

PLANNING APPLICATION NUMBER: P12/0773

Type of approval sought	FULL PLANNING PERMISSION
Ward	KINGSWINFORD SOUTH
Applicant	DREADNOUGHT
Location:	KETLEY QUARRY, DUDLEY ROAD, KINGSWINFORD, WEST MIDLANDS
Proposal:	REVIEW OF CONDITIONS ATTACHED TO PLANNING PERMISSION 97/50322 FOR THE EXTRACTION OF MARL AND SUBSEQUENT RESTORATION IN ACCORDANCE WITH THE ENVIRONMENT ACT 1995
Recommendation summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. Ketley Quarry is situated immediately behind The Kingswinford Hotel and the adjoining BP petrol station fronting the A4101 between Pensnett and Kingswinford. It extends over 19.4 hectares and has been worked for Etruria marl and sandstone since the 1800's with the first planning permission being granted by Staffordshire County Council in 1952. The quarry consists of worked out areas that have been filled and are used for storage of overburden, clay reserves and clay cake to the west. To the east is the existing quarry working area and void, with future phases for mineral extraction that have grass or raised tree cover. An area of land adjacent to the The Kingswinford Hotel and the adjoining BP petrol station is designated as a Site of Special Scientific Interest (SSSI) due to the geological outcrop with adjacent vegetated areas and the wider quarry area being designated as a Site of Local Interest to Nature Conservation (SLINC).
2. The quarry is adjoined by inter-war residential development in Ketley Road to the west and south and 1960s residential development on the Crestwood Park estate to the south-east. The Dawley Brook runs alongside the western boundary in a wooded dingle, beyond which is the residential Sandpipers estate dating from the 1990's.

3. Across the A4101 is the Pensnett (Industrial) Estate and to the west of the Sandpipers estate is the Gibbons Industrial Park. Accordingly, the surrounding area is mixed in character. The brick and tile works of the quarry owners Hinton Perry and Davenhill Limited, is situated some 500m away in Dreadnought Road. All of the company's products are manufactured at the Dreadnought Works which takes raw material from the site which has been mixed with other imported clays to provide an appropriate material for the manufacture of its distinctive brick and tile products.
4. Access to the quarry is gained from two main points, one in Ketley Road and one from the A4101Dudley Road, just to the east of the petrol filling station. A third point of access leads solely from the end of Ketley Road across a field to the south-west of the site where the tile storage area is located.
5. The main Ketley Road access is used for the importation of clays to be stored and mixed with quarried clay. In order to form an appropriate clay mix for the manufacture of bricks and tiles, the imported clays are mixed with quarried clay and stored in a 'cake' adjacent to the Ketley Road access where they can weather, before being taken to the Dreadnought Works for product manufacture. The importation of clay is undertaken on a bulk basis when an appropriate amount of mineral becomes available each two to three years.
6. The Dudley Road access is used for the importation of inert wastes for the formation of screen bunds and those to be used for the infilling and restoration of the quarry. The access will also be used as an exit for loaded vehicles taking recycled secondary aggregates off the site for construction purposes. The Dudley Road access leads directly to a fenced, gated and concrete surfaced compound which accommodates the site offices, weighbridge, car parking and plant maintenance areas. Beyond the rear compound gates is an extended concrete apron leading to the working quarry internal haul route. The extended concrete apron accommodates a new fixed drive-through, high pressure wheel washing facility sited for use by all road vehicles leaving the working quarry.

7. The quarry operates under a 1997 planning approval issued as a result of a requirement of the Environment Act 1995, to review the operational conditions of older minerals planning consents. The definition and scope of the 1997 consent provides for clay extraction, stocking of extracted and imported clays, internal haulage of minerals, importation and tipping of waste, landscaping and planting and restoration of mineral workings. The duration of the consent for the winning and working of minerals or depositing of waste is to cease not later than 21 February 2042.

PROPOSAL

8. The 1997 planning permission approved on 19th June 1997 under reference 97/5032, was subject to 34 controlling conditions imposed to limit noise impacts, protect the amenities of the area, to screen residential properties from future extraction activities and to ensure the appropriate restoration of the site for beneficial use.
9. Under the terms of the Environment Act 1995, the operational approval under 97/50322 is subject to periodic review each 15 years. This current application is part of the statutory requirement contained in the 1995 Act for periodic review of mineral permissions. The relevant statutory power of the Council is contained in Section 96 and paragraph 6 of Schedule 14. Paragraph 6(5) and (6) of Schedule 14 to the 1995 Act provides:
 - “(5) Where the Mineral Planning Authority receive an application under this paragraph in relation to a mining site, it shall determine the conditions to which each mineral permission relating to the site is to be subject.
 - (6) The conditions imposed by virtue of a determination under sub-paragraph (5) above -
 - (i) may include any conditions which may be imposed on a grant of planning permission for mineral development;

(ii) may be in addition to, or in substitution for, any existing condition to which the permission in question is subject.”

