

Planning Permission Number: 9/2006

Planning Application Number: BC/CM/2003/35

Date Application Registered: 11/12/2003

District Council Area: Bedford Borough

Location of Site: Land at Octagon Farm South
Willington Quarry
Cople
Bedfordshire

Grid Reference: 510400250600

Proposed Development: Extraction of sand and gravel
and restoration to agriculture
with lakes

Applicant: Lafarge Aggregates Ltd
The Horse Shoe
Mountsorrel Quarry
Loughborough
Leics LE12 7GZ

Agent (if any): Mr J Meadowcroft
David Jarvis Associates
1 Tennyson Street
Swindon
Wiltshire
SN1 5DT

Richard Watts
Assistant Director
Planning & Transport Policy Group

County Hall
Cauldwell Street
Bedford MK42 9AP

Tel: 01234 363222
Fax: 01234 228232

**NOTICE OF
GRANT
OF PLANNING
PERMISSION**

**Town & Country Planning
Acts**

**Town & Country Planning
General Development
Orders**

.....
signed

**Richard Watts
Assistant Director
Planning & Transport
Policy Group**

.....
date

In pursuance of its powers under the Town & Country Planning Acts and Orders and taking into account the information in the Environmental Statement, the County Council of Bedfordshire being the Local Planning Authority for the Administrative County hereby **GRANTS** planning permission for the proposed development as set out above and otherwise in accordance with the application submitted subject to the following conditions contained on the attached sheet(s).

YOUR ATTENTION IS DRAWN TO THE NOTES APPENDED

NOTES APPENDED TO DECISION NOTICE

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, or within six months if the planning application was received by the County Planning Authority before 5 September 2003, using a form which you can get from the Planning Inspectorate at 3/17 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The First Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The First Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the local planning authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Planning Permission No. 9/2006

Extraction of sand and gravel and restoration to agriculture with lakes.

Octagon Farm South

Willington Quarry

Cople

Bedfordshire

Reasons for granting planning permission

1. Consultation has not resulted in any objections to the proposal from statutory consultees. Potential adverse impacts in terms of noise are capable of mitigation, and the mitigation proposed would enable the working to take place within the criteria set out in MPG11. Potential for nuisance from dust and disturbance can be mitigated by good working practices which should enable reasonable levels to be maintained. Conditions are imposed for the monitoring of noise and dust and measures to be taken in the event that acceptable levels are breached.
2. It is not considered that objections received from those interested in the restoration of the east west rail link are relevant as this application site does not impinge on the former railway route. It is being considered independently from the rowing course proposal and the proposed restoration is satisfactory in itself notwithstanding its future potential to assist in the delivery of a rowing lake.
3. The agricultural restoration is acceptable to Defra, and, although the potential for habitat enhancement is limited, there are benefits to wildlife in the margins of the proposed lake.
4. The proposals are not contrary to planning policy set out in the adopted Minerals & Waste Local Plan 2005. It is not therefore necessary to consider the matter of need for the mineral at this time. Furthermore, the proposal is not contrary to Bedford Borough Local Plan Policy 23 and goes some way to realising the aims of the Bedford River Valley Park.
5. There are no substantive objections and the excavation would provide some 1.5 years' supply of sand and gravel for local markets from a sustainable and self-contained source, and utilising existing plant. It is considered that there are no planning reasons why permission should not be granted, subject to the conditions attached.

end

Planning Permission No. 9/2006

Extraction of Sand and Gravel and Restoration to Agriculture with Lakes

**Octagon Farm South
Willington Quarry
Cople
Bedford**

Planning Conditions

Permission Area

1. Planning permission shall extend to the area edged with a thick black line on the attached Plan No. BC/CM/2003/35-1 and, except as may be otherwise approved in writing by the County Planning Authority, the development shall be carried out in accordance with the planning application dated 8 December 2003, and supporting information as modified by plans received by the County Planning Authority on 8 July 2005 and numbered Figs 4B, 5B, 6B, 7B, 8C, 9C, 10C, 11C and 12C, and the following conditions.
(Reason: To define the permission and allow for minor amendments.)

Time Limits

2. The development hereby permitted shall be begun not later than 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
(Reason: To comply with section 91 of the Town & Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.)
3. The extraction of minerals hereby permitted shall cease within 3 years of the commencement of operations as notified to the County Planning Authority pursuant to Condition 2, and final restoration and landscaping of the site shall be completed within 1 year of the cessation of extraction..
*(Reason: To ensure that all operations are completed within an acceptable timescale and to prevent the prolonged disturbance from the development on the local environment.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 18)*

Margins of Protection

4. No mineral extraction or deposit of soils or overburden shall take place within 10 metres of the bank top of Elstow Brook and no operations shall take place until this margin of protection has been measured out and clearly marked on site.
*(Reason: To protect, and prevent pollution of, the water course.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policies GE 17 and GE 20)*

cont.

