



**TOWN AND COUNTRY PLANNING ACT 1990**

**NOTIFICATION OF DECISION ON AN APPLICATION FOR PLANNING PERMISSION**

**Applicant:** Ibstock Brick Ltd  
**Agent:** David L Walker  
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89 Station Road  
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**Site:** ATLAS BRICKWORKS AND QUARRY, STUBBERS GREEN ROAD, ALDRIDGE

**Application No:** 04/1603/M1/M1

**Particulars of Development:** New Condition for Existing Mineral Working Permission

**Date Accepted:** 26 July 2004

Walsall Metropolitan Borough 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:**

*Terms Of Permission.*

1. The planning permission subject to these conditions, which is determined pursuant to the requirements of Schedule 14 of the Environment Act 1995, is for: the extraction of Etruria Marl; the construction and ongoing operation of a brickworks, ancillary offices, stockyard and infill of the excavated void for restoration to an approved after use appropriate to the status of the site, in accordance with the area that received planning permission pursuant to BC24328P and any detailed approvals given pursuant to this planning permission under consent referenced BC27424P.

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

*Approved Documents*

2. The development permitted and defined by Condition 1 shall not be carried out other than in conformity with any previously approved plans and the plans and documents listed below except insofar as any of these may be amended by any of the requirements of any other conditions with this permission or any variation or amendment to the approved plans and/or documents and/or Conditions, that may subsequently be given approval in writing by the Mineral Planning Authority prior to implementation of the approved variation.



The following documents are approved in addition to previous approvals under BC24328P and BC27424P:

- a) The Environmental Impact Assessment dated July 2004.
- b) Drawing No. A/11/03.

**Reason:** To define the terms and scope of the permission and preserve from any expiry any previous details approved for planning permission BC24328P.

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 15<sup>th</sup> 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 any ongoing infill, restoration and aftercare of the said site, which shall include retention, monitoring and maintenance of any gas and leachate management plant equipment and machinery 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 approved levels and contours beyond 15<sup>th</sup> 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, which may include any gas and leachate management and control systems, 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. In the event that the approved restoration levels and contours are not achieved by 31<sup>st</sup> March 2054 then the site shall be restored in accordance with a revised scheme to be submitted for prior approval in writing by the Mineral Planning Authority. Any such revised scheme shall be submitted for approval not later than 31<sup>st</sup> March 2053 and incorporate provisions for the revised levels and contours, additional landscaping and tree planting.

**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 15<sup>th</sup> 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 or any infill operations are for any reason suspended for 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 Phases I and II on Plan A11/03 submitted with the Environmental Impact Assessment for the duration of the period of effect of Planning Permission 04/1603/MI/M1, unless otherwise previously approved in writing by the Mineral Planning Authority in accordance with a working programme and plan approved pursuant to these conditions.

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

9. Mineral Extraction shall only take place in Phases I and II shown on Plan A11/03 submitted with the Environmental Impact Assessment:

- a) According to the Working Plan and Programme detailed in Section 4.2 of the Environmental Impact Assessment;
- b) Plan A11/10 deposited with the Mineral Planning Authority showing:
  - i) The boundaries of Extraction Phases I and II,
  - ii) A topographical survey of the site and void as at the time of approval of these conditions;



iii) The location of the existing water settlement lagoons, unless otherwise approved in writing by the Mineral Planning Authority pursuant to Condition 8 with this permission.

Reason: To ensure that mineral extraction is only carried out in accordance with the approved working programme.

10. For the duration of the period of working of the site in Phases I and II as shown on Plan A11/03, no topsoils, subsoils or overburden shall be stored in any part of the permission area to a height that exceeds the ground level as measured in metres above Ordnance Datum Levels, of the first perimeter screen mounds constructed pursuant to implementation of planning permission BC24328P. Any topsoils, subsoils or overburden stripped from the area of Phases I and II that exceeds the levels of the screen mounds at the date of issue of these conditions shall be removed and replaced elsewhere in the site so that no such material exceeds the levels of the screen mounds not later than twelve months from the date of approval of these conditions.

Reason: To minimise any potential for any adverse visual impact to arise.

11. No mineral extraction shall commence in Phase III shown on Plan A11/03 submitted with the Environmental Impact Assessment prior to the approval in writing by the Mineral Planning Authority of a working plan and programme providing for the following:

- i) The separate stripping, handling, movement and storage of topsoils, subsoils, and overburden;
- ii) Definition of the areas to be stripped and worked.
- iii) The phasing and sequence of removal;
- iv) The plant and equipment to be used to strip the materials;
- v) The location, area and height of all storage mounds of the stripped materials;
- vi) The sequence of the placement;
- vii) The landscaping of the mounds including the establishment of grass cover on the surface, the arrangements for fencing and future maintenance of the mounds.
- viii) Details of past Etruria Marl extraction rates;
- ix) Details of the volume of Etruria Marl remaining to be worked and the estimated future rate of working and extraction.
- x) The projected completion date for the workings.
- xi) The limit of excavation within this phase.
- xii) The location, design and formation of haul routes for this extraction.

