



Appeal Decision

Hearing held on 17 June 2025

Site visits made on 16, 17 & 18 June 2025

by **JP Sargent BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 August 2025

Appeal Ref: APP/W2845/W/24/3354897

Land off M1- A45 Roundabout Junction 16, Upper Heyford NN7 3NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mick George Ltd and JD Spokes Will Trust against the decision of West Northamptonshire Council (the MPA).
 - The application Ref is WNC/22/00035/MINFUL.
 - The development proposed is the extraction of sand and gravel with the deposition of suitable inert material.
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Decision

1. The appeal is allowed and planning permission is granted for the extraction of sand and gravel with the deposition of suitable inert material at Land off M1-A45 Roundabout Junction 16, Upper Heyford, NN7 3NF in accordance with the terms of the application, Ref WNC/22/00035/MINFUL, subject to the conditions in the attached schedule.

Costs application

2. An application for full costs was made by the appellants against the MPA, and that is the subject of a separate decision.

Main Issues

3. The main issues in this case are the principle of the development, and its effect on the character and appearance of the area, on noise, on air emissions, on highway safety, on biodiversity and on flooding.

Reasons

4. The decision notice cited policies from the *Northamptonshire Minerals and Waste Local Plan (2017)* (the Local Plan), and the *West Northamptonshire Joint Core Strategy Local Plan (Part 1)*. At the Hearing though the MPA confirmed that if the scheme was found to comply with the Local Plan policies then there would not be a conflict with policies from other documents in the development plan. As the Local Plan policies are the ones against which minerals development should be directly assessed, I have therefore proceeded on that basis.

The principle

5. The proposal is to quarry about 1.15m tonnes of sand and gravel from roughly 28ha of a 38ha site, with the resultant void being infilled with inert waste and topped with reused sub-soil and soil. The site broadly accords with Allocation M3

in the Local Plan (the allocated area), which is an allocation of a defined area for sand and gravel extraction. The main differences between the allocated area and the site boundary are on the eastern side where a portion is omitted from this proposal due to land ownership issues, and to the north-west, where what is before me includes an area that is outside of the allocation and the extent of mineral reserve but which is to be where the fixed plant is to be placed. The implementation of Allocation M3 appears to have been anticipated by a spur being recently built off the new roundabout (the roundabout) on the A45 to the north, to allow a level of access to the land that far exceeds anything that would be required in connection with its existing agricultural use.

6. The development plan is at the heart of the planning system, with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise. To my mind one of its purposes is to provide a degree of certainty for developers and third parties alike about the location and nature of future development. I have no basis to consider that the Local Plan was not prepared with appropriate scrutiny, and indeed I understand that this is a long-standing allocation that was in the previous local plan, and might possibly have been in plans before then. To my mind, quarrying on this site would be in broad accordance with this allocation. While I recognise that the plant is to be outside the allocated area, that of itself is not unreasonable as it allows the mineral extraction to be maximised.
7. Despite this though, it was contended that there was in fact no need for this additional mineral, with there being adequate supply at present. However, there was little evidence to support this. It was also a position that the MPA did not share, mindful that Policy 4 in the Local Plan identifies the site as one of those that is to meet required sand and gravel provision for the plan period plus maintenance of landbanks. As such, this contention is not a material consideration sufficient to justify a decision otherwise than in accordance with the development plan.
8. Accordingly, given its relationship to the allocated area and the role that Local Plan Policy 4 identifies the site as playing in contributing to provision, I conclude that the principle of the development would be in accordance with Local Plan Policy 4 and the associated Local Plan Allocation M3.

Character and appearance

9. The appeal site comprises a series of relatively large fields that are each generally bounded by hedging with mature trees. It has a pronounced slope, from the highest point at the north-west corner down to the River Nene along the southern boundary. To the north is the A45, and, immediately beyond, the M1 motorway. Moreover, visible on the other side of the motorway are exceptionally large industrial sheds, while the tall silos of a flour mill are to the south-east. However, despite the presence of these strong urban elements in the vicinity, the site nonetheless sits in a distinctive rural landscape of fields, copses, hedging and small settlements that extends away to the south and west. Although not a valued landscape in terms of national guidance, it is a pleasant area of countryside that is no doubt much enjoyed and treasured by those who live there and choose to walk its footpaths.
10. It was confirmed at the Hearing that mineral may not be extracted from the site's extreme south-west corner. This is because that area is on the other side of large

pipelines that cross the site at this point, and the costs involved in bridging the pipes may not make extraction of that relatively small portion viable. However that is by no means certain and so I have considered the appeal on the basis that this section would in fact be subject to extraction.

