions of this permission relating to restoration and rehabilitation shall be carried out forthwith.

26. **Aftercare**

Except as may otherwise be agreed in writing by the Mineral Planning Authority, not later than the completion of the mineral extraction and backfilling operations or by the date referred to in Condition 25 of this permission, whichever date is the sooner, a five year outline strategy of aftercare shall be submitted to the Mineral Planning Authority for approval to bring the land to the required standard for forestry use. The five year outline strategy of aftercare, as may be approved by the Mineral Planning Authority, shall be implemented to the Authority's satisfaction during the five year period following its approval. The outline strategy and the detailed programme of aftercare shall, unless otherwise agreed in writing by the Mineral Planning Authority, be subject to review at an annual site meeting.

**Reasons for Conditions**

1. As required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. To specify the mineral to be extracted and the depth of working.

3. To ensure that the production of building stone is the principal activity.

4&5. To safeguard the restoration of the site by defining the storage and handling of available topsoil and subsoil.

6. To protect the amenities of local residents.

7&8. In the interests of highway safety.

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9-13. To safeguard the amenities of local residents and the occupiers of “The Quarries” in particular.

14. To protect the amenities of the locality from the effects of any dust arising from the development.

15. In the interests of visual amenity and wildlife conservation.

16 & 17. To ensure that the Waste Planning Authority retains control of the location, erection, appearance and removal of fixed and mobile plant, machinery, buildings and foundations in the interest of the amenity of the area.

18. In the interests of highway safety.

19. In the interests of highway safety and safeguarding the local environment.

20. To ensure the protection of the species identified.

21. To enable sites of archaeological interest to be adequately investigated and recorded.

22. To specify the materials to be tipped in the interests of the general amenity of the area.

23. To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial afteruse and in the interests of the amenity of local residents.

24. To define the restoration levels.

25. To specify the date when the conditions of this permission shall have been fully implemented and to enable the Waste Planning Authority to reconsider the development position in the light of the circumstances prevailing at the end of the consent period.

26. To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 and to ensure the reclaimed land is correctly husbanded and to bring the land to the standard required for forestry use.

**Relevant Development Plan Policies**

The Development Plan Policies particularly relevant to this decision are :-

- Policy NMLP18 – Limestone for Building
- Policy NMLP20 – Assessment of Minerals Proposals
- Policy NMLP35 - Buffer Zones
- Daventry District Local Plan (June 1997)
- Policy EN2 - Development in conservation areas

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Informatives

1. The high pressure gas main and the water main which cross the site shall continue to be safeguarded as required under Planning Permission DA/94/389C.

2. Please see attached letter from the Environment Agency.

Reasons for Approval

This application has been considered against the Development Plan Policies outlined above and particular regard has been given to the views of Harlestone Parish Council and local Harlestone residents who are particularly concerned about the impacts of the development on the village. However these have largely been resolved are capable of resolution or can be controlled by the conditions imposed. Noise and “need for the mineral” are clearly the most contentious issues. Noise emissions can be controlled and provided that appropriate measures and safeguards are introduced, particularly to protect the residential amenities of the occupiers of “The Quarries”. It is considered that these operations will not have an unacceptable effect upon that property or on the village as a whole, to justify refusing the application. The applicant has put forward a very strong case for the need for the building stone based upon the requirements of Policy 6. The proposed Harlestone Quarry extension is the only identified site from which Northamptonshire Sandstone can be obtained. There is a proven need and demand for this material and a continued supply is essential to maintain local building traditions. As a consequence of working building stone a major aggregate extraction operation will also take place. Whilst an extension to Harlestone Quarry is not proposed in the existing of emerging Minerals Local Plan, there are currently very few active sites working limestone/sandstone aggregates and only one active quarry (Duddington) has significant reserves. Therefore, there is a justified case for additional reserves of aggregate to boost the active landbank in this instance and planning permission should be granted to ensure that these two objectives are achieved.

Date 3rd March 2006

Signed

Authorised to sign on behalf of the
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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