

BC40528 P.
Approved condition
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BC40528P

CONDITIONS TO WHICH THE REGISTERED IDO PERMISSION 670 (LOCAL AUTHORITY REF: BC 35785P) WILL BE SUBJECT.

Terms of the Conditions

1. These conditions relate only to the winning and working of minerals and deposit of mining waste within the areas edged red on Plan 1 and denoted A and B.

Any merging of areas A and B as a result of the implementation of existing permissions on contiguous land shall be in accordance with a joint scheme of working to be submitted to the Mineral Planning Authority as part of the Working Programme submitted pursuant to Condition 7.

2. No re-extraction of mining waste or other material already deposited at the site shall take place, except where this is required to assist in securing the stability of quarry slopes and the integrity of adjoining land for restoration or for use in the adjacent brickworks.
3. No topsoil, subsoil, soil-making materials or overburden originating from within, or imported onto the site shall be removed, except where required for temporary storage on adjacent land in the control of the site operator pending use in restoration.
4. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1988, or it's successor Orders, no development or activities associated with, or ancillary to, the winning and working of minerals or deposit of mining waste shall take place within the area of the Swan Pool hatched green on Plan 1.

Duration of the Development

5. All winning and working of minerals and deposit of mining waste shall cease not later than 21st February 2042.
6. Except where otherwise previously approved by the Mineral Planning Authority, all buildings, structures, plant, equipment and machinery erected, installed or used on the site for the purposes of mineral extraction and deposit of mining waste shall be removed by 21st February 2043 or within twelve months of the date of cessation of site activities,, whichever is the earlier. The date of cessation shall have been previously notified to the Mineral Planning Authority within fourteen days.

Working Programme

7. Except as previously required by Condition 3 of BC 17797P, within 24 months of the approval of these conditions and thereafter at 5 yearly intervals, a scheme or schemes of working shall be submitted for approval by the Mineral Planning Authority. Such scheme(s) shall specifically include provision for:-
- a) The anticipated method, direction, depth and sequence of working and rate of mineral extraction;
 - b) Slopes of excavated faces adjacent to the canal embankment not exceeding 1 in 3 from an undisturbed 6.1M berm at the embankment toe, with intermediate berms of 9M and 6M being left in addition every 9.1M vertical depth;
 - c) The separate stripping, storage and movement of subsoil, topsoil and overburden and proposed treatments prior to re-use.
 - d) The location, height and surface treatment of storage mounds, except where stored below quarry rim level;
 - e) A programme of implementation;
 - f) The anticipated limit of excavation to be made under each submitted scheme of working;
 - g) The proposed means of management and treatment of any surface water and drainage within the site;
 - h) Details of fencing to be erected alongside the existing public footpath or any subsequent diversion;
 - i) At the appropriate revision date, proposals for the programme of restoration and subsequent aftercare to be carried out in the following 5 yearly scheme of working and incorporating the provisions of Conditions 25 and 26.
8. With the exception of one portacabin having a maximum floorspace of 30 sq. metres located on or adjacent to the site and used for the purposes of providing close and effective supervision of operations, no other buildings, plant or structures required for use in connection with the extraction of minerals and deposit of mining waste or any other ancillary purposes shall be erected on the site, unless in accordance with plans previously submitted to and approved by the Mineral Planning Authority showing their siting, design, dimensions, construction materials and external appearance. Such other buildings shall be located within the area shown on Plan 2, unless otherwise agreed.

Landscaping

9. Within 2 years of the approval of these conditions, a Landscape Master Plan for the site shall be submitted to the Mineral Planning Authority for approval, showing:-
- (i) (a) the existing landscape features at the site which are to be retained for the duration of the development;
 - (b) additional landscape features proposed, including, when practicable, the formation of an extension to the existing canalside screening mound; and
 - (c) a scheme(s) for the maintenance of existing and proposed landscape features, incorporating the provisions of Condition 30.
- (ii) An overall concept for the final landscaping and planting of the site including the means of drainage, the contours to be achieved and any habitats to be created related to the proposed afteruse;
- (iii) The integration of the site, including existing and proposed peripheral landscape features into the surrounding area.

