



Planning, Engineering and Transportation

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PLANNING DECISION NOTICE

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended)
The Town and Country Planning Act 1990 (as amended)

Grants Planning Permission Subject to Conditions

Part 1 – Particulars of Application

Applicant: Ibstock Brick Ltd
Agent: Geoplan Ltd
Application Number: 14/0619/CM
Site Address: Ibstock Brick Ltd, Atlas Quarry, Stubbers Green Road, Walsall, WS9 8BL
Proposal: Extension of existing quarry workings. Amendment of approved restoration scheme to enable restoration to water. Exportation of clay to supply other brickworks. Ecological mitigation works

Part 2 – Particulars of Decision

Walsall Council, as Local Planning Authority, hereby **Grants Planning Permission Subject to Conditions** for the development described in Part 1 above and in accordance with the application and plans submitted.

CONDITIONS

Terms of Permission.

1. The planning permission subject to these conditions, which is determined pursuant to the requirements of the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011; is for: the extension of the existing quarry workings at Atlas Quarry, Stubbers Green Road onto the Recordon land for extraction of

Etruria Marl, an amendment to the restoration plan approved under application reference 04/1603/MI/M1 to fill the void with water to create a lake with ancillary woodland, grassland and footpaths, exportation of clay to Aldridge Works and creation of compensatory habitats on the Mitco land and land adjacent to the Swag. The ongoing operation of the existing quarry, brickworks, ancillary offices and stockyard shall carry on in accordance with the area that received planning permission pursuant to an application for new conditions to an existing mineral working permission under application reference 04/1603/MI/M1.

Reason: To define the terms of and scope of the permission and preserve the entitlement to continue with the developments.

Approved Documents

2. This development shall not be carried out other than in conformity with the following plans and documents:

- Recordon Land Location Plan (A14/51) received 25/04/14
- Site Plan (A14/42) received 25/04/14
- Atlas Quarry & Recordon Land Phase 1A (A14/36) received 25/04/14
- Atlas Quarry & Recordon Land Phase 1B (A14/37B) received 25/04/14
- Atlas Quarry & Recordon Land Phase 2 (A14/38B) received 25/04/14
- Atlas Quarry & Recordon Land Phase 3A (A14/40B) received 25/04/14
- Atlas Quarry & Recordon Land Phase 3B (A14/40BBB) received 25/04/14
- Atlas Quarry & Recordon Land Phase 3C Final Landform (A14/40D) received 25/04/14
- Excavation Design (A14/32B) received 25/04/14
- Habitat Creation Scheme (A14/41) received 25/04/14
- Restoration Scheme (A14/43) received 25/04/14
- Site Green Infrastructure (A14/57) received 14/11/14
- Area Green Infrastructure Existing (A14/58) received 14/11/14
- Area Green Infrastructure Proposed (A14/59) received 14/11/14
- Phase 1A Working & Restoration (A14/60) received 14/11/14
- Phase 1B Working & Restoration (A14/61) received 14/11/14
- Phase 2 Working & Restoration (A14/62) received 14/11/14
- Phase 3A Working & Restoration (A14/63) received 14/11/14
- Phase 3B Working & Restoration (A14/64) received 14/11/14
- Phase 3C Working & Restoration (A14/65) received 14/11/14
- Restoration (A14/66) received 14/11/14
- Habitat Creation Scheme West of The Swag (A14/67) received 14/11/14
- Habitat Creation Scheme Mitco Land (A14/68) received 14/11/14
- Mitco Land Nature Conservation Images (A14/69) received 14/11/14
- Supporting Statement prepared by Geoplan (April 2014) received 25/04/14
- Additional Information in support of application 14/0619/CM prepared by Geoplan (November 2014) received 14/11/14
- Environmental Statement prepared by Geoplan (April 2014) received 25/04/14
- Assessment of Environmental Impact of Noise prepared by Vibrock (R14.7967/1/2/RS) received 25/04/14
- Air Quality Assessment prepared by Vibrock (R14.7968/2/PC) received 25/04/14