Soil stripping and placement shall thereafter only be carried out in accordance with the approved scheme and the material including overburden shall be retained within the site for future use in restoration.

Reason: To ensure that mineral extraction is only carried out in an orderly progression in compliance with other conditions.



**Geotechnical Assessment**

12. 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 specified within Condition 13 with this permission and including demonstrating maintenance of stability of ground for the deep mine monitoring borehole adjacent to Footpath No 16 and marked on Plan A11/02 submitted with the Environmental Impact Assessment, shall be submitted for the approval of the Mineral Planning Authority. 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.

13. Subject to compliance with the requirements of Condition 12 with this permission and this demonstrating the achieving of the permanent stability of slopes on the boundaries listed below and also that there is no threat or adverse impact on the deep mine monitoring borehole, no mineral extraction shall take place below a depth of 93 metres above Ordnance Datum Levels, nor outside the lateral limits of the phases of extraction shown on Plan A11/03 submitted with the Environmental Impact Assessment as follows:

- a) On the western boundary in Phase III opposite Sherwood Walk and Rufford Way not less than 30metres from the boundary of the permission.
- b) On the eastern boundary in Phase III adjacent to the line of Dumblederry Lane and on the northern boundary of Phases I and II adjacent to the Clay stockpile area, not less than 12 metres from the boundary of the permission.
- c) In all other locations generally and particularly on the south west boundary and adjacent to the deep mine monitoring borehole indicated on Plan A11/02 not less than 25 metres from the boundary of the permission.

Reason: To define the terms of and any specific parts of the site for which Geotechnical Assessment may be required.

14. In the event of the first or any subsequent Geotechnical Assessment demonstrating that the stand off distances to the permission boundary specified in Condition 13 create or have resulted in an unacceptable risk of structural instability to land outside the permission area, the operator shall submit to the Mineral Planning Authority 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.



**Ecology**

15. No mineral extraction or any other operations or activities shall take place within the area set aside at the receiver site for the translocation of important plant species which shall be managed for nature conservation purposes until required for mineral extraction. No plant equipment or machinery shall be permitted to enter this area until required for mineral extraction.

Reason: To ensure the continued safeguarding of the area for translocation of species.

16. Mineral extraction shall not continue after twelve months from the date of approval of these conditions unless and until a plan and written statement has been deposited with the Mineral Planning Authority showing:

- a) Statutorily designated nature conservation sites within 2km of the application site.
- b) An assessment of the effect of aerial emissions from the brickworks and wider site on nature conservation sites and other sensitive receptors within affecting distance as may be determined through the written statement.
- c) Submission of proposals for remediation or mitigation of any adverse effect identified.
- d) A scheme for identifying the presence of protected species within the existing and any future working areas.
- e) A scheme for carrying out further work to identify the presence or otherwise of species listed as protected under the Wildlife And Countryside Act 1981 and the Conservation (Natural Habitats) Regulations 1994 within a 500m radius of the site perimeter and assessing the potential impact for these arising from the activities proposed to be undertaken within the 15 year period from the date of approval of these Conditions and details of appropriate mitigation measures to be implemented when and where necessary.
- f) A scheme for monitoring the adjacent SINC during the period of effect of these conditions to enable potential impacts to be identified and mitigated or remedied.

Reason: To ensure that there is no adverse impact on any sites of nature conservation interest within the area identified and to provide baseline information for future reviews of conditions.

**Noise**

17. The site shall not be operated except in accordance with measures set out in Part 1, Section 5 of British Standard 5228: 1997 'Noise Control On Construction And Open Sites' such that no use operation or activity permitted causes free field noise levels as measured at or adjacent to any sensitive uses and particularly residential properties on Sherwood Walk, Rufford Way and Stubbers Green Road, to exceed; 50dB(LAeq 1hr) during the hours of 08.00 to 18.00, 45dB(LAeq 1hr) during the hours of 18.00 to 23.00 and 40dB LAeq 1hr between 23.00 and 08.00 hours on permitted working days.