Planning Permission No. 9/2006

Access

5. Vehicular access to the site shall only be by way of the existing access from the A603 into the existing Willington Quarry.
*(Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the site.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 23)*

Method of Working

6. Unless otherwise approved in writing by the County Planning Authority, no operations shall take place except in accordance with the phasing shown on Figs 4B, 5B, 6B, 7B, 8C, 9C, 10C, 11C and 12C.
*(Reason: To ensure a satisfactory and orderly method of working and restoration of the site.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy M 6.)*
7. No fill materials for restoration shall be brought onto the site from outside the Willington/Octagon Farm Quarry areas.
*(Reason: To protect the amenities of neighbouring properties.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 18.)*
8. No development shall take place in Phases 5 or 5A within a strip of land 3 metres either side of the oil pipeline except in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority.
*(Reason: To protect the amenities of neighbouring properties.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 18.)*

Archaeology

9. No development shall take place until the operator has secured the implementation of a scheme of archaeological resource management in accordance with a written scheme which has been submitted to and approved by the County Planning Authority.
*(Reason: To enable the recording of hitherto hidden archaeological features before destruction.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 14.)*

Soil Handling

10. Topsoils and subsoils in each phase shall not be stripped, stored and replaced except in accordance with a scheme of soil handling and machine movements, which shall be submitted to and approved in writing by the County Planning Authority.
*(Reason: To protect the structure of the soils.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 6)*
11. No soils shall be stripped or moved on site unless they are in a reasonably dry and friable condition.
*(Reason: To protect the structure of the soils.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 6)*

cont.

Planning Permission No. 9/2006

12. No plant or vehicle movements shall take place over areas of unstripped or replaced subsoils or topsoils except where such trafficking is essential for purposes of undertaking permitted operations.
*(Reason: To protect the structure of the soils.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 6)*
13. All topsoil and subsoils shall be permanently retained within this site and either directly utilised for restoration or stored in accordance with the soil handling scheme which shall have been approved in writing by the County Planning Authority under Condition 10.
*(Reason: To protect the structure of the soils and to ensure the satisfactory restoration of the site.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policies GE 6 and GE 26)*

Hours of Operation

14. Unless otherwise approved in writing by the County Planning Authority, no operations, other than essential maintenance, shall be carried out except between the following hours:
0700 – 1800 Mondays to Fridays
0800 – 1300 Saturdays
and no working shall be carried out on Sundays, Bank or Public Holidays.
*(Reason: To protect the amenities of the surrounding area.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 18.)*
15. Unless otherwise approved in writing by the County Planning Authority, no operations involving the stripping of soils, construction and removal of bunds, and final restoration in any areas of phases 4, 5, 6 and 7 as shown on Fig 4B, shall be carried out except between the following hours:
0800 – 1800 Mondays to Fridays
and no such operations shall be carried out on Saturdays, Sundays, Bank or Public Holidays.
*(Reason: To protect the amenities of the surrounding area.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 18.)*

Environmental Protection

16. 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), express planning permission must first be obtained before the erection, alteration or extension of any building, fixed plant or machinery, or of any structure or erection of the nature of plant or machinery.
(Reason: To enable the County Planning Authority to control any development not authorised by this permission.)
17. No tonal reversing alarms shall be used on site.
*(Reason: To enable the County Planning Authority to exercise control over activities that may be detrimental to the area by reason of noise.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 18.)*

cont.

Planning Permission No. 9/2006

18. Except during periods of bund construction and removal, soil stripping and final restoration, the level of noise arising from any operation or item of plant or machinery, when measured at a height of 1.2 metres above ground level and 3.6 metres from the face of any occupied residential property in the vicinity of the site, shall not exceed 55 dB Laeq (free field) or 10 dB(A) above the agreed background level (whichever is the lower) during any 30 minute period at any time.
*(Reason: To protect the amenities of the surrounding area.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 18.)*
19. During periods of bund construction and removal, soil stripping and final restoration, the level of noise arising from these operations, when measured at a height of 1.2 metres above ground level and 3.6 metres from the face of any occupied residential property in the vicinity of the site, shall not exceed 70 dB Laeq (free field) during any 30 minute period at any time.
*(Reason: To protect the amenities of the surrounding area.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 18.)*
20. Monitoring of noise levels shall take place to ensure the standards referred to in the Noise Survey dated July 2003, and the levels set out in conditions 18 and 19 above are being adhered to. The results of the monitoring shall be submitted to the County Planning Authority at intervals to be agreed before the implementation of this permission. In the event of complaints being received, the circumstances shall be investigated immediately and the noisy activities shall be suspended until further temporary mitigation measures have been implemented as may be agreed with the County Planning Authority.
*(Reason: To protect the amenities of the surrounding area.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 18.)*
21. No operations shall take place on site, except in accordance with the proposals for dust prevention, control and monitoring contained in the Airborne Dust Assessment report dated October 2003. The existing programme of dust monitoring shall be extended to include this site and the results shall be submitted to the County Planning Authority at monthly intervals. In the event of complaints about airborne dust outside the site boundaries, the matter shall be immediately investigated and if it is not possible to mitigate the effects of a particular operation, that operation shall cease until conditions improve or satisfactory mitigation measures are put in place.
*(Reason: To protect the amenities of the surrounding area.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 18.)*
22. No vehicles shall move around the site at a speed in excess of 15 mph.
*(Reason: To protect the amenities of the surrounding area.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 18.)*

cont.

