



Walsall Council

TOWN AND COUNTRY PLANNING ACT 1990 **NOTIFICATION OF DECISION ON AN APPLICATION FOR PLANNING PERMISSION**

Applicant: Cory Environmental (Central) Ltd.

Agent: MJCA
(c/o Leslie Heasman)
Baddesley Colliery Offices
Main Road
Baxterley
Atherstone
Warwickshire
CV9 2LE

Site: HIGHFIELDS SOUTH QUARRY, LICHFIELD ROAD, SHELFIELD, WALSALL, WEST MIDLANDS

Application No: 07/0046/WA/E1

Particulars of Development: Planning Application and Environmental Statement to amend Conditions 27, 42, 43, 48 and 50 of Planning Permission Reference BC48719P dated 9 July 1997, and the development details in particular: the provision of information regarding the waste types imported to restore the site to wet and deciduous woodland, grassland and a waterbody with public access at Highfields South Quarry, Walsall.

Walsall Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described above, as shown in the plans which accompanied the application.

Subject to the following conditions and reasons:

1. The deposit of waste material at the site shall not continue concurrently with the deposit of waste at the neighbouring Vigo Utopia site for a period exceeding six months, unless otherwise previously approved in writing by the Mineral Planning Authority.

Reason: To prevent any risk of an unacceptable level of adverse environmental impact, on sensitive residential property in the area arising from the cumulative impact of simultaneous landfill operations at both the Vigo - Utopia and the Highfields South sites.

2. This permission approves the variations to the approved plans submitted in accordance with the requirements of Condition 1 of Planning Permission BC48719P.

Reason: To define the terms of this permission for carrying out the operations approved under the parent permission BC48719P.



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3. This permission approves a variation to the approved period for mineral extraction under Condition 2 of Planning Permission BC48719P for a period of three years from the date of this decision and all mineral extraction shall be carried out only in accordance with the terms of this permission, unless a further extension to the period is approved in writing by the Mineral Planning Authority.

Reason: To define the period for mineral extraction to assist in securing completion of restoration within the timescales of this permission.

4. The deposit of wastes shall be carried out in accordance with the submitted progressive infilling and restoration phasing over a period of 8.5 years from the date of commencement of deposit of waste material, unless otherwise previously approved in writing with the local planning authority.

Reason: To define the period for deposit of waste material and to secure completion of restoration within the timescales proposed in the application not exceeding that required by Planning Permission BC48719P.

5. For the purposes of Condition 5 of Planning Permission BC48719P the following types of waste are approved for importing, depositing and disposal within the site:

Any waste classified as non - hazardous, domestic and municipal solid wastes and inert wastes within the European Waste Catalogue as presently constituted in the Document referenced CONSLEG: 2000D0532 - 01/01/2002 or any successor classification and for the avoidance of any possible doubt specifically excluding;

Any such non - hazardous or inert waste comprised in the form of liquids, sludges or slurries.

Any waste that is currently or that subsequently becomes, classified as hazardous, within the European Waste Catalogue.

Reason: To define the types of waste approved for the purposes of Condition 5 of Planning permission BC48719P.

6. No use, operation or activity hereby permitted shall be carried out except in accordance with the terms of and hours of operation specified by Condition 8 of Planning Permission BC48719P.

Reason: To ensure that there is no detriment to the amenity of any nearby sensitive uses arising from the duration of operations.



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7. No use, operation or activity hereby permitted shall be carried out except within the terms of Conditions 21 and 22 of Planning Permission BC48719P as amended by the terms of this permission.

Reason: To ensure that there is no adverse impact from noise on sensitive uses.

8. Mineral extraction shall not take place except in accordance with the phasing of extraction and the establishment of slope profiles that produce the maximum lateral extent and depth of the excavated and prepared void shown on the submitted plans. Such phasing shall constitute an approval to the phasing of extraction for the purposes of Conditions 26 and 27 of Planning permission BC48719P.