Access, Traffic and Protection of the Highway

10. The line of the existing footpath or any subsequent diversion across the site shall be fenced in accordance with details pursuant to Condition 7. Any vehicular crossing points shall be advance signposted to warn both drivers and users.
11. Vehicular access and egress to the site shall be via the access points identified on Plan 1, except where new highway proposals or highway alterations in the vicinity facilitate alternative and preferable access arrangements, in which case such alternative access points shall be utilised.
12. Throughout the duration of the development, the access road between the public highway and the site shall be provided with a tarmacadam, concrete or other suitable hard surface and maintained in a sound condition free of potholes.

13. Except where otherwise agreed in writing with the Mineral Planning Authority, wheelwash/spinner, rumble grid and road cleaning arrangements shall be retained and maintained on the site access road referred to in Condition 12 above to prevent the risk of mud being carried onto the public highway.

Environmental Controls

Blasting

14. No blasting shall be carried out at the site.

Dust

15. Practicable steps shall be taken to minimise the incidence of airborne dust caused by the operations, including the following:-
 - (i) Use of a bowser to spray water onto active site areas and site roads, as and when conditions dictate;
 - (ii) The establishment, where appropriate, of vegetation covers on mounds of stored material;
 - (iii) The regular cleaning and maintenance of site roads, including those used for access to the public highway;

Noise

16. Except where otherwise previously agreed in writing by the Mineral Planning Authority, the level of noise generated by any site operations (with the exception of the construction or removal of noise screening mounds which shall only be constructed or removed between the hours of 0800 to 1800 on Mondays to Fridays) shall not exceed a 1 hour continuous equivalent A - weighted sound level, LAeq (1 hour) of 55 dB (free field) at any noise sensitive development as measured at a height above ground level of between 1.2 and 1.5 metres and at least 3.5 metres from any other significant sound-reflecting structure.

Oil/Fuel Storage

17. No oil, fuel, lubricant or other similar liquids shall be stored at the site except within a bund with a capacity of not less than 110% of the largest tank volume, with the floor and walls of the bund constructed so as to contain any spillage and all fill and draw pipes.

Drain Maintenance

18. The existing toe drain situated at the bottom on the canal embankment adjacent to Northywood Bridge shall be retained in an operational condition unless otherwise previously approved in writing by the Mineral Planning Authority in consultation with British Waterways.

Hours of Operation

19. With the exception of repair and maintenance of vehicles, plant and machinery required for extraction of minerals and deposit of mining waste, the stationing of vehicles, plant and equipment, site drainage, aftercare of restored areas, maintenance of landscaping and emergency works, no winning and working of minerals, deliveries or associated operations or activities authorised or required shall be carried out, unless otherwise previously approved in writing by the Mineral Planning Authority, except between the following times:-

0700 - 1900 hours Monday to Saturday

0700 - 1900 hours on a maximum of 9 Sundays in any calendar year.

and not at all on any other Sundays, Christmas Day and Bank Holidays.

Vehicle repair and maintenance shall take place during the normal working hours, wherever possible. Where this is not possible, it shall be confined to between 1900 and 2200 hours Monday to Saturday, and shall not include the starting or revving of engines, or use of audible reversing working devices, for more than a 5 minute period in any hour.

Temporary Suspension of Operations

20. If the operations are for any reason suspended for a period exceeding 12 consecutive months, the Mineral Planning Authority shall be notified in writing, giving the reason for the suspension of the operations, within 14 days of the expiration of the first 12 consecutive month period of suspension.

Within 28 days of the date of any notification to the Mineral Planning Authority 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, protect the area from damage and prevent deterioration in the condition of the land during the suspension period, and including a revised programme and timetable for the completion of the operations and restoration of the site shall be submitted for the written approval of the Mineral Planning Authority and the revised scheme shall thereafter be carried out as approved.