11. The proposal would inevitably impact on the character and appearance of the landscape and affect the rural ambience of the immediate vicinity in many ways. This would be through matters such as the removal of existing vegetation (and the length of time it would take any replacement planting to mature), the formation of a quarry void, the establishment of various bunds and mounds, the presence of haul roads, the effects of lighting, and the associated activity of lorries, quarrying equipment, earth movers and similar. Furthermore, although the structures and buildings that are to make up the fixed plant would be on a platform cut into the slope, they are to be up to 16m high, and, in my opinion, would constitute a particularly industrial element in this rural area.
12. Views of the works would be possible from the A45 to the north, although these would be relatively brief as they would generally be experienced by those passing the site in vehicles. Public footpaths are to the south of the River Nene, one of which is a long-distance route, and from these views would also be possible. They would, though, be filtered to a degree by landscaping present on the south side of the river. There may also be views of the development from some of the properties in Upper Heyford and Nether Heyford (which together I will refer to as the Heyfords), and from the public right of way between these 2 settlements that runs to the west of the site. Again though, the landscaping bounding the site and outside of it would restrict these views to a great extent. Therefore, while the works could be seen from these various points, this would be to a limited degree.
13. I accept that in both the development plan and in national guidance, there is an emphasis on protecting the countryside. However, I have no basis to find that the various ways in which the development would impact on the character and appearance of the area go beyond what would have been reasonably anticipated and expected with the Local Plan allocation. As such, it is fair to assume that impacts of such a nature were weighed in the balance when the allocation was considered. Furthermore, the works would take about 10 years or so from starting through to the completion of restoration, by which time all on-site equipment and haul roads would be removed and the planting comprising the restoration scheme would be in place (although by no means matured). I acknowledge that this may seem like a long period for those living nearby, but it is nonetheless a temporary harm.
14. Moreover, it is not proposed to create a large void by extracting all the sand and gravel in one stage, and then restoring it in another. Rather, it is the intention to infill and restore the areas of extraction soon after the mineral has been removed. This would mean that the void would appear to be moving round the site sequentially and, at any one time, would be relatively small. As a result, this approach, which could be secured by condition, would mitigate the development's impact on the character and appearance of the surroundings to some degree. Conditions requiring a landscape and ecological management plan, and the approval of subsequent restoration details (with timescales), could be sought as well, in the interests of the character and appearance of the area, to ensure a suitable restoration scheme was in fact delivered so as to mitigate harm. Indeed, the sequential approach would mean that the commencement of restoration would

not need to wait until the end of the extraction period, but could start soon after any one area had been worked and infilled.

15. Approving the nature, height, use and location of lighting and fencing, restricting the length of time of operations, and securing the removal of all haul roads, plant, machinery and buildings at the appropriate time, are also all matters that can be controlled by conditions in the interests of the character and appearance of the locality.
16. Whilst fixed plant would be outside of but next to the allocated area, what is proposed is not unreasonable for such a development. I have no grounds to consider its impact would have been materially less had it been within the allocation. Off-site planting was suggested to the rear of the closest Upper Heyford houses, but given the landscaping now present that would remain, I am not satisfied that a condition requiring its delivery is justified.
17. Accordingly, given Allocation M3 covering much of the site, I conclude that the effect of the development on the character and appearance of the area would not be contrary to Local Plan Policies 18 and 21, which broadly require development to mitigate potentially adverse landscape impacts.

Noise

18. The scheme could generate noise from the extraction processes, the operations in the fixed plant area, lorry movements, reversing alarms and the moving of material among other things. Any such noise could be experienced by those living in the Heyfords, as well as by those using the public rights of way for recreation.
19. Little noise from the site is experienced at present beyond, no doubt, the occasional agricultural operations. However, as I noted when I visited during the morning of 18 June and during the evenings of the 2 previous days, the hum of traffic on the M1 motorway is a more or less constant presence, even at a relatively late hour. Therefore, whilst activity on the site would be audible, it would be heard very much in this context, even until 2200h. It is a shared view between noise consultants representing the appellants and the MPA that any additional noise generated would not exceed the tolerances found concerning minerals development in the *Planning Practice Guidance* (PPG). Whilst local residents expressed doubt about that, on the evidence before me I have no reason to come to a different view. Consequently, noise restrictions in line with the recommendations of the noise consultants and the guidance in the PPG can be imposed, and I was assured at the Hearing that these could be comfortably met. In connection with minerals operations the PPG allows for higher temporary daytime limits for periods of up to 8 weeks in a year to facilitate certain essential works. However, although the MPA has said that this allowance for higher noise limits should remain, at the Hearing and subsequently the appellants have confirmed that it is unnecessary to provide this dispensation, and they are content for work to be within the more onerous standards. I have therefore deleted it from the suggested condition.
20. Noise nuisance can be further controlled by restricting the hours of operation. Specific areas of concern were the activity proposed before 0700h and after 1800h. With regard to the former, this would be only lorries leaving the site, well away from houses, and the evening activity would be limited to mineral processing and soil washing. Based on the submitted evidence I have no grounds to find

their noise levels would have an unreasonable effect on any members of the community.

21. A condition can also be imposed to require noise mitigation measures to be put in place on the machinery. Inevitably, given the range of machinery to which the condition relates though, it would need to accommodate some degree of flexibility but to my mind this does not render it imprecise. Indeed, any noise emitted from these sources would remain subject to the overarching noise controls relating to operations on the site.
22. A further condition to allow a period of acoustic monitoring at the outset would show there was compliance with these noise limits. The precise nature of this monitoring process can be agreed in writing with the MPA. Given that, there is no need for the MPA to appoint the monitoring consultant, and it is to be expected that the costs of discharging the condition would be carried by the developer. Moreover, mindful that legal agreements should only be used when it is not possible to address impacts through a planning condition, I consider such an agreement is not justified in this instance. In my opinion, the condition given below would run with the development and would be enforceable.
23. Therefore, with these conditions in place I consider any concerns the Council might have had when determining the application are not a reason to resist the proposal.
24. Given that sand and gravel is not extracted by blasting, that would not be a source of noise nuisance, and vibration should not be problematic.
25. Nothing before me shows the relative position of the quarrying to housing and footpaths in the area has changed to any material degree since the site was allocated for this development in the Local Plan. Again, noting the separation distances involved, I therefore have no basis to find that the various ways in which that aspect of the development would generate noise go beyond what would have been reasonably anticipated and expected when the allocation was accepted. The fixed plant area would be slightly closer, but noise from there could be addressed to an extent by it being cut into the slope by 3m with 5m mounding to its side.
26. Accordingly, taking into account the allocation of the site, I conclude that the development would not result in unacceptable levels of noise, and so would not conflict with Policy 18 in the Local Plan, which seeks adverse impacts on noise to be minimised or avoided.