Reason: To ensure that mineral extraction is carried out in an orderly phased manner to achieve the final void for restoration of the site.

9. Implementation of this permission shall only be in accordance with the requirements of Condition 34 of Planning Permission BC48719P. Extracted minerals and overburden shall not be stored to levels that are higher than the rim of the quarry except for the purposes of providing surcharge material for securing the settlement of tipped waste material to the approved final restoration contours. Such storage shall only take place such that the height of any surcharge mounds does not exceed 158 metres AOD at any time.

Reason: To minimise the potential for any adverse visual impact.

10. For the purposes of condition 39 of Planning Permission BC48719P, reference to Plan HS9a in Condition 39 is hereby substituted by reference to Plans HDA6 and COR/HS/09 - 04/11782, which shall hereafter constitute the approved restoration scheme for the site.

Reason: To define the approved restoration scheme.

11. For the purposes of condition 42 of Planning Permission BC48719P, reference to Plan HS Fig 3 in Condition 42 is hereby substituted by reference to Plan COR/HS/09 - 04/11778.

Reason: To define the consented discharge points.

12. The diversion of the un-named brook referred to in condition 43 of Planning permission BC48719P is amended by the proposals approved under this permission, and those proposals shall be carried out in accordance with the approved scheme (see drawing 04/11778) unless otherwise previously approved in writing by the Local planning Authority.



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Reason: To define the permitted course for the diversion of the un - named Brook.

13. Within three months of the date of this permission a detailed scheme relating to the protection of Bithynian vetch (*Vicia bithynica*) shall be submitted to the Local Planning Authority for approval. The scheme shall include the identification of the extent of the areas colonised by the vetch, measures to protect and manage the area throughout the period of mineral extraction and landfilling operations at the site and for a further period of five years following completion of restoration. The approved scheme shall be implemented in accordance with the terms set out therein.

Reason: Bithynian Vetch is a Red Data Book species of local and regional importance and its protection is essential to the successful restoration of the site.

14. Within three months of the date of this permission a detailed scheme relating to the protection of Bithynian vetch (*Vicia bithynica*) shall be submitted to the Local Planning Authority for approval. The scheme shall include the identification of the extent of the areas colonised by the vetch and measures to protect and enhance the colony throughout the period of mineral extraction and landfilling operations at the site and for a further period of five years following completion of restoration. The approved scheme shall be implemented in accordance with the terms set out therein.

Reason: Bithynian Vetch is a Red Data Book species of national and regional importance and its protection is essential to the successful restoration of the site.

15. Within six months of the date of this permission a detailed scheme for the phased treatment and management of the restored landform shall be submitted to the Local Planning Authority for approval. The scheme shall provide for a reduction in the amount of woodland edge habitat shown on the submitted restoration plan to enable species rich grassland to be created across the site. Full details of how the grassland will be created and managed, including soils, final community type and management method should be supplied. The scheme shall be implemented and managed in accordance with the approved phasing and aftercare programme.

Reason: To ensure that the restored site will be of high ecological value and in keeping with the local landscape character.

16. Within three months of the date of this permission a detailed Management Plan, which demonstrates how the Great Crested Newt (*Triturus cristatus*) population will be maintained on site, until the final restoration phase, shall be submitted to the Local Planning Authority for approval. The scheme shall include enhanced undisturbed interim habitat provision, an annual monitoring programme working to an agreed methodology and should detail how newts will be excluded from working areas. The approved plan shall be implemented in accordance with the details contained therein.



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Reason: The Great Crested Newts, which are present at the site, are a European Protected Species.

17. Within three months of the date of this permission a Management Plan for the protection of the Water Voles (*Arvicola terrestris*) shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to provide for protection of the brook corridor along the site boundary and measures to exclude voles from the working area..

Reason: To avoid undue disturbance and physical harm to water voles which are a protected species.