- Environmental Assessment of the impact on Water Resources and Flood Risk Assessment prepared by RM Simon (March 2014) received 25/04/14
- Ecological Impact Assessment prepared by Crestwood Environmental Limited (CE-AT0208-RP03 – Final) received 25/04/14
- Landscape & Visual Assessment prepared by Geoplan (January 2014) received 25/04/14
- Archaeological Desk Based Assessment prepared by Archaeological Solutions Limited (4351) received 25/04/14
- Soil Resources and Agricultural Use and Quality prepared by Land Research Associates Limited (9 December 2009) received 25/04/14
- Transport Assessment prepared by Mayer Brown Limited (IBSTOCKATLAS.1 August 2013) received 25/04/14

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3. Pursuant to implementation of this permission a copy of this decision notice and any plans and documents approved herewith shall be made available for inspection at Atlas Brickworks at any time during permitted working hours.

Reason: To assist in the ongoing monitoring of the site for compliance with planning conditions.

Time Limits for Mineral Extraction Other Operations and Restoration

4. No working of Etruria Marl shall take place after 15th March 2049 or any earlier date that may be specified in any subsequent statutory review of this permission pursuant to the Environment Act 1995 or any successor Legislation, Statutory Instrument or Orders. Not later than six months from any date of cessation of mineral extraction, all buildings, structures, hardstandings and plant used in connection with the winning and working of Etruria Marl shall be removed in accordance with any approved restoration scheme. Any buildings, structures, plant equipment and machinery required for restoration and aftercare of the said site, shall not be required to be removed until completion of the restoration.

Reason: To define the appropriate time limits for cessation of mineral extraction.

5. No operations shall be carried out so as to delay the completion of the restoration of the site to the approved plans beyond 15th March 2054 or three years after the cessation of mineral extraction whichever is the earlier date. Not later than 12 months after the date of cessation of mineral extraction, all buildings, structures, hardstandings plant equipment and machinery not required for any ongoing restoration, aftercare and drainage of the site, shall be removed from the site and the restoration completed in accordance with a restoration scheme approved pursuant to this or any subsequent scheme of conditions at the site.

Reason: To define the appropriate time limits for cessation of extraction and restoration.

6. The operation of the brickworks, the ancillary offices, the stockyard and the stockpiling of Etruria Marl quarried from the site along with any imported clay materials shall not continue after 15th March 2051 or two years after the cessation of mineral extraction whichever is earlier. Not later than three years from the date of cessation of mineral extraction all buildings, structures, plant, equipment and machinery used in connection with the operation and occupation of the brickworks, ancillary offices and stockyard along with the stockpiling of any clays not required for the infilling, restoration or aftercare of the said site shall be removed and the land restored in accordance with a restoration scheme that has been previously approved in writing by the Mineral Planning Authority.

Reason: To define the appropriate time limit for cessation of operation of the brickworks.

Temporary Suspension Of Operations

7. If mineral extraction is for any reason suspended for a period exceeding 12 months the Mineral Planning Authority shall be notified in writing not later than fourteen days from expiry of the 12 month period of suspension. Within twenty eight days of such notification pursuant to this condition a scheme specifying the steps that have been or are proposed to be taken for the protection of the environment in order to preserve the amenities of the area, to protect the area from damage and to prevent the deterioration of the condition of the land during the suspension period including any necessary revised programme and timetable for completion of the development shall be submitted for the approval of the Mineral Planning Authority and the approved scheme thereafter implemented.

Reason: To ensure that no adverse impact arises from the temporary cessation of operations.

Mineral Extraction Operations

8. No mineral extraction shall take place under the terms of this permission outside the areas shown to be worked as indicated on the approved phasing plans referred to in condition 2 of this permission.

Reason: To ensure that the permission is only operated in accordance with an approved working programme.

Geotechnical Assessment

9. Not later than 12 months from the date of approval of these conditions a Geotechnical Assessment demonstrating confirmation of the achievement of permanent stability of the quarry slopes adjacent to the external boundaries of the site and including demonstrating maintenance of stability of ground for the deep mine monitoring borehole adjacent to Footpath No 16, shall be submitted for the approval of the Mineral Planning Authority. This shall be in accordance with the information required to comply with the Quarries Legislation on geotechnical stability monitoring. Thereafter Geotechnical Assessments demonstrating ongoing structural stability shall be submitted for the approval of the Mineral

Planning Authority at intervals not exceeding five years after deposit of the first Geotechnical Assessment until mineral extraction permanently ceases.