Air emissions

27. As the distance from the site boundary to the nearest house is 250m and to the nearest school is 850m, local residents contended that particulate matter and dust from the quarry, would result in harm to vulnerable residents and schoolchildren in particular. They appeared to accept that the national guidance and regulations used to support the scheme in relation to this matter had been applied correctly, but said that was contrary to the most recent research and was out-of-date. Moreover, many other countries and international organisations required a greater separation between quarrying and residential properties because of the issues around the various types of dust and particulate matter.

28. However, it is not uncommon for different countries to have different regulatory regimes, and this can be for a number of different reasons. Indeed a government may opt for stricter control over one aspect of a development because there is a lesser control over another aspect of that same work. There may well also be research that supports an alternative position to that in the regulations and guidance applied by the applicants to this scheme. Such research though does not appear to have been accepted nationally by the relevant bodies and the UK Government, whose guidance is intended to bring some sense of consistency in decision-making. I heard the requests to err on the side of caution in respect of these matters, but again if national guidance has been applied correctly I am not satisfied that a more onerous stance is justified in this case. Therefore, any weight I afford these fears is not sufficient to lead me to a different view on this issue.
29. Having regard to the PPG, a Dust Assessment and Dust Management Plan before me offer sufficient comfort to show this matter can be adequately dealt with and monitored. However, whilst being sufficient to fulfil that purpose, they give little detail about the timings, durations and usage of practices, and so I consider a condition requiring further details would be necessary to ensure satisfactory delivery. A condition could also require lorries entering or leaving the site to be sheeted, so as to minimise dust from that source. Therefore, having regard to the current standards found in the relevant national regulations and guidance and the advice of the UK Health and Security Agency, I have insufficient reason to find the scheme would harm the health of nearby residents or school children.
30. Furthermore, I once again am mindful that housing seems to be not materially closer to the quarrying area than when it was last allocated for this purpose, at which time, presumably, regard was given to this issue. Consequently, I have no reason to consider the development, as now before me, would give rise to issues of dust and particulate matter that was in any way materially greater than what would have been reasonably expected with the Local Plan allocation.
31. Accordingly, I conclude that the proposal would not have an unacceptable effect by reason of dust or other particulates, and so in this regard would not conflict with Local Plan Policy 18, which requires minerals developments to avoid and/or minimise potentially adverse impacts from air emissions among other things.

Highway safety

32. The roundabout on the A45 has recently been constructed as part of the Flore bypass. This includes a specific arm that is broadly of a design and scale to serve this development, linking it to the road network via an adopted lane that runs down to where the access to the site itself is to be. Although some minor changes are required to the kerb radii at the roundabout in the interests of highway safety, these can be secured by condition. Similarly, a condition can secure a suitable access from the site itself onto the lane.
33. It was said that the roundabout was already busy and that the additional vehicles would harm the carriageway surface, but I have no technical evidence to support the views that this scheme would take vehicle movements over the roundabout's capacity or cause damage. In any event, by the presence of the spur to the site, it is reasonable to assume it was designed with a capacity to accommodate the development. Conditions concerning wheel wash facilities and the sheeting of lorries can reduce the amount of dust and debris on the road.

34. The Flore by-pass gives good access westwards to the A5 and beyond, while going east takes the traffic, within a few hundred metres, to the M1 motorway, or, over that, eastwards on the A4500. I therefore find that the appeal site has an excellent connection to the road system. Given the amount and nature of traffic on these roads I consider the proposal's residual cumulative effect on the network would not be severe and there would not be an unacceptable impact on highway safety. Furthermore, while minerals have to be extracted where they lie, the proximity of this site to main roads means it is well placed in relation to wherever its eventual markets may be.
35. There was a concern that HGVs would leave the roundabout on the arm that travels through Flore. However, given the residential nature of parts of this route, its bends, speed limits and chicanes, and the fact that the by-pass takes traffic to more or less the same place, I consider it extremely unlikely lorry drivers would favour the older Flore route. It was also said they could turn off that road and travel down through the Heyfords, but again the tortuous nature of these various possible routes, especially when compared to the slightly longer but far more straight-forward alternatives, mean this is unlikely. Nonetheless, the parties agreed that a condition to direct HGV movements on and off the roundabout would be prudent and, as most of these vehicles are likely to be under the control of the operator, I agree.
36. There may be occasions when traffic is diverted through Flore because, for example, an accident blocks the by-pass. Those would be exceptional circumstances though and for a limited time only, and if any HGVs from the development follow that route, the number that would be travelling to or from the west would be a small proportion of the total flow of diverted traffic. It was also said that all traffic from the site should be prohibited from passing through Flore and/or the Heyfords, but that would be difficult to monitor, and there is insufficient evidence before me to show that, even if monitoring were possible, the restriction would be justified.
37. Controls requiring on-site parking are unnecessary given the size of the site, and I have no reason to consider staff would park on the road into Flore.
38. Accordingly I conclude that the development's residual cumulative effect on the road network would not be severe and there would not be an unacceptable impact on highway safety. As such, it would not conflict with Local Plan Policies 18 and 19, which seek safe access, and operations being well-placed to meet markets.