Soil Movement/Handling/Storage

21. Stripping or movement of topsoil or subsoil shall only take place when soil moisture conditions are such so as to prevent permanent damage by vehicles and machinery passing over it and such stripping/movement shall be carried out with the minimum of working and compaction.
22. Use of plant during soil stripping and placing operations shall be undertaken having regard to best practices so as to minimise damage to soils and the restored surface.
23. Temporary storage of restoration materials shall only be undertaken in accordance with details submitted pursuant to Condition 7.
24. The areas to be used for the siting of screen and overburden mounds shall be stripped of all topsoil and subsoil in advance of the formation of the said mounds, except where they are to comprise only of topsoil. Areas to be used for the siting of subsoil mounds shall be stripped of topsoil only, prior to their formation.

Restoration

25. The site shall be restored in accordance with the restoration scheme(s) pursuant to Conditions 7 and 9. Such scheme(s) shall make provision for the following:-
 - (i) The final levels and contours to be achieved;
 - (ii) A landscaping and planting scheme to be implemented as part of restoration;
 - (iii) The creation of final stable slopes;
 - (iv) The satisfactory drainage of the land.

26. The site or any part thereof shall be restored for forestry, amenity, or other beneficial use as appropriate to the status of any part of the site in accordance with restoration and aftercare scheme(s) pursuant to Conditions 7 and 9.

Such scheme(s) to specify the steps to be taken and the time required to bring the land to the required standard and the period within which the work will be carried out.

27. Upon achieving final restoration levels and contours, no further deposit of materials shall take place at the site, except where this is required to address situations not foreseen at the time of the restoration scheme or which have arisen since completion of the development, and such remedial action shall only be carried out in accordance with details previously submitted for the approval of the Mineral Planning Authority. Such a scheme to make provision for the re-seeding or planting, maintenance and aftercare of the areas so treated.
28. Except as may otherwise be required by the terms of these conditions, areas used for the storage of excavated and/or imported materials shall, when no longer required for such purposes, be ripped to relieve compaction and spread with separate layers of subsoil, topsoil or soil-making materials as appropriate to the afteruse of the particular area and graded-in to adjoining land in accordance with the restoration scheme(s) approved pursuant to Conditions 7 and 9.

Aftercare

29. Aftercare shall be carried out in accordance with the scheme(s) submitted for the approval of the Mineral Planning Authority pursuant to Conditions 7 and 9.
30. Landscaping features constructed pursuant to Condition 9, together with restoration undertaken pursuant to Condition 7, shall be maintained for a period of 5 years from the date of their full completion. The landscaping features shall incorporate the following provisions:-
- a) Grassed areas shall be maintained by cutting at a frequency appropriate to their location and needs and any areas that fail to establish shall be reinstated;
 - b) Planted areas shall be maintained in a tidy condition by regular weeding and litter collection;

- c) Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed (for example as a result of any footpath diversion order) shall be replaced with a tree, shrub or plant of similar size and species as that originally planted.
 - d) Any damage to protective fences shall be made good;
 - e) Where vegetation fails to become established, an evaluation shall be carried out and these areas shall be treated by the application of appropriate compound fertilisers or organic or other suitable materials prior to reinstatement.
31. Following the commencement of aftercare in each restored phase of the site, a formal annual review shall be held in each of the subsequent 4 years to consider the operations undertaken during the previous calendar year, together with those to be undertaken during the ensuing year.
32. At least four weeks prior to the date of each annual review, the site operator shall provide the Mineral Planning Authority with a record of management and operations carried out on the restored land during the period covered by the said review. (The Mineral Planning Authority shall provide the site operator with not less than eight week's prior written notice of the date of the formal annual review as referred to in this Condition).

Footnotes

- 1. Drainage from the site during clay extraction operations will continue to be disposed of:-
 - (a) via the adjacent brick manufacturing operation and/or
 - (b) via the existing consented discharge point.
- 2. Proposals for the future landscaping and use of the site will be prepared having regard to it's location within the Forest of Mercia.