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



18. In the event of temporary operations for construction and removal of soil mounds taking place, these shall not take place outside the permitted hours of working nor for any cumulative period exceeding 8 weeks in any 52 week period and shall not be carried out so as to cause free field noise levels as measured at or near any sensitive uses and particularly residential properties on Rufford Way, Sherwood Walk and Stubbers Green Road to exceed 67dB (LAeq 1hr).

Reason: To minimise the potential for any adverse impact from noise arising from temporary operations.

19. Noise Monitoring shall be carried out at appropriate locations for the duration of operations including temporary operations in accordance with a scheme of monitoring that has been given approval in writing by the Mineral Planning Authority. Such scheme to be submitted for approval not later than six months from the date of this permission, with the commencement of such monitoring not later than twelve months from the date of this permission in accordance with the approved scheme and the results of such monitoring deposited with the Mineral Planning Authority at such frequencies as the approved scheme may require so as to demonstrate compliance with Conditions 17 and 18 with this permission.

Reason: To demonstrate compliance with Conditions 17 and 18.

20. The noise monitoring scheme shall, along with any other matters required by the Mineral Planning Authority, incorporate an assessment of the background noise levels and noise predictions for quarry and brickworks operations that will take place during the next 15 years from the date of approval of these conditions.

Reason: To establish background noise levels to enable assessment of the impact from noise of quarry operations.

#### *Dust*

21. No operations shall be carried out except in accordance with the dust management plan detailed in Section 4.2 of the Environmental Impact Assessment submitted with the application. 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) The provision of even surfaces for haul roads which will be maintained free of potholes and debris.
- b) The use of a water bowser or bowzers during conditions that may give rise to dust entrainment for spraying of haul roads and any other areas likely to generate dust.
- c) The cessation of all dust generating activities during periods when methods of dust suppression are ineffective until such time as conditions change and such measures become effective.
- d) The prohibition of the use within the active quarry area of any vehicle with a downwards pointing exhaust.

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





*Fencing And Security.*

22. 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.

*Hours Of Operation*

23. No use operation or activity permitted for mineral extraction, transport and processing of minerals and including all infill and restoration operations 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 and Christmas Day, unless otherwise given prior approval in writing by the Mineral Planning Authority and 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.

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.

*Access, Traffic And Protection of The Highway*

24. No access to the site may be obtained to or from Dumblederry Lane except for vehicles delivering materials for the infill and restoration of the void or 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 of Phase III on Plan A11/03 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.

25. 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 as indicated on Plan A11/03.

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

26. Access to the site for employees' and visitors' private motor vehicles shall not be other than via the approved entrance and exit points shown on Plan A11/03 unless and until an alternative access for these vehicles from Wharf Approach has been implemented in accordance with details previously given prior approval in writing by the Mineral Planning Authority. Thereafter the access from wharf Approach shall be utilised as the sole access for employees' and visitors' private motor vehicles.

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





27. No vehicles used for extraction of Etruria Marl or accessing active quarry areas or for delivering imported clays or infill materials during restoration 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 been approved in writing by the Mineral Planning Authority. Thereafter the approved wheelwash 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 material onto the highway.

28. Not later than 12 months from the date of this permission the operator shall deposit with the Mineral Planning Authority a scheme for any future highway proposals and traffic movements in the form of a traffic assessment as may be specified by the Minerals Planning Authority in accordance with the requirements of the Highways Authority.

Reason: To establish the baseline information for future assessment of the traffic impact from the quarry.

#### *Stockpiling*

29. There shall be no stocking of any products from the brickworks outside the area shown on Plan A11/03.

Reason: To define the limits of the operational area for stockpiling of finished products.

30. 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.

31. 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*

32. Throughout the period of mineral extraction, restoration and aftercare the site operator shall take all necessary steps to ensure that drainage to and from areas adjoining the site is not impaired or rendered less efficient by any of the permitted operations. For the duration of the period of operation the site operator shall implement all works that may be required by the Mineral Planning Authority to prevent damage by erosion silting or flooding and to provide for the management and discharge of all water entering, arising within or leaving the site.



Reason: To prevent any erosion, silting or flooding within or on land adjacent to the site arising from site operations.

33. 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.

34. 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.

#### *Archaeology*

35. The applicant shall afford access at all reasonable times to the Minerals Planning Authority Archaeologist and shall allow him/her to observe groundworks 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 and Hydrogeology*

36. Not later than twelve months from the date of this permission the operator shall submit for the approval of the Mineral Planning Authority a scheme for monitoring of the hydrology and hydrogeology of the site during the period of effect of these conditions to provide for the collection and collation of sufficient background data over time to be used for future assessments regarding acceptable waste materials to be used for infilling of the void and the approved scheme thereafter implemented only in accordance with the approved details.