Biodiversity

39. At least for the duration of the works and until the restoration became established, there would be a loss of biodiversity value on the site. That though is an inevitable consequence of the long-standing allocation, and, to an extent, will be minimised by the sequential approach to extraction. The restoration scheme will also offer enhanced habitats on site in due course that will bring benefits once the operations have finished and the restoration become established.
40. Moreover, water discharge is to be at the green field rate, and is to be through a water treatment lagoon system to ensure it would meet strict Environment Agency quality criteria. The precise nature of this can be addressed through a condition to ensure a suitable system to avoid pollution is at all times in place, and a ground

water barrier along the southern side of Phase 1 would be further protection. A condition can also ensure all infill is inert.

41. There is a local wildlife site to the west, but there is insufficient evidence to show this would experience harm.
42. Under Local Plan Allocation M3 though, the development requirements include
 - protection and enhancement measures to be identified regarding Bugbrooke Meadows Site of Special Scientific Interest (SSSI) and
 - restoration of the site to include some creation of wet grassland to link with the SSSI.
43. The SSSI is immediately to the south of the site on the opposite side of the river. I understand it to be a remnant of the grassland once common along the banks of the River Nene, and it supports a number of water plants including orchids. Although undoubtedly of ecological value, it is of note that its presence does not stand in the way of the site being allocated for sand and gravel extraction. On the evidence before me I am satisfied that the hydrology of the SSSI would not be harmed by the development, as it does not appear there is hydrological connectivity between the 2 sites to any meaningful extent. Furthermore, I was told that the dust evidence referred to above was undertaken with the effect on this area partly in mind, and so, with a dust condition imposed, I have no basis to find there would be a problem in that regard.
44. Quarrying is not to be within 16m of the River Nene, while a block of some 3ha, identified as a mineral extraction exclusion area, is to be retained opposite the SSSI, where it would be enhanced and managed from the outset as a conservation grade wet grassland. Furthermore, along the northern bank of the river the restoration of the site would ultimately create 11ha of wet grassland and hedgerows, which is intended as complementary habitat near to the SSSI, and would be restored at an early stage. Indeed, as the SSSI is on the opposite side of the river, outside the application site and with no direct link to it, to my mind the complementary nature of this habitat would be sufficient to address the need for enhancement measures.
45. To protect matters of biodiversity and ecology, conditions could be imposed requiring the agreement of lighting, compliance with the submitted Environmental Management Plan and the submission and agreement of a Landscape and Ecology Management Plan.
46. Taking these factors together, I conclude that the effect of the scheme on biodiversity would not be unacceptable and indeed could be beneficial in the longer term. Moreover, while I accept there is to be mineral extraction close by, on the evidence before me and with appropriate mitigation, I am not satisfied that the development of this allocated area is likely to have an adverse effect on the SSSI. As such I find it would not conflict with Local Plan Allocation M3, or Local Plan Policy 20, which requires the protecting and enhancing of national designated sites and a net gain for natural assets.

Flooding

47. Local Plan Policy 18 requires consideration be given to the impacts of flood risk. Allocation M3 states that a further development requirement is to be to reduce

risks associated with flooding, by a use of on-site water management systems and locating static plant in areas of lowest flood risk.

48. The site straddles Flood Zones 1, 2 and 3. However, sand and gravel working is defined in the *National Planning Policy Framework* (the Framework) as being water compatible and, in accordance with the Allocation M3 development requirement, the processing plant and the storage of materials will be in the portion of the site within Flood Zone 1. As a result, flooding issues should not arise in relation to the development itself.
49. I understand though that there are flood occurrences along the River Nene at this point and downstream. While Phase 1 of working will be within the flood plain, it would provide surplus sub-surface storage if flooding occurred when extraction was taking place. A condition could also ensure there would be no ground raising within the modelled flood extents, and no change in ground levels after extraction was finished. Therefore, the proposal would not adversely affect flood plain storage to any significant extent.
50. The inert fill would have a reduced infiltration capacity, meaning the site has the potential to generate increased run off compared to its current green field state. During the operational phase this would be managed through lagoons. Afterwards there would be a permanent stormwater attenuation system in the restoration scheme that would not only be used for water treatment and attenuation but would also contribute to wetland habitat. Given this, I am satisfied that existing run off rates would be maintained.
51. There was also a concern about the accuracy of the climate change allowances and the adequacy of the swales and similar as a consequence. Whilst I have noted these comments, in the light of the technical submissions I have no basis to find what is proposed would be unacceptable in this regard or that the measures would be inadequate.
52. Accordingly, subject to a condition requiring compliance with the appellants' flood risk assessment, on the evidence before me I conclude the scheme would not result in increased flooding in the vicinity or downstream, and so in this regard would not conflict with either Allocation M3 or Policy 18 in the Local Plan.