Planning Permission No. 9/2006

23. All exhausts on plant and vehicles used for excavating and hauling mineral and overburden shall be directed vertically upwards.
(Reason: To protect the amenities of the surrounding area. Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 18.)
24. No development shall take place unless and until a scheme for the monitoring of the watertable between the extraction area and adjacent properties has been submitted to and approved in writing by the County Planning Authority.
(Reason: To detect any alterations in the levels of groundwater that may have an adverse impact on the listed building (Octagon Farm) and other residential properties. Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policies GE 16 and 19.)

Wildlife Protection

25. No development shall take place until a survey has been undertaken of the Elstow Brook adjacent to the site to ascertain the presence of water voles and otters, and, if evidence of these species is found, no development shall take place except in accordance with a scheme of mitigation that has been submitted to and approved in writing by the County Planning Authority.
(Reason: To protect any rare or threatened species. Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 13.)
26. Prior to the removal of the hedgerow in phases 4, 5 and 6, a detailed survey and record of the species contained in the hedgerow shall be made.
(Reason: To enable the replication of the historic hedgerow.)

Restoration and Aftercare

27. Unless otherwise approved in writing by the County Planning Authority, the site shall be restored in accordance with the proposals shown on Figs 6B, 7B, 8C, 9C, 10C, 11C and 12C, and completed within 12 months of the cessation of mineral extraction.
(Reason: To ensure the satisfactory restoration of the site. Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 26)
28. No development shall take place until a detailed scheme of planting of the lake margins, hedgerows and other areas as may be agreed, has been submitted for the approval of the County Planning Authority. Any tree/shrub planting approved shall be undertaken during the first available planting season following final profiling of the restored landform.
(Reason: To ensure the satisfactory restoration of the site within a reasonable timescale. Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 26)

cont.

Planning Permission No. 9/2006

29. No development shall take place until a scheme for aftercare and management of the restored areas, has been submitted for the approval of the County Planning Authority, and aftercare shall be undertaken in accordance with the approved scheme for a period of 5 years from the completion of restoration, the date of which shall be agreed with the County Planning Authority.

*(Reason: To ensure the satisfactory aftercare and management of the site.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy GE 27)*

Monitoring

30. Details of annual sales and remaining reserves of minerals from the site shall be provided to the County Planning Authority. These details shall include the following:

- a) category of mineral (building sand/concreting sand/gravel)
- b) quantity of each category in tonnes.

The period provided for shall be from 1 January to 31 December each year. The information shall be provided by 31 March for the preceding period.

*(Reason: To enable monitoring and assist the County Planning Authority in the forward planning of mineral resources.
Bedfordshire & Luton Minerals & Waste Local Plan 2005 Policy M 2.)*

NB. Where conditions include the phrase "Except as may be / unless otherwise approved in writing by the County Planning Authority....", this is to allow for exemptions to be approved for temporary periods for special circumstances or minor amendments to be made.

