



Walsall Council

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION OF DECISION ON AN APPLICATION FOR PLANNING PERMISSION

Agent: Mr Paul Malam
Carter Jonas LLP
Black Birches
Hadnall
Shropshire
UK
SY4 3DH

Site: WIENERBERGER LTD, SANDOWN WORKS, STUBBERS GREEN ROAD, ALDRIDGE, WEST MIDLANDS, WS9 8BL

Application No: 08/1338/FL

Particulars of Development: Vary Condition 14 of planning approval BA17797P to Allow Increase of Limit on Imported Clays from 49% to 65%

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.

Condition 14 of planning permission BA17797P is varied to read:

The development hereby permitted shall only continue in association with the adjoining clay extraction operations such that no more than 65% of the clay used in the production of bricks each year shall be imported from elsewhere (i.e. sources other than Sandown Quarry), unless otherwise previously agreed in writing by the Mineral Planning Authority. Confirmation of the tonnages of clay sourced from Sandown Quarry and imported from elsewhere (categorised by each source) annually (i.e. during the annual monitoring period 1st April-31st March) and the remaining clay reserves at Sandown Quarry at 31st March each year shall be submitted to the Mineral Planning Authority by the 1st May each year that the brickworks continues to operate.

Reason: To ensure that the brickworks, which are in the Green Belt and were permitted on the basis that the works remain ancillary to the adjoining quarry, only continue to operate in association with the quarry. Annual updates of clay supplies and usage and the extent of permitted clay reserves at Sandown Quarry are required to enable the Mineral Planning Authority to monitor compliance with the permission and compliance with UDP Strategic Policy Statement 9.10 and national policy guidance relating to the supply of clay to brickworks (currently set out in MPS1, Annex 2).

Summary of reasons for granting planning permission

The proposal to vary condition 14 of planning approval BA17797P would not impact upon the reclamation of the quarry or have any further impact upon the Green Belt. It has been judged not to have an adverse impact upon highway safety or impact upon the adjacent SSSI and SINC. No objections have been raised from neighbours or consultees to the proposal. Accordingly the proposal meets the requirements of policies GP2, ENV10, ENV19, ENV21, 9.7, 9.10 and M5 of the Unitary Development Plan and Mineral Policy Statement 1. All material considerations have been considered and a balanced recommendation is put forward. It is therefore considered that the proposed variation of condition 14 to increase the limit on imported clays to 65% is acceptable.

Note for applicant

Notwithstanding the above please refer to the remaining conditions of planning approval BA17797P which have not been altered as a result of this application.

In regards to the annual update of clay imports and reserves the Council cannot offer any absolute guarantee that information that it holds will not under any circumstances be disclosed. However, Section 43 of The Freedom of Information Act 2000 provides a strong protection for information where release may "prejudice the commercial interests of any person (or organisation)." The Council recognises that the type of information that we are asking you to provide is of significant commercial value and that, for a business such as yours which operates in a competitive environment, release of such information may have a significant impact upon your ability to compete commercially. I can therefore assure you that the data that you provide will be held securely and that, should the information be requested in the context of Freedom of Information, you will be informed of this, have an opportunity to present your views and that the Council will consider the prejudicial commercial impact of releasing the information.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As 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



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Date of Decision: 04/11/2008



David Elsworthy
Head of Planning and Building Control

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

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTE



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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 over separate land ownership issues, 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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