Reason: To ensure that no quarry form is created that will cause any short or long term instability with a risk to any land and uses adjacent to the site.

10. If the Geotechnical Assessments required by condition 9 identifies an unacceptable risk of structural failure or instability to land outside the permission area, including the public highway and definitive footpath no. 17 (Aldridge), the operator shall notify the Mineral Planning Authority within 48 hours and submit for approval in writing a scheme of prevention and/or remediation of any instability and for implementation of that scheme within an approved timescale with the maintenance of appropriate stand-off distances for the duration of operations.

Reason: To ensure that any potential instability is considered in advance of any such event and to prevent any such event occurring.

Noise

11. Topsoil and subsoil stripping and other works in connection with landscaping shall not exceed 70 dB LAeq, 1h free field 1 metre from any residential property and shall be limited to a period not exceeding 8 weeks at any one property.

Reason: To ensure there is no detriment to the amenity of any sensitive uses from noise generated by any operations on the site.

12. Other than activities for topsoil and subsoil stripping and other works in connection with landscaping, noise, either measured individually or cumulatively, shall not exceed 50 dB(A) LAeq, 1h (free field) and 10 dB(A) above background levels 1 metre from nearby residential premises.

Reason: To ensure there is no detriment to the amenity of any sensitive uses from noise generated by any operations on the site.

13. In order to provide adequate noise mitigation the following measures shall be implemented:

- (i) Proprietary plant and equipment shall be fitted with appropriate silencers and/or acoustic panels or insulation,
- (ii) All mobile plant shall be fitted with non-intrusive warbler reversing or white noise systems
- (iii) Equipment maintenance and operation shall be in accordance with manufacturer's instructions
- (iv) Audible noise assessments shall be undertaken on a daily basis. All such assessments and instances of remedial and corrective action shall be recorded in writing in the site diary and made available to the local planning authority upon request
- (v) An acoustic bund shall be constructed along the north west perimeter of the proposed extension area

Reason: To ensure there is no detriment to the amenity of any sensitive uses from noise generated by any operations on the site.

14. Any remedial works to be undertaken at the locations identified on Site plan A14/42 dated march 2014 shall be agreed in writing with Local Planning Authority prior to implementation.

Reason: To ensure there is no detriment to the amenity of any sensitive uses from noise generated by any operations on the site.

Dust

15. No operations shall be carried out except in accordance with the approved dust control measures detailed in Appendix 3 of the Air Quality Assessment (R14.7698/2/PC). In addition and at all times for the duration of operations all practicable steps shall be taken to prevent the carriage of airborne dust beyond the site boundary. These shall include:

- a) Training of site personnel as to potential sources and effective mitigation of dust.
- b) Daily visual inspections within the site and on the local highway network regarding the effectiveness of dust management.
- c) Maintaining a complaints log; in the event of receiving a dust complaint noting the name and location of the complainant, the nature of the dust related complaint, the site activity and prevailing weather conditions at the time of the complaint. Site management shall investigate the complaint and take any remedial action which is deemed appropriate.
- d) In the event of failure of the dust mitigation measures, for example in extreme weather conditions, the dust generating activity shall be temporarily suspended until appropriate dust mitigation is implemented or until a change in weather condition occurs.
- e) Speed controls of 15mph on internal site roads.
- f) Sheeting of all lorries.
- g) Use of road sweepers.

Reason: To ensure that there is no adverse impact from dust emissions from the site.

16. All vehicles that are used at the quarry or pass through roads that have clay deposits shall pass through wheel-wash equipment prior to accessing public roads.

Reason: To ensure that there is no adverse impact from deposition of clays on the public roads.

Hours of Operation

17. No use operation or activity permitted for mineral extraction, transport and processing of minerals and including land restoration, stabilisation, preparation, ecological mitigation and deliveries, shall take place outside the hours of 08.00 - 18.00 Mondays to Fridays, 08.00 - 13.00 Saturdays and not at all on Sundays, Bank and other Public Holidays* excepting the construction and removal of soil and overburden mounds which may only take place between the hours of 09.00 - 18.00 hours on Mondays to Fridays.

* Bank and Public Holidays for this purpose shall include: Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.