End

Planning Permission No. 9/2006

Extraction of Sand and Gravel and Restoration to Agriculture with Lakes

**Octagon Farm South
Willington Quarry
Cople
Bedfordshire**

Relevant Planning Policies

1. Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant plans comprise the Bedfordshire Structure Plan 2011 (BSP), the Bedfordshire and Luton Minerals and Waste Local Plan, adopted January 2005 (MWLP), and the Bedford Borough Local Plan, adopted 2002 (BBLP). At the time of the application, it was not considered to be a departure from the development plan as the site was included within the preferred area for mineral extraction in the then Adopted Minerals & Waste Local Plan 1996, Policy MW7. However, at the time of determination it was considered to be a departure from the development plan as no preferred areas for sand and gravel extraction have been identified in the Adopted MWLP 2005.
2. Paragraph 2.1.4. of the MWLP states that permission for mineral extraction will only be granted where the scale of the perceived planning benefit is sufficient to justify release of the additional mineral reserve. Such benefit will be assessed in accordance with other policy requirements in the Plan, together with any other material considerations, and on a sliding scale in relation to the landbank requirements for the mineral in question.
3. Policy 55 of the BSP sets out the general hierarchical strategy for mineral extraction in the county, which seeks to conserve resources and to utilise recycled materials. It also states that, where new resources need to be exploited, the concentration of further provision for future aggregate sand and gravel extraction should be primarily in the Ivel Valley and the Lower Ouse Valley, within which Octagon Farm lies. Policy M1 of the MWLP also seeks to conserve mineral resources and minimise environmental disturbance and provides a presumption against allowing further mineral extraction, except for concreting sand and gravel as far as there is a need to meet landbank requirements in accordance with Policy M2 of the MWLP.
4. Policies 56 and 60 of the BSP and policies M6 and GE1 of the MWLP set out the criteria for assessing applications. Policy GE1 requires all proposals to provide sufficient information for a proper assessment of all issues, including need in the national, regional and local context, traffic implications, and all relevant environmental impacts. All relevant issues are covered by the EIA and supporting documentation, supplemented by further information that was requested and provided for clarification.
5. Policy NE23 of the BBLP refers to the Bedford River Valley Park, within the area of which the site lies, and suggests that when opportunities arise, the creation of the Park will be sought through landscape enhancement, nature conservation, recreation and public access opportunities, whilst protecting known archaeological sites.

PLEASE NOTE – THIS IS A COPY OF THE ORIGINAL DECISION NOTICE

6. The proposal is in accordance with Adopted MWLP Policies GE19 *Flooding* and GE20 *Water resources*.
7. Sufficient information has been provided by archaeological evaluation to ensure that MWLP Policy GE14: *Archaeology* is complied with, and Policy NE23 of BBLP is not contravened.
8. A medieval headland bank was identified during trial trenching which marked the boundary between the former parishes of Cardington and Willington. This boundary is now marked by an historic hedgerow between the modern parishes of Cople and Cardington. The hedgerow meets a criterion for determining important hedgerows in the Hedgerow Regulations 1997, as it has existed since before 1850. However, the Regulations make no provision for hedgerow preservation where planning permission is granted. It falls to be considered under MWLP Policy GE16 as an historic environment site. Excavation as proposed would have an adverse impact which cannot be reduced without a radical revision of the working scheme and sterilisation of mineral. The policy allows for an adverse impact to be outweighed by other planning benefits of the proposal. In this instance, on balance and because other legislation does not assist, it was concluded that the preservation of the hedgerow should be over-ridden by the benefits of extraction in this location and in the working method as proposed.
9. Octagon Farmhouse is a Grade II listed building upon which the proposed works could have an impact. Policy G 15 states that permission will be refused if a proposal would have an adverse impact on a listed building and/or its setting unless an over-riding need can be demonstrated which outweighs the projected impact. It was concluded that impact on the listed building and its setting would be minimal, and not of sufficient significance to invoke the necessity for an over-riding need to be demonstrated.
10. The application is acceptable in ecological terms, having no significant adverse effect on areas of significant wildlife value or rare or threatened species, and is therefore in accordance with MWLP Policy GE13 *Species and Habitat protection and Enhancement*. The proposed restoration is likely to offer improvement to natural habitats in association with the lake, and therefore conforms to BBLP Policy NE23
11. The requirements of MWLP Policy GE2 *Restoration/improvement of Marston Vale*, including creation of new opportunities for nature conservation and sport and recreation, GE9 *Landscape protection and Landscaping*, and GE26 *Restoration*, and BBLP Policy NE23 in relation to the Bedford River Valley Park, are met by the proposals.
12. The proposed measures would reduce the impacts of noise, dust and disturbance as far as practicable, and as working would take place closest to the properties for a relatively short time, the impacts would be outweighed by the benefit of utilising the sand and gravel reserves in this area having the benefit of the existing plant and quarry infrastructure, and the application is therefore in accordance with MWLP Policy GE18 *Disturbance*.
13. The proposals are in compliance with MWLP Policies GE26 *Restoration* and GE27 *Aftercare*.
14. The site access is onto the A603, which is part of the strategic highway network, and as such the proposal conforms to MWLP Policy GE23 *Transport: suitability of local road network*. Policy GE22 *Transport: alternative means* requires alternative methods of transport of bulk materials to be considered in any application. No such consideration has been given in this case.

PLEASE NOTE – THIS IS A COPY OF THE ORIGINAL DECISION NOTICE

15. Policy M1: *Minerals extraction strategy* of the MWLP states that support will not be given to proposals for new mineral extraction except where they confer overall planning benefit such as environmental improvement, restoration of old sites or rationalisation of reserves. However, this policy excludes concreting sand and gravel so far as there is a need to meet the landbank requirements. Policy M2 relates to the aggregates landbank, which will be maintained at a minimum of seven years. It was concluded that as there are no conflicts with MWLP policies, and there is an overall planning benefit, in terms of using existing plant, and the provision of wetland habitat, then there was no requirement for consideration of the issue of need.

end