Other Matters

Heritage

53. The nearest listed building is the Grade II listed Hill Farmhouse in Upper Heyford. However, its setting is very much defined by the cluster of farm buildings around, and, to a lesser extent, by the other houses in this part of the hamlet, and these contribute to its significance by illustrating its agricultural origins. It is separated though from the proposed works by a number of buildings and an intervening field, and so I consider any effect the development may have on its setting would not harm its significance.
54. Upper Heyford was said to be a non-designated heritage asset, and, with its collection of old, rural buildings, it reflects its evolution as a small countryside settlement that grew organically. In this regard its rural setting contributes positively to its significance. Again, the development would be separated by a field, and would be for a limited time only. Mindful of the Local Plan allocation, and

the need that lies behind that, taking a balanced judgement any harm to the significance of this non-designated heritage asset would not be unacceptable.

55. Finally, the MPA's archaeological adviser has identified a number of areas on the site where archaeological investigation will be required. In the interests of the historic environment, this work can be secured by condition.
56. Taking a step back, these heritage assets were present at the time the site was allocated, and I have no basis to consider the effects of the development in this regard go beyond what was reasonably anticipated.
57. The soil mound would lie outside of the allocated area on a section of ridge and furrow. A condition should be imposed to ensure that when the soil mound is removed in due course the ridge and furrow feature is still apparent.

Best and most versatile agricultural land

58. The Framework states that decision-makers should recognise the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land, with this being defined as land falling in Agricultural Land Classifications 1, 2 or 3a. Roughly half the site is so classified and this would be taken out of agricultural production for the duration of the development. However, this would only be for a temporary period and, with controls imposed through suitable conditions, soils could be safeguarded to ensure they maintained their condition. As such the scheme would not conflict with the Framework in this regard. The suggested condition about soil storage though does not need to outline the precise method of testing the soil for determining its dryness and friability, as compliance with the Good Practice Guide would suffice.

Human rights, PSED and local wellbeing

59. Representations were made to the effect that the rights of local residents under Article 8 as set out in *The Human Rights Act 1998* would be violated if the appeal were allowed. I have found that the proposed development would not result in unacceptable effects on any neighbouring property or that residents would suffer unacceptable harm to their living conditions. In my judgement the development would accord with the Local Plan. I am satisfied that a grant of planning permission would not unacceptably interfere with the rights of local residents to a private and family life and home. It is proportionate in the circumstances to allow the appeal.
60. I have also had regard to the 3 aims of the Public Sector Equality Duty (PSED) set out in section 49 of the *Equality Act 2010* concerning those with protected characteristics. Again though as I have found that the proposed development would not result in unacceptable effects on any neighbouring residents I consider there would be no conflict with these aims.
61. Irrespective of my findings on human rights and PSED, I recognise that the fear of adverse effects is a material consideration. Given my reasoning above though, I am not satisfied that any weight I afford this is sufficient to justify refusing the appeal.
62. In order to ensure they knew how long any disturbance would last, local residents have also asked that controls should ensure the permission could not be extended, either geographically or in terms of its duration. However, I can only consider the merits of the proposal before me, and cannot prevent or prohibit

further future proposals coming forward to change the conditions on the development or to extend the operations onto surrounding land. If any such schemes are forthcoming they will be considered on their merits by the MPA in the first instance. It has also been suggested that there should be specific timetables for each phase in the intended sequential approach. As I have restricted the length of time of operations, I consider further time constraints within that would be unreasonable, although the annual submission of extraction and infill rates through a monitoring condition would mean the MPA was abreast of how the scheme was progressing.

Conditions

63. A number of conditions were suggested by the parties, and I have justified many of them in my reasoning above. With regard to the others, the standard commencement condition should be imposed for the avoidance of doubt, with an added qualification that the MPA should be notified of the commencement date for monitoring purposes. Similarly, for the avoidance of doubt, the development should be in accordance with the approved plans, except where otherwise amended under the conditions. Given the purpose of this condition though I consider it is unnecessary to include all the supporting reports and documentation.
64. In order to ensure public engagement and confidence, the details of the permission should be available for inspection, emphasis should be placed on investigations into complaints concerning noise and dust, whilst a liaison group should also be established. The precise constitution of the liaison group does not need to be agreed at this stage but can be reasonably left over to the group's first meeting.
65. To ensure the development respects the parameters described in the proposal, any additional structures, plant and similar that do not, of themselves, require planning permission should be first approved by the MPA, with this meaning there would be no need for a removal of 'permitted development' rights. To safeguard the pipelines there should be no work within 10m of them unless the method of protection has been agreed.
66. A monitoring condition required the annual submission of details of the types and quantities of mineral extracted and the recycling undertaken. That condition is reasonable in order to ensure an appreciation of mineral extraction in the MPA area. However, its final clause is that all the information shall be treated confidentially, and I understand this is for business reasons. While I am not expressing a view as to whether or not such information should be confidential, it is questionable whether I can require this or if such a clause on a condition carries the necessary authority. To my mind it is for the MPA to determine how it will handle details it receives, as it would have to do if the condition was not imposed but the operator nonetheless volunteered the information. Moreover, if any breach occurred it would be either by the operator or by the MPA. If by the former, enforcement would be difficult as it would be compromising its own confidentiality, and if it was by the latter no enforcement proceedings would be possible. On balance, I therefore find that this final suggested clause does not accord with the tests for the imposition of conditions, and so it is omitted.
67. The number of conditions in the schedule below is not unduly great for a development of this nature. In accordance with planning practice and procedure it

is the responsibility of the developer/land owner to comply with any conditions imposed, whilst their enforcement rests with the MPA. Conditions on planning decisions do not, as a matter of course, include the consequences of any breach. However, if such a breach does occur, there are a number of avenues open to the MPA to pursue.