Reason: To minimise the potential for any adverse impact on the surrounding area from any permitted use operation or activity arising from the hours of operation.

Fencing and Security.

18. Existing fencing for the site perimeter shall be retained and maintained for the duration of the period of operation of the site.

Reason: To ensure the maintenance of fencing for safety and security.

Access, Traffic and Protection of the Highway

19. No access to the site may be obtained to or from Dumblederry Lane except for the purpose of gaining access for temporary periods for the winning and working of Etruria Marl and maintenance of the storage mounds and any activities for operation and maintenance of an agricultural use within the area until required for mineral extraction.

Reason: To minimise the potential for any adverse impact on the highway and any conflict of vehicle movements within the site.

20. There shall not be any deliveries of any materials to, or removal of finished products from, the brickworks except via the approved entrance and exit points to Stubbers Green Road.

Reason: To minimise the potential for any adverse impact from traffic on the highway and any conflict of vehicle movements within the site.

21. No vehicles used for extraction of Etruria Marl or accessing active quarry areas or for delivering imported clays or for restoration of the site shall be permitted to exit the site to enter the public highway without using wheel washing facilities installed within the site in accordance with details of the type and location of such facilities that have first been approved in writing by the Mineral Planning Authority. Thereafter the approved wheel wash or any replacement shall be retained and maintained in an effective condition and operation for the duration of any operations, including restoration and soil placement, at the site.

Reason: To prevent the carriage of clay deposits or other material onto the highway.

22. All exported clays from the proposed quarry extension shall to transported to the Aldridge Works in Brickyard Road only and no clays shall be exported to any other destination unless an Addendum to the Mayer Brown Transport Assessment has first been submitted to and approved in writing by the Local Planning Authority. The exportation of clays shall be carried out in accordance with any agreed addendum.

Reason: To ensure any HGV movements to destinations other than to Brickyard Road have been fully assessed for their potential impact on the highway network, in the interests of the free flow of traffic on the public highway, to highway safety and in accordance with UDP policy T4 and Black Country Core Strategy TRAN2.

23. No overburden materials from the proposed quarry extension shall be removed from the site unless an Addendum to the Mayer Brown Transport Assessment has first been submitted to and approved in writing by the Local Planning Authority. The removal of overburden materials from the site shall be carried out in accordance with any agreed addendum.

Reason: To ensure any additional HGV movements to those predicted within the submitted Transport Assessment and related to the proposed clay exportation, have been fully assessed for their potential impact on the highway network, in the interests of the free flow of traffic on the public highway, to highway safety and in accordance with UDP policy T4 and Black Country Core Strategy TRAN2.

24a. Prior to the commencement of the final restoration plan, a scheme shall be submitted to and approved in writing by the Local Planning Authority, which addresses the Definitive public footpath no. 17 (Aldridge) which immediately abuts the south east boundary of the site, to address a potential diversion of the footpath into the site and encompassing it within the proposals for future public access to the site. Full engineering details including surface materials, access control methods such as barriers and signage etc, shall also be submitted to the Local Planning Authority for technical approval in writing.

24b. Prior to the final restoration scheme first coming into use by the public, if required, a public footpath stopping up/diversion order under an appropriate legal mechanism shall be made and confirmed to stop up/divert the public footpath onto the new alignment and the footpath shall be fully implemented in accordance with the details approved under part (a) of this condition.

Reason: In order to improve and rationalise the public footpath network, in accordance with UDP policy GP2, T8, T11.

25a. Prior to the implementation of the final restoration scheme, full details of the public access points to the site, which shall also consider potential links to The Swag on the northern side of Barns Lane and potential final restoration scheme for Sandown Quarry on the north eastern side of Stubbers Green Road, including any public car parking areas, together with clarification of the status of the public access routes and links, shall be submitted to and approved in writing by the Local Planning Authority.

25b. Prior to the final restoration scheme first coming into use by the public, the public access points shall be fully implemented in accordance with the approved details and brought in use.

Reason: To the site has satisfactory public access and parking arrangements, in accordance with UDP policy GP2.

Stockpiling

26. Stockpiles of bricks pavers or other products from the brickworks shall not exceed 5 metres above the ground on which they are placed.

Reason: To control the visual impact of stockpiles.