Reason: To enable the collection of data for use as baseline information for future assessment of the suitability of the site for the deposit of waste materials.



### **Soil Management And Storage**

37. 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.

38. 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.

39. 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.

40. 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.

41. No subsoil or topsoil mounds shall be created on any areas from which topsoil has not been previously stripped.

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

42. No running of earthscrapers or other wheeled or tracked vehicles shall take place over subsoils and topsoils before stripping, during storage, or after final spreading of such material unless it is for the specific purpose of stripping such material or for placement on the restored landform, which thereafter shall not be subject to any use by tracked or wheeled vehicles.

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

43. Stripping and movement of any topsoils and or subsoils shall not take place except during the period of 1<sup>st</sup> April to 31<sup>st</sup> 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.

44. 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.

45. 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*

46. Notwithstanding the provisions of Part 19 of Schedule 2 in the Town & Country Planning General (Permitted) Development Order 1995 or any successor orders or legislation no development specified in Part 19 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 19 of Schedule 2 in the Town & Country Planning General (Permitted) Development Order 1995 or any successor Orders that causes a breach of any other conditions with this or any successor permission.

#### *Importation Of Clay*

47. 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 extraction, importing and processing 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 31<sup>st</sup> 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.

#### *Waste Management*

48. Subject to the requirements of any other Condition in this permission, restoration of the site shall be secured by infill of the excavated void with imported waste material that is imported for final disposal at the site to achieve the permitted after use of the site.

Reason: To enable restoration of the site to an appropriate after use using waste material.



49. No waste material may be imported onto or deposited within the site unless this has been subject to prior treatment for recovery of value from original sources of waste through all stages of collection and processing up to the point of disposal at the site.

Reason: To ensure that no waste is imported or deposited that has not been subject to the required prior processing and treatment to minimise the requirement for disposal by landfill.

50. Subject to the requirements of Conditions 51, 52, and 57 with this permission no waste material shall be imported into or deposited within the site except for non - hazardous waste from commercial or Household sources as may be defined by the Town & Country Planning use Classes Order 1987 or any successor order or legislation unless the Mineral Planning Authority has given prior written approval to any other type or types of waste that is proposed to be deposited, via the conditions imposed on the mineral working permission under the requirements of the Environment Act 1995 as determined according to an appropriate level of detail of the constitution of the waste material at the time of approval and in accordance with any relevant advice guidance legislation, statutory instruments or orders current at the time of approval. The type of waste may also be determined for approval or exclusion from the site according to the documents listed with this condition or any successor European Directive, Act of Parliament, Statutory Instrument, Order or Guidance for classification of landfill sites and control of waste types that may be in force at the time such approval is sought.

The current documents at the date of this permission are as follows:

- (i) European Directive 99/31/EC.
- (ii) The Landfill (England & Wales) Regulations 2002, Statutory Instrument 2002 No. 1559, and in particular Regulation 5 and paragraph 1(1) of Schedule 2.
- (iii) The European Waste Catalogue as presently constituted in the document referenced CONSLEG:2000D0532 - 01/01/2002.

Reason: To ensure that no type of waste deposited would cause any detrimental impact on the amenity of any nearby sensitive uses or land outside the area of the permission.

51. The excavated void shall not be utilised for the deposit of waste material until a survey has been submitted to the Mineral Planning Authority that demonstrates that the site is suitable for such use. No waste material shall be imported or deposited within the site until any site preparation and engineering works have been implemented at the site considered as necessary by the Mineral Planning Authority.

Reason: To ensure that it is demonstrated that the excavated void is capable of receiving and containing waste material.



52. Notwithstanding the requirements of Conditions 49, 50 and 51, no waste shall be deposited within the site that falls within the classification of Special Waste in the Special Waste Regulations 1996 or as may be defined and controlled in any successor legislation, statutory instruments regulations or orders including the wastes classified as hazardous in the European Waste Catalogue, and no waste comprised in the form of liquids, slurries or sludges shall be imported or deposited.

Reason: To define the waste materials that will not be acceptable at the site.

53. No waste material other than clay wastes derived from mineral extraction or for operation of the brickworks shall be treated, sorted, processed in any way, re - excavated or removed from the site once imported or deposited within the site.

Reason: To secure the earliest possible restoration of the site.

#### ● *Landfill Gas Management*

54. No waste other than waste generated from mineral extraction or operation of the brickworks shall be deposited within the site unless and until a detailed scheme or schemes for the collection, control, monitoring venting and use or disposal of gases generated from within the wastes including a programme of installation of gas monitoring boreholes, advance gas monitoring readings for comparison purposes, and maintenance of all parts of the monitoring and control systems has been given prior approval in writing and also that such elements of the approved scheme for which installation on the site prior to the commencement of deposit of waste is necessary, has been implemented.