68. Some conditions require actions to be undertaken before the development commences. This is because they concern matters that should be in place at the outset to avoid any immediate adverse effects.

Conclusions

69. Accordingly, I conclude that the development accords with the development plan when taken as a whole, and in the absence of any material considerations to indicate otherwise, the appeal should be allowed.

JP Sargent

INSPECTOR

SCHEDULE OF CONDITIONS

Commencement and Compliance

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Minerals Planning Authority within 7 days of such commencement.

Scope of Permission

2. 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 plans:
 - Drawing No. U1/2/22/01 Location Plan
 - Drawing No. U1/2/22/02 Existing Features Plan
 - Drawing No. U1/2/22/03 Revision B Phasing Plan
 - Drawing No. U1/2/22/04 Restoration Plan
 - Drawing No. U1/2/22/05 Site Infrastructure
 - Drawing No. U1/2/22/06 Mineral Processing Plant - Plan View
 - Drawing No. U1/2/22/07 Mineral Processing Plant - Elevations & Sections
 - Drawing No. U1/2/22/08 Concrete Batching Plant
 - Drawing No. U1/2/22/09 Weighbridge Office & Canteen / Welfare / Office Building Elevations
 - Drawing No. U1/2/22/10 Bagging Plant Building Elevations
 - Drawing No. U1/2/22/11 Geological Cross Section A-A
 - Drawing No. U1/2/22/12 HGV Routing
 - Drawing No. 22360-01 Proposed Access Arrangements

Duration and Cessation

3. The development hereby permitted, including restoration and planting in accordance with the conditions attached to this permission, shall be completed no later than 10 years from the date of commencement. The site shall be subject to aftercare for a period of at least 10 years.

Hours of Working

4. Except in emergencies to maintain safe quarry working (which shall be notified to the Minerals Planning Authority as soon as practicable), no operations, other than water pumping, plant servicing, and environmental monitoring of plant shall be carried out at the site on Sundays, Bank Holidays or Public Holidays. On all other days, except in emergencies to maintain safe quarry working (which shall be notified to the Minerals Planning Authority as soon as practicable), no operations, other than water pumping, plant servicing, and environmental monitoring of plant shall be carried out at the site outside of the following times:

Mineral Processing and Soil Washing

- 0700h to 2200h Monday to Fridays (excluding Bank or Public Holidays)
- 0700h to 1300h Saturdays

Mineral Extraction, Ready Mix Concrete Operations, Recycling of Aggregates, Aggregates Bagging Plant Operations, Restoration Infilling Activities and Temporary Operations

- 0700h to 1800h Monday to Fridays (excluding Bank or Public Holidays)
- 0700h to 1300h Saturdays

HGV Movements

- 0600h to 0700h Monday to Fridays (excluding Bank or Public Holidays) preloaded vehicles exiting the site only
- 0700h to 2200h Mondays to Fridays (excluding Bank or Public Holidays)
- 0700h to 1300h Saturdays

Access and Highway Safety

5. No Heavy Goods Vehicles associated with the development shall enter or leave the roundabout at the site entrance otherwise than in accordance with the submitted HGV Routing drawing U1/2/22/12 (dated 27 February 2024) for the life of the development.
6. No development shall take place until details of the means of access and associated off-site highway works, shown on drawing 22360-01, have been submitted to, and approved in writing by, the Minerals Planning Authority, and then prior to any other development on the site taking place the means of access and associated off-site highway works shall be constructed in accordance with the approved details and thereafter retained.
7. All laden vehicles arriving at and leaving the site shall be sheeted to prevent material spillage, wind blow and dust nuisance.
8. No heavy goods vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

Noise

9. The development shall at all times be operated in accordance with the Noise Assessment prepared by LFAcoustics (dated October 2024) and the following details:
 - a) All plant, equipment and machinery used on site, including vehicular traffic, shall be designed, and maintained to reduce noise levels to a minimum and be operated in accordance with manufacturer's instructions.
 - b) All plant, equipment, and machinery, including vehicles shall, where capable, be fitted with silencers, baffles, cladding or rubber linings, and be

maintained so as to reduce noise to a minimum and operated in accordance with manufacturer's instructions.

- c) All mobile plant/vehicles operating on the site shall be fitted with white noise audible reversing alarms or other non-tonal reversing alarms, and the operator shall issue instructions to all haulage companies and hauliers using the site that non-tonal reversing alarms shall be fitted and utilised on the site.
- d) 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.
- e) Between 0700h and 2200h on Mondays to Fridays (excluding Bank or Public Holidays), and between 0700h and 1300h on Saturdays, the equivalent sound level (LAeq) measured over a 1 hour time period attributable to the operations of the site as measured in free field, shall not exceed 52dBA(1 hour LAeq) at the elevations of the noise-sensitive premises in the submitted Environmental Statement. At all other times the free field level shall not exceed 42dBA(1 hour LAeq) at the elevations of the noise-sensitive premises in the submitted Environmental Statement.