27. Stockpiles of Etruria Marl and any clays imported onto the site for use in the brickworks shall not be kept in any place other than the are annotated on Plan A11/03 and no stockpiles of clays shall exceed 5 metres in height above the ground on which they are placed.

Reason: To minimise the visual impact of stockpiles.

Drainage

28. No fuels, oils, chemicals or other potentially polluting compounds shall be stored within the site except in tanks set on impervious bases within bunds with a capacity of not less than 110% of the volume of the tank or the combined volume of multiple tanks and any filling and draw points shall be detailed to discharge downwards into the bund.

Reason: To prevent any ground or water pollution.

29. No operation for the maintenance of quarry plant equipment or machinery shall be carried out within the site except in areas with an impervious base and for which surface drainage is detailed to ensure that it is only via oil and grease interceptors prior to discharge of any water to the foul and/or storm drainage system in accordance with details given prior approval in writing by the Mineral Planning Authority.

Reason: To prevent any of ground or water pollution.

Reason: To prevent any ground or water pollution.

Archaeology

30. The applicant shall afford access at all reasonable times to the Minerals Planning Authority Archaeologist and shall allow them to observe groundwork and record archaeological remains that may be uncovered as part of the development. Notification of the commencement date of any works with the potential to expose archaeological remains and information as to who the archaeologist should contact on the site shall be given to the Planning Authority not later than 14 days prior to the commencement of such development. Any archaeological features or items of interest discovered during the course of excavations shall be reported to the Planning Authority. Provision for the recording of such features or items of interest by a suitably qualified archaeological organisation, shall be made by the applicant in accordance with a scheme approved by the

Planning Authority Archaeologist.

Reason: To identify and safeguard any archaeological remains that may be within the site.

Hydrology

31a. Before any works within the extended quarry are implemented a scheme setting out a methodology for hydrological assessment and monitoring of groundwater levels in the vicinity of the proposed quarry area including Stubbers Green Bog SSSI, the Swag and Swan Pool SSSI shall be submitted to the Mineral Planning Authority for approval in writing. The methodology shall include timeframes for works linked to the phased development as shown on the approved drawings, a reporting protocol and methodology for dealing with any adverse impacts should they arise.

31b. The development shall be carried out in accordance with the agreed details.

Reason: To prevent any adverse impact on groundwater.

Soil Management and Storage

32. All topsoil and overburden stripped from the permitted area shall be separately stripped and separately stored and retained within the site in accordance with details approved by the Mineral Planning Authority until required for use in the restoration of the site.

Reason: To safeguard the soils and the condition of soils for use in restoration.

33. No topsoil or subsoil shall be imported onto the site unless and until it is required for use in restoration and then shall only be stored separately from any topsoil and subsoil derived from within the site.

Reason: To safeguard the condition of soils for use in restoration and the ecological value of the site.

34. No topsoil shall be stored in mounds such that the topsoil is greater than 3 metres in depth.

Reason: To safeguard the condition of soils for use in restoration.

35. No subsoil shall be stored in any place or form within the site such that the subsoils are greater than 5 metres in depth and in any event no soils shall be stored within the site to a height greater than the height as measured in metres above Ordnance Datum Levels of the perimeter screen mounds constructed as part of implementation of planning permission BC24328P.

Reason: To safeguard the condition of soils for use in restoration and to safeguard the visual amenity of the area.

36. Soil Management shall only be carried out in accordance with DEFRA Government Guidelines or subsequent legislation.

Reason: To safeguard the condition of soils for use in restoration.

37. Stripping and movement of any topsoils and or subsoils shall not take place except during the period of 1st April to 31st October of any calendar year unless otherwise previously approved in writing by the Mineral Planning Authority. Notwithstanding soil stripping, movement and storage shall only take place in the permitted periods when it is in a suitably dry friable condition.

Reason: To safeguard the condition of soils for use in restoration.

38. Topsoil and subsoil storage mounds shall only be created in locations that have received the prior written approval of the Mineral Planning Authority.

Reason: To safeguard the condition of soils for use in restoration.

39. Any land used for storage of topsoils subsoils and overburden shall be restored after removal of this material in accordance with a restoration scheme for the site that has been given prior approval in writing by the Mineral Planning Authority.

Reason: to secure the restoration of any areas used for soil storage.