Reason: To ensure that no hazard or pollution arises from landfill gas generation.

55. All gas monitoring and control facilities constructed for compliance with condition 53 shall thereafter be retained and maintained within the site in accordance with the approved details, for the duration of the development permitted and for as long as may be necessary for the achievement and operation of site for the designated after use.

Reason: To prevent any hazardous or pollution incident arising during any operations.

#### *Leachate Management*

56. No wastes shall be imported onto or deposited within the site prior to the approval in writing by the Mineral Planning Authority of details showing the location and equipment plant and machinery for the collection and treatment of leachate arising from the deposit of waste materials within the site and the collection, treatment and drainage of surface water at the site during landfill operations.

Reason: To prevent any incident of ground or water pollution.



*Review Of Waste Management.*

57. Notwithstanding the provisions of any of the foregoing or subsequent conditions with this permission if at any time prior to commencement of infill or during the infill of the site with waste material:

- a) Any advice or guidance or legislation is issued by Central Government or is issued as European Community Directives such that the Mineral Planning Authority is required to ensure the infill of the site with waste material should not commence or continue, or;
- b) The results of the survey submitted pursuant to Condition 51 with this permission show that the site is not suitable for use for waste disposal, then the permission to deposit waste material pursuant to the terms of this permission shall expire and, if already commenced, the import and deposit of waste shall cease immediately on receipt by the site operator of written notification requiring cessation from the Mineral Planning Authority and the operator shall submit within twelve months to the Mineral Planning Authority details of revised restoration and aftercare proposals for approval in writing and the approved scheme thereafter implemented in accordance with an approved timescale.

Reason: To ensure that the deposit of waste material does not commence or ceases after commencement in the event that any change in any regulatory regime shows that this should not commence or should cease.

*Restoration And Aftercare*

58. No wastes shall be imported onto or deposited within the site prior to the approval in writing by the Mineral Planning Authority of the following details for a restoration scheme:

- i) Any site preparation and engineering works considered necessary by the Mineral Planning Authority.
- ii) The method, direction, sequence, depth, phasing and area of landfill operations.
- iii) The measures to be incorporated for the operation management and control of the landfill site in accordance with all relevant conditions with this permission and particularly those relating to noise limits and dust management and control and for prevention of carriage of mud onto the highway. These measures shall also include provision for prevention, control and remediation of any odours generated from the landfill site.
- iv) The detailed specification for any capping material for the landfill site incorporating details of the type, permeability rating, and depth of capping materials and proposals for tying in the cap to the surrounding strata.
- v) The proposed contours to be achieved for the landfill area prior to final settlement and the final levels, contours and gradients to be achieved after settlement including placing of capping material and replacement of soils.
- vi) Details of the areas to be restored and the depths of replaced subsoils and topsoils.
- vii) The timetable for the restoration works and the methods to be used.
- viii) Details of the landscaping and planting of the restored area for the after use achieved by restoration.
- ix) Details of the length of time for maintenance of the landscaping and planting scheme.
- x) Proposals for cultivation of the restored area incorporating;





- a) Analysis of the soil quality in relation to the proposed after use and the remediation of any deficiencies in soil quality.
- b) The application of nutrients and water to promote plant growth.
- c) The use of any herbicides to control weeds.
- d) Planting and grass seeding and the establishment of grass cover and planted areas.
- e) Additional tree and shrub planting to supplement existing tree planting.
- f) Final site drainage.
- g) Incorporation of 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.
- xi) A programme of phasing for implementation and completion of the restoration.

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

59. For each phase of the site to be restored a five year after care scheme shall be submitted to and for the approval in writing by the Mineral Planning Authority before soils are replaced on any phase of the landfilled area. The schemes shall explain such steps as may be necessary to bring the land to the required standard for the after use and for retaining the restored land in that after use. The schemes shall thereafter only be implemented in accordance with the approved details.

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

60. 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.

**Reasons for granting planning permission;** These conditions are a requirement of the Environment Act 1995

**Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision**

The determination of new conditions for a mineral working permission is a statutory requirement under Schedule 14 of the Environment Act 1995.



Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. If the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at [www.walsall.gov.uk](http://www.walsall.gov.uk)

**Date of Decision:** 08 December 2004

Signed:



Martin Yardley

Head of Planning and Transportation

Civic Centre, Darwall Street, Walsall, West Midlands. WS1 1DG

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTE**

Notes for Applicant:

- 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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