10. It therefore follows that the current application provides an opportunity to update the permission with more relevant and precise conditions and to remove conditions which have been discharged from the existing approval or are no longer relevant. The original application was submitted by the operator of the quarry as part of the statutory requirement, with requested revised conditions and wording in May 2012.
11. The review is also an opportunity, should the Mineral Planning Authority consider it appropriate, to substitute alternative conditions and that power arises irrespective of whether the subject matter of the current application itself proposed changes to the relevant conditions. The Mineral Planning Authority has the statutory power to amend existing operational conditions as proposed.
12. Effectively, however, the Mineral Planning Authority must work in co-operation with the operators to agree conditions which appropriately control operations at the quarry until the next scheduled 15 year review, if indeed such a review is then considered to be necessary.
13. As the original application for the Review of Mineral Permission (ROMP) of May 2012 was required to be submitted at that time, it coincided with other planning applications for development at the site and applications to discharge conditions attached to the 1997 approval, which were in fact demanded by that approval. (Such applications being detailed in the planning history section)
14. Because the applications for the discharge of conditions 23 and 30 attached to 97/50322 were approved following the submission of appropriate details alongside other planning applications, the proposed

ROMP conditions have now been revised following detailed discussions with the Mineral Planning Authority. The original 34 conditions and reasons attached to approval 97/50322 have now been distilled to 21 controlling conditions for the operation and restoration of the quarry, which where appropriate, refer to the requirements of approved associated applications.

15. The conditions proposed are attached to this report with the original decision notice to 97/50322 accompanying at Appendix 1 for reference. Although the form of some conditions has been changed for clarity, essentially, the permitted hours of use, periods of operation and noise limitations will remain unchanged from original conditions, unless otherwise having subsequently approved amendments, or with specific reason for the changes being given in the assessment.

16. This application has been the subject of a Screening Opinion within the meaning of, and in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and does NOT constitute an “Environmental Impact Assessment Development” as defined by the above regulations. Accordingly the application does not need to be supported by an Environmental Statement.

HISTORY			
APPLICATION No.	PROPOSAL	DECISION	DATE
BH/48/138	Surface working of clay and marl in Site A (Ketley Quarry) and tipping of waste material in Site B (adjacent the brick and tile works in Dreadnought Road)	Approved	21.12.50

97/50322	Determination of conditions for a Mineral Site – Environment Act 1995	Approved	19.6.97
P11/0920	Variation of condition 6b to allow lorries to enter and leave the site from 0700 rather than 0730 (unloaded)/0800(loader)	Refused	12.12.11
P11/1026	Improve and upgrade site access, compound, site offices, weighbridge, ancillary facilities, security fencing and car parking.	Approved	31/01/12
P11/1245	Variation of condition 13(b) of planning application 97/50322 to permit the 'The construction and removal of noise barrier mounds including the removal of topsoil, subsoil and overburden in connection with their construction and removal. This activity shall not exceed 200 days in any one calendar year.	Withdrawn	20/01/12
P12/0399	Variation of condition 6 (b) of planning application 97/50322 to be revised to 'On the Dudley Road, Loaded vehicles shall not enter the site or leave the site before 07.30. Unloaded vehicles shall not enter or leave the site before 07.30. On the Ketley Road, Loaded vehicles shall not enter the site or leave the site before 08.00. Unloaded vehicles shall not enter or leave the site before 07.30.' (Resubmission of refused application P11/0920)	Approved	29/05/12
P11/1144	Inert recycling and treatment facility with material storage to process and screen waste	Approved subject to conditions	29/11/2012

	prior to deposition and to produce primary and secondary aggregates		
97/50322/C1	Discharge of condition 30 of planning approval 97/50322 requiring details to be submitted for approval relating to the infilling, restoration, aftercare and after use of the quarry.	Approved subject to conditions	29/11/2012
97/50322/C2	Discharge of condition 23 of planning approval 97/50322 requiring details to be submitted of further bunds and tree planting to mitigate the impact of future extraction on residential properties.	Approved subject to conditions	29/11/2012

PUBLIC CONSULTATION

17. Since receipt of the application, the proposal has been publicised through 1007 direct neighbour notification letters, the posting of site notices and the publication of a notice within a local newspaper.
18. At the time of writing a total of 252 objections had been received raising objections to the submitted review application. Of the letters received, 76 were website responses or individual letters from local residents and 176 responses were from three separate template letters with address and names added. All letters were from the Pensnett or Kingswinford locality and raised issues on the following basis;

Traffic/Parking Issues

- Traffic and access related issues for Sandpipers estate with HGV's having parked on Ploverdale Crescent.
- May lead to more accidents due to increased congestion and heavy vehicle queues.
- Increase noise and dust from lorries
- The road feeding into this site is extremely busy and is likely to get worse.

- Increased debris on the road.