Permitted Development Rights

40. Notwithstanding the provisions of Part 17 of Schedule 2 in the Town & Country Planning (General Permitted Development) Order 2015 or any successor orders or legislation no development specified in Part 17 shall be carried out without the prior written approval of the Mineral Planning Authority of details of the location, nature and design of the development.

Reason: To ensure that no development carried out under Part 17 of Schedule 2 in the Town & Country Planning (General Permitted Development) Order 2015 or any successor Orders that causes a breach of any other conditions with this or any successor permission.

Importation of Clay

41. Not more than 30% as measured in tonnes, of clay processed in the brickworks shall consist of clays imported into the site from outside the permitted area unless otherwise previously approved in writing by the Mineral Planning Authority. Annual statements of clay imported and exported for each calendar year of operation commencing with the year of approval of this schedule of conditions shall be deposited with the Mineral Planning Authority not later than the 31st January of the calendar year succeeding the calendar year for which the statement is being deposited.

Reason: To ensure that the Brickworks is not operated as a use that is separate to the quarry subject to this permission.

Water Management

42a. Prior to commencement of any works within the extension to the quarry or diversion of Anchor Brook a detailed scheme for water management throughout the phases of development and upon restoration of the site as identified in the application and Environmental Statement shall be submitted and approved in writing with the Mineral Planning Authority.

42b. The approved water management regime shall be implemented fully in accordance with the approved scheme and managed and maintained thereafter in accordance with the agreed details.

Reason: To prevent the risk of flooding and ensure appropriate management of water.

43. A scheme for the phased restoration and aftercare of the quarry site, mitigation works at the Mitco land and adjacent The Swag in accordance with the details in the Environmental Statement shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the following:

- i. Timetable for restoration works and methods used.
- ii. Details of landscaping and tree/woodland planting and grass seeding to the restored areas for the after use.
- iii. Details of footpath maintenance.
- iv. Details of any maintenance measures for the lake.
- v. Maintenance details for all landscaped areas.
- vi. Management details for the site post restoration.
- vii. Final site drainage.

Reason: To ensure that the restored site remains capable of supporting and maintaining the after use.

44. During any phase of aftercare for any or all parts of the restored site an annual review shall be conducted of the aftercare operations that have been carried out in the preceding year and a report deposited with the Mineral Planning Authority within 1 month of expiry of the first and any subsequent 12 months comprising the annual review period. The review shall consider the need for any additional and/or remediation measures for the area subject to aftercare and such additional and/or remediation measures implemented within the 12 month period following expiry of the first and any subsequent year for which an annual review is carried out. The scheme shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure that the restored site remains capable of supporting and maintaining the after use.

45. Upon cessation of the quarrying operations at the site detailed proposals for the removal of the brickworks, ancillary offices, vehicle parking areas, stockyard and stockpiles areas within the restoration scheme and the restoration, landscaping and

planting of this area on removal shall be submitted to and approved in writing by the Mineral Planning Authority and implemented fully in accordance with any agreed details.

Reason: To ensure that the site is restored to an appropriate after use.

Ecology

46. The implementation of The Swag compensatory habitat shall commence no later than 12 months from the date of planning permission and be completed no later than 24 months from the date of planning permission unless otherwise agreed in writing with the Local Planning Authority.

Reason: To define the permission and to allow the compensatory habitat provision to be well established before habitat loss takes place.

The Main Quarry Site

47a. Prior to commencement of any development or site clearance on phase 2 full details of ecological landscaping for the main quarry site are submitted to the Local Planning Authority and approved in writing. The ecological landscape scheme shall provide further detail of the scheme set out in drawing A14/43 by Geoplan submitted as part of this planning application. Full details shall be provided for each of the published phases of:

- i. Existing and proposed levels.
- ii. Details of substrate.
- iii. Full details of the establishment of vegetation on the site.
- iv. Drainage details.
- v. Locations of all planting.
- vi. Density of planting/ sowing.
- vii. Specifications for all planting to include: full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- viii. Specifications and location of protective and boundary fencing.
- ix. Full details of the restoration of the Anchor Brook course.
- x. Habitat provision for specific species and groups of species.
- xi. Provision for the permanent removal of problem weed species.
- xii. Any phasing.