10. Prior to the commencement of development, details shall be submitted to, and approved in writing by, the Minerals Planning Authority of an acoustic monitoring scheme, along with a timetable for its implementation, and the acoustic monitoring scheme shall then be implemented in accordance with the approved details and timetable.

Dust

11. No development shall take place until a revised Dust Management Plan has been submitted to the Minerals Planning Authority for approval in writing. This management plan shall include:

- a) Measures for the suppression of dust caused by the moving, processing and storage of minerals, soil, overburden, and other materials within the site.
- b) Dust suppression on haul roads, including speed limits.
- c) The provision of dust collection and storage facilities within the ready mix concrete plant.
- d) Details of all dust suppression measures
- e) Precise arrangements for the measurement of wind direction and speed on the site.
- f) Locations of dust monitoring points both onsite and offsite.
- g) Provision for monitoring and review of the management plan.
- h) Timetables necessary for the implementation or operation of any of the above points.

The development shall then be undertaken in accordance with the approved management plan and its approved timetables.

Lighting

12. Before its first installation, the nature, use, operating regime, height and location

of any external lighting to be used shall be submitted to, and approved in writing by, the Minerals Planning Authority, and shall thereafter be installed and operated in accordance with those approved details.

Soil Handling

13. All topsoil shall be stripped from any areas prior to (a) excavation; (b) use for the stationing of plant and buildings; (c) the storage of subsoil and overburden; (d) use for haul roads; or (e) prior to being traversed by heavy machinery. No plant or vehicles shall cross any areas of unstripped topsoil except for the purpose of stripping operations.
14. All storage topsoil remaining in situ for 6 months or over the winter period shall be seeded with a mix that has been submitted to, and approved in writing by, the Minerals Planning Authority, and it shall then be managed to prevent weed accumulation.
15. The movement and handling of all soils shall be in accordance with *The Institute of Quarrying - Good Practice Guide for Handling Soils in Mineral Workings* (July 2021) or any subsequent edition thereof. All topsoil, subsoil and soil making material shall only be handled when in a dry and friable condition

Buildings, Plant and Machinery

16. No buildings, structures, plant or machinery except for those detailed in the application and on the approved plans listed in Condition 2, shall be erected until details of the proposed location and external materials, colour and finishes have been submitted to, and approved in writing by, the Mineral Planning Authority. Development shall be implemented in accordance with the approved details.

Fencing

17. Before its first installation, the design, colour, height and location of any fencing to be erected in or around the site shall be submitted to, and approved in writing by, the Minerals Planning Authority, and shall thereafter be installed in accordance with those approved details.

Method of Working

18. The site shall be worked and restored sequentially in accordance with details contained in the submitted and approved Phasing and Restoration drawings U1/2/22/03 Rev B and U1/2/22/04.
19. There shall be no disposal on site of any material other than inert material for the purposes of backfilling and/or restoration purposes.
20. No works or development shall take place within 10 metres of the pipelines that cross the south-west corner of the site until a scheme for the protection of those pipelines has been submitted to, and approved in writing by, the Minerals Planning Authority. The development shall be implemented in accordance with the approved scheme.

Flood Risk

21. No development hereby permitted shall be carried out other than in accordance with the details contained in '*Proposed Sand & Gravel Extraction and Inert Waste Deposition, Land off Main Road, Upper Heyford, Northamptonshire Flood Risk Assessment*' (FRA), prepared by S M Foster Associates Limited (dated May 2022), in accordance with timescales that have first been approved in writing by the Minerals Planning Authority, and in accordance with the following mitigation measures detailed within the FRA:

- All proposed (above ground) development to be located in Flood Zone 1.
- No ground raising within the 0.5% (1 in 200) plus CC year modelled flood extents.
- No loss of flood plain storage with no change in ground levels post extraction operations.

The mitigation measures shall be fully implemented in accordance with the approved timescales.

Water Resources & Pollution Prevention

22. Groundwater monitoring and mitigation shall be carried out in accordance with the details contained in '*Proposed Sand & Gravel Extraction and Inert Waste Deposition, Land off Main Road, Upper Heyford, Northamptonshire Hydrological and Hydrogeological Impact Assessment Monitoring and Mitigation Strategy*' prepared by S M Foster Associates Limited (dated January 2023) and Upper Heyford Phasing Plan drawing U1/2/22/03 rev. B, in accordance with timescales that have first been approved in writing by the Minerals Planning Authority. Monitoring reports shall be reported to Natural England, the local planning authority and Wildlife Trust BCN Northamptonshire office on a quarterly basis.

Archaeology

23. No development shall take place within any of the areas of archaeological interest identified as the proposed mitigation areas and outlined in red on the plan accompanying the memo from the Archaeological Adviser to Peter Moor dated 2 November 2022, until the implementation of a programme of archaeological work for that area of archaeological interest has been secured in accordance with a written scheme of investigation which has first been submitted to, approved in writing by, the Minerals Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- a) Approval of a Written Scheme of Investigation;
- b) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- c) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design to be submitted within 6 months of the completion of fieldwork, unless otherwise agreed in advance with the Minerals Planning Authority;

- d) Completion of analysis, preparation of site archive ready for deposition at a store approved by the Minerals Planning Authority, production of an archive report, and submission of a publication report to be completed within 2 years of the completion of fieldwork, unless otherwise agreed in advance with the Minerals Planning Authority.