18. This permission shall be implemented in accordance with the terms of permission BC48719P except as amended by the conditions set out herein, unless otherwise agreed in writing with the Local Planning Authority.


Reason: to define the terms of the permission, for the avoidance of any doubt.

Summary of reasons for granting permission and proposals in the Development Plan which are relevant to this decision

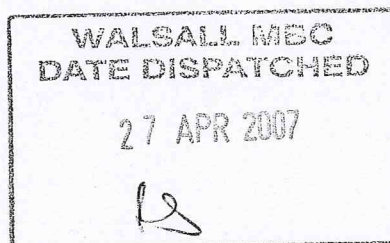
The proposed development is considered to comply with the relevant policies of the Development Plan, in particular policies GP2, ENV2(c), ENV10, ENV22,JP8,M1,M4,WM1,WM2, Thr Regional Spacial Strategy, PPS10, MPS 1, MPG2 and MPG7.

Further details are available by referring to the Officers report which can be viewed, subject to availability, in Planning Services. The Committee report can be viewed at www.walsall.gov.uk

Date of Decision: 26 April 2007



David Elsworthy
Head of Planning, Regeneration Directorate



YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES



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Notes for Applicant:

The applicant/developer is advised to contact Steve Lugg British Waterways Third Party Works Engineer in order to ensure that any necessary consents are obtained and that the works comply with British Waterways "Code of Practice for Works affecting British Waterways".

- i This permission does not grant approval under the Building Regulations 2000 for which a separate application may be required. You are advised to contact the Building Control Section on telephone helpline number 01922 652408 should you require further advice.
- ii This permission does not grant approval or in any way overrides the requirement to comply with any restrictive covenant(s) that may be on the land. You should be aware that there is a risk involved in proceeding with development without clarifying whether there are any relevant covenants relating to the property.
- iii Your attention is drawn to the Party Wall Act 1996. If you intend to carry out building work which involves:
 - work on an existing wall shared with another property;
 - building on the boundary with a neighbouring property;
 - excavating near a neighbouring building;

you should find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled "The Party Wall etc. Act 1996: Explanatory Booklet" or "A Short Guide to the Party Wall etc. Act 1996", both are available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7NB. Tel: 0870 1226 236, Fax: 0870 1226 237. This document is also available on the ODPM website: <http://www.safety.odpm.gov.uk/bregs/walls.htm>



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NOTE

1. This notice does not constitute an Approval under the Building Regulations. This decision is given only under the Town and Country Planning Act 1990, and the Town and Country Planning (General Development Procedure) Order 1995. You are reminded of the need to ensure due compliance with the Building Regulations 1985 and to other legislation. Permission does not modify or affect any personal or retrospective covenant applying to the land or any right of any person entitled to the benefit thereof.
2. If you are aggrieved by the decision of the Council to refuse permission or approval for the proposed development, or grant permission or approval subject to conditions, you may appeal to the First Secretary of State **within six months of the date of this decision**. Appeals must be made on a form which is obtainable from the Planning Inspectorate, **Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**, or you can download the forms from the planning inspectorate's web site: www.planning-inspectorate.gov.uk. The First 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 First 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 Council, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements, to the provisions of the development order, and to any decision of a Council was based on a direction given by him.
3. If permission to develop land is refused or granted subject to conditions, whether by the Council or by the First Secretary of State, and you claim that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, you may serve on the Council a purchase notice requiring the Council to purchase your land in accordance with the provisions of Part IX of the Town and Country Planning Act 1990. A notice may only be served on the Council by the owner of land concerned.
4. In certain circumstances, a claim may be made against the Council for compensation, where permission is refused or granted subject to the conditions by the First 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.
5. Development must comply with Section 46 of the West Midlands County Council Act 1980 (namely it shall provide adequate means of access for the fire brigade to the building or, to the building as extended, as the case may be. It must be ensured that existing means of access for the fire brigade to a neighbouring building are not rendered inadequate).



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