47b. The ecological landscape scheme shall be implemented fully in accordance with the approved scheme before any part of the development is brought into use and retained thereafter.

47c. No development or site clearance shall commence until a ten year management plan for Mitco Land compensatory site is submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and provide full details of:

- i. How vegetation will be maintained through the establishment period and managed thereafter.
- ii. Provision for the replacement of any planting which dies, becomes diseased, damaged or removed.

- iii. Full details of all management operations will be set out together with a timetable for each operation.
- iv. Monitoring and reviewing the effects of management and incorporating any remedial works required to implement the approved ecological landscape scheme.

47d. The ecological landscape scheme shall be managed in accordance with the approved management plan unless otherwise approved in writing by the Local Planning Authority.

Reason: to ensure the ecological landscape plan is properly designed, implemented and managed to fulfil the requirement of providing compensatory habitat for that lost as part of the planning permission.

The Swag

48a. Prior to the commencement of any development or site clearance on phase 2 full details of ecological landscaping for The Swag compensatory site are submitted to the Local Planning Authority and approved in writing. The ecological landscape scheme shall provide further detail of the scheme set out in drawing A14/41 by Geoplan submitted as part of this planning application. Full details shall be provided of:

- i. Existing and proposed levels.
- ii. Details of substrate.
- iii. Full details of the re-establishment of vegetation on the site.
- iv. Drainage.
- v. Locations of all planting.
- vi. Density of planting/ sowing.
- vii. Specifications for all planting to include: full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- viii. Specifications and location of protective fencing.
- ix. Habitat provision for specific species and groups of species.
- x. Provision for the permanent removal of problem weed species.
- xi. Any phasing.

48b. The ecological landscape scheme shall be implemented fully in accordance with the approved scheme before any part of the development is brought into use and retained thereafter.

48c. No development or site clearance shall commence until a five year management plan for The Swag compensatory site is submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and provide full details of:

- i. How vegetation will be maintained through the establishment period and managed thereafter.
- ii. Provision for the replacement of any planting which dies, becomes diseased, damaged or removed.
- iii. Full details of all management operations will be set out together with a timetable for each operation.
- iv. Monitoring and reviewing the effects of management and incorporating any

remedial works required to implement the approved ecological landscape scheme.

48d. The ecological landscape scheme shall be managed in accordance with the approved management plan unless otherwise approved in writing by the Local Planning Authority.

Reason: to ensure the ecological landscape plan is properly designed, implemented and managed to fulfil the requirement of providing compensatory habitat for that lost as part of the planning permission.

The Mitco Land

49a. Prior to the commencement of any development or site clearance on phase 2 full details of ecological landscaping for the Mitco Land compensatory site are submitted to the Local Planning Authority and approved in writing. The ecological landscape scheme shall provide further detail of the scheme set out in drawing A14/68 by Geoplan submitted as part of this planning application. Full details shall be provided of:

- i. Existing and proposed levels.
- ii. Details of substrate.
- iii. Full details of the establishment of vegetation on the site.
- iv. Drainage details.
- v. Locations of all planting.
- vi. Density of planting/ sowing.
- vii. Specifications for all planting to include: full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- viii. Specifications and locations of protective and boundary fencing.
- ix. Habitat provision for specific species and groups of species.
- x. Provision for the permanent removal of problem weed species.
- xi. Any phasing.

49b. The ecological landscape scheme shall be implemented fully in accordance with the approved scheme before any part of the development is brought into use and retained thereafter.

49c. No development or site clearance shall commence until a ten year management plan for the Mitco Land compensatory site is submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and provide full details of:

- i. How vegetation will be maintained through the establishment period and managed thereafter.
- ii. Provision for the replacement of any planting which dies, becomes diseased, damaged or removed.
- iii. Full details of all management operations will be set out together with a timetable for each operation.
- iv. Monitoring and reviewing the effects of management and incorporating any remedial works required to implement the approved ecological landscape scheme.

49d. The ecological landscape scheme shall be managed in accordance with the approved management plan unless otherwise approved in writing by the Local Planning Authority.

Reason: to ensure the ecological landscape plan is properly designed, implemented and managed to fulfil the requirement of providing compensatory habitat for that lost as part of the planning permission.

Species Protection.