24. Prior to the formation of the topsoil mound to the south-west of the mineral processing area as shown on drawing U1/2/22/03 Rev B, details shall be submitted to, and approved in writing by, the Minerals Planning Authority of the means of protecting or reinstating the ridge and furrow feature on which the mound is located. Works will then proceed in accordance with the approved details.

Ecology & Biodiversity

25. Works shall be carried out in accordance with the details contained in '*Upper Heyford Construction Environment Management Plan: Biodiversity*' by Collington Winter Environmental (dated January 2023).

26. No development except that specified within Condition 6 above relating to vehicular access improvements, shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the Minerals Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed and protected.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Details of restoration planting and management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Timetables necessary for any of the above points.

The plan shall also set out (if the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details and any timetables.

Removal of Plant, Machinery, Buildings & Haul Roads

27. With the exception of any plant and equipment necessary for the aftercare of the site, all mineral processing plant and associated apparatus (including pipework, machinery and buildings, temporary offices, weighbridges and wheel cleaning facilities), all hardstandings and foundations, all mineral stockpiles and all

temporary soil bunds shall be removed from the site within 10 years of the commencement of this permission.

28. Upon completion of the restoration operations or within 10 years of the commencement of this permission whichever is the sooner, the haul routes shall be reinstated in accordance with a scheme that has first been submitted to, and approved in writing by, the Minerals Planning Authority.

Monitoring

29. From the date of the commencement to the completion of mineral extraction and the restoration to approved levels, a copy of this permission including all documents hereby approved as part of this permission and any other documents subsequently approved in accordance with this permission shall be available at the site for inspection during the hours of operation stated in Condition 4 above.
30. The developer shall submit a written report to the Minerals Planning Authority within one month following the first anniversary of operations commencing at the site and at 12 monthly intervals thereafter. The report shall include the quantities and types of all mineral extracted from the site, and quantities and types of all waste imported to the site and whether this has been recycled or utilised for restoration purposes. The information required by this condition shall also be supplied at any other time and by any other date upon the written request by the Minerals Planning Authority.
31. In the event that complaints regarding noise or dust nuisance are received directly by the developer, or by the Minerals Planning Authority and thereafter notified to the developer, an assessment of the complaint shall be undertaken by the developer. A report on the findings, with proposals for removing, or adequately reducing, or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of any remedial measures (if necessary) to be undertaken, shall be submitted to the Minerals Planning Authority no later than 5 working days from the developer receiving or being notified of the complaint, unless a later date is otherwise agreed in writing by the Minerals Planning Authority. Once approved by the Minerals Planning Authority these proposals for removing, or adequately reducing, or mitigating identified adverse effects shall thereafter be implemented and maintained.
32. A Local Liaison Group will be established in accordance with the letter dated 15 March 2024 from Mick George Ltd to the Minerals Planning Authority entitled '*Local Upper Heyford Quarry Liaison Group*', and in accordance with a constitution agreed by the members of the Liaison Group present at its first meeting. This Group shall have a permanent email address and a mechanism for reporting day-to-day complaints other than those around dust and noise. The first meeting shall be arranged prior to the date of commencement as notified under condition 1. Subsequent meetings shall be arranged by the operating company at intervals as agreed by members of the Local Liaison Group, for the life of the operations.

APPEARANCES

FOR THE APPELLANT:

J Gough	Mick George Ltd
D Hardy	Partner in CMS
L Jephson	Noise consultant
J Redmore	Dust consultant
K Sanderson	Mick George Ltd

FOR THE MINERALS PLANNING AUTHORITY:

M Chance	Service Manager, Minerals and Waste
A Corkill	Acoustic consultant
S Ellis	Head of Development Management
P Moor	Development Management Officer

INTERESTED PARTIES:

J Arnold	Local resident
H Leithead	Barrister instructed by Nether Heyford Parish Council
S Sargeant	Local resident
S Sidhu-Brar	Local resident
S Slater	Upper Heyford Parish Meeting
A Williams	Nether Heyford Parish Council

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

BY THE APPELLANT:

APP1: Copies of plans of the scheme at A3 scale

APP2: Email to the Planning Inspectorate concerning the wheel wash condition (dated 18 June 2025)

APP3: Email to the Planning Inspectorate concerning the Inspector's suggested conditions (dated 25 June 2025)

APP4: Email to the Planning Inspectorate concerning the Inspector's suggested conditions (dated 21 July 2025)

APP5: Email to the Planning Inspectorate concerning the Inspector's suggested conditions (dated 18 August 2025)

APP6: Email to the Planning Inspectorate concerning the Inspector's suggested conditions (dated 20 August 2025)

BY THE MPA

MPA1: Email to the Planning Inspectorate concerning the Inspector's suggested conditions (dated 25 June 2025)

MPA2: Email to the Planning Inspectorate concerning the Inspector's further suggested conditions (dated 16 July 2025)

MPA3: Email to the Planning Inspectorate concerning the appellants' response to suggested conditions (dated 21 July 2025)

MPA4: Email to the Planning Inspectorate concerning the Inspector's suggested conditions (dated 20 August 2025)

BY THE UPPER HEYFORD PARISH MEETING & NETHER HEYFORD PARISH COUNCIL

PMPC1: Email to the Planning Inspectorate concerning the Inspector's suggested conditions with attachments (dated 8 July 2025)