50a. Notwithstanding the ecological survey work carried out in support of this planning application, all phases of the development shall be undertaken in the expectation that protected species may be present and further survey work shall be carried out prior to the start of all phases of the permitted development.

50b. Site clearance works should avoid the bird nesting season (March to August inclusive). If this is not possible no site clearance works should be undertaken until the site has been surveyed for nesting birds by a qualified and experienced ecologist. If nesting birds are discovered, clearance works should be delayed until the young have fledged.

Reason: to ensure species of protected animals and plants are not adversely affected by the development.

POSITIVE AND PROACTIVE STATEMENT

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant supporting information and additional revised plans have been submitted. In light of the submitted details officers are able to support the scheme.

Your attention is drawn to the notes for applicant

Date of Decision: 23-Feb-2017



Steve Pretty - Head of Planning, Engineering and Transportation

NOTES FOR APPLICANT

1. Please read this decision notice carefully. If the conditions require you to submit further details, you must ensure that these details have been approved before you commence work. You may need to pay a fee to the Council to consider these details.
2. This decision is given only under The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and The Town and Country Planning Act 1990 (as amended).

3. 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 number 01922 652600 should you require further advice.
4. This permission does not grant approval or in any way override 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.
5. 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" and "A Short Guide to the Party Wall etc. Act 1996", both are available from Communities and Local Government Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB. Tel: 0300 123 1124, Fax: 0300 123 1125.

This booklet has been produced by the Department to explain in simple terms how the Party Wall etc Act 1996 ("the Act") may affect someone who either wishes to carry out work covered by the Act (the "Building Owner"), or receives notification under the Act of proposed adjacent work (the "Adjoining Owner").

This booklet has been simplified and updated to provide some answers to regularly asked questions. For example: what a party wall award can cover, what to do if a building becomes unsafe or there is excessive noise from the work being carried and the role of the surveyor.

The Party Wall Act 1996 Guidance can be found online at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

6. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant your application subject to conditions permission for the proposed development, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State 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.

Please Note: You must also send a copy of the appeal form direct to us, with copies of any documents or plans you are sending to the Planning Inspectorate that we do not already have.

FURTHER APPEAL ADVICE

You can find further comprehensive advice on the appeal procedures on the Planning Portal www.planningportal.gov.uk/planning/appeals

7. If permission to develop land is refused or granted subject to conditions, whether by the Council or by the 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.
8. 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 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.
9. 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).
10. If this decision grants permission for new development, subdivision or a conversion that will give rise to new addressable properties, you must apply to obtain your new postal address(es) using the application form that you can obtain from the Street Naming and Numbering Team, Traffic Management, Engineering and Transportation

Services, Civic Centre, Darwall Street, Walsall WS1 1DG or online at www.walsall.gov.uk/street_naming_and_numbering

11. Adoption of private sewers and lateral drains by Severn Trent Water on 1st October 2011. The Government has approved legislation The Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011 that from the 1 October 2011, transfers the ownership of all privately owned shared drains Severn Trent.

If you are looking to build an extension or new build you will need to check if the above will affect you, in the first instance you will need to contact Severn Trent water Limited on 01902 793871 or check the website for more information on www.stwater.co.uk

If your proposal is affected by an adopted sewer (Public Sewer) a Building Notice form of application cannot be used. In these instances a FULL PLAN application must be submitted

Therefore, prior to considering submitting a Building Notice, it is essential that you contact Severn Trent water Limited on 01902 793871 for advice.

The Council does not accept any liability for loss or damage of any nature relating to the foul or storm water drainage of the site.

12. Please refer to the attached Coal Authority advice note.

13. Note for Applicant Section 106 Agreement

The attention of the applicant is drawn to the Section 106 Agreement which forms part of this permission and the requirements of the terms therein.

14. Note for the Applicant (Highways)

The attention of the applicant is drawn to the need to keep the public highway free from any mud or other material emanating from the application site or any works pertaining thereto.

If you would like further information or clarification of the reasons for this decision contact the Planning Helpline on 01922 652677 or email planningservices@walsall.gov.uk.

Alternative language or format:

If you would like this information in another language or format contact the Planning Helpline on 01922 652677 or Textphone 0845 111 2910



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/government/organisations/the-coal-authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2017 until 31st December 2018