Noise Issues

- Existing permitted noise levels should be reduced.
- Residents should have the right not to be disturbed by nuisance

Environmental/ Wildlife Issues

- The site is important for wildlife
- There are Badgers and Bats in the quarry area and they are protected species.

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Safety Issues

- Roads are unacceptably dirty.
- Increased noise, fumes and dust which pose an air quality and health danger.
- Increase hours of operation till midnight or 19.00 will be unacceptable as already the existing noise levels are unacceptable.
- Recycling material can be hazardous and can pose danger to human health.
- Increase in the amount of dust in the atmosphere.
- Road safety is compromised.
- Increase in the overall toxic emissions leading to various types of cancers.
- Residents should have the right to safe passage on public footpaths and highways.
- Residents have the right not to be subjected to activities that would be detrimental to their health & wellbeing.
- Concerns re-RCS which can develop into a range of health issues.

Other Issues

- Hours of use should be reduced
 - Residents should have the right to enjoy their land & property.
- Human Rights.
- Clay should not be imported from Ketley Road and stored.
 - Increase in the amount of dust falling on window sills and vehicles that reside in the immediate area.

OTHER CONSULTATION

Head of Environmental Health and Trading Standards:

19. No objection is raised to the application relative to noise issues as both the current/proposed noise limits accord with the levels set out in the Technical Guidance to the NPPF, or to the operations which are covered by Environmental Permits.

Group Engineer Development

20. No objection is raised in terms of traffic flow and highway safety.

21. Health and Safety Executive

As a result of representations raised regarding the discharge of condition and recycling applications, the Health and Safety Executive undertook a visit to the site and raised no concerns relative to the safe operation or model practice at the site.

22. Health Protection Agency

As a result of representations regarding the discharge of condition and recycling applications, the Health Protection Agency have no health related or dust specific concerns relating to this application.

23. Environment Agency

No objection raised to application or site which is the subject of separate legislation for Environmental Permit site and dust controls.

24. Natural England

No objection is raised to the review as recommended conditions relative to the Ketley Claypit Site of Special Scientific Interest (SSSI) to deal with future geological exposures, access thereto and protected species were attached to the previous discharge of condition approvals.

RELEVANT PLANNING POLICY

25. National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) sets out the Government planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and there should be a presumption in favour of sustainable development.

26. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. In respect of minerals, the framework requires that due regard is given to the importance of reserves to support economic growth and to safeguard supplies, especially Etruria Marl, which is considered to be a mineral of local and national importance. The Technical Guidance to the National Planning Policy Framework provides advice further advice on Minerals Policy.

Minerals Planning Guidance 14: Review of Mineral Planning Permissions

Black Country Core Strategy 2011

CSP5 Transport Strategy

TRAN3 The Efficient Movement of Freight

WM1 Sustainable Waste and Resource Management

WM2 Protecting and Enhancing Existing Waste Management Capacity

Waste

WM1 Sustainable Waste and Resource Management

WM4 Locational Considerations for New Waste Management Facilities

WM5 Resource Management and New Development

Minerals

MIN1 Managing and Safeguarding Mineral Resources

MIN2 Production of Aggregate Minerals

MIN3 Maintaining Supplies of Brick Clay

MIN5 New Proposals for Mineral Development

Nature Conservation / Geology

ENV1 Nature Conservation; the application site / wider Ketley Quarry variously having designations as:

- Site of Special Scientific Interest (SSSI)
- Site of Importance for Nature Conservation (SINC)
- Site of Local Importance for Nature Conservation (SLINC)

Saved Unitary Development Plan Policies (2005)

DD4 Development in Residential Areas

EP7 Noise Pollution

Supplementary Planning Guidance/Documents

PGN6. Highway considerations in development

ASSESSMENT

27. The main issues are

- Background, Policy and Principle
- Residential Amenity
- Highway Issues
- Wildlife, Archaeology and Geological Issues
- Health Issues
- The proposed operational consent

Background, Policy and Principle

28. Operations at Ketley Quarry are governed by a Schedule of Conditions approved by the Council as Mineral Planning Authority in June 1997. This approval sets the duration of the permission, with the working of minerals or depositing of waste to cease not later than 21 February 2042. The principal of such works at the site is therefore set for this duration. Under the provisions of the Environment Act 1995, these conditions are currently the subject of a 15 year review, but will continue to apply until any revised permission is issued. Any revised planning permission will have been the subject of discussions with the applicant, but can be the subject of an appeal to the Planning Inspectorate if conditions attached are considered to be unacceptable to the applicant.

29. MPG14 remains national policy following the introduction of NPPF. In dealing with periodic reviews, MPG 14 points out that following the introduction of the 1995 Environment Act, new minerals permissions will have been issued that would include up to date conditions to protect amenity. Paragraph 174 of MPG14 states:
“There should not therefore be any need for further changes to working rights and the Government’s view is that conditions, other than restoration and aftercare conditions, which would restrict working rights should not be imposed except in exceptional circumstances.”

30. It should also be borne in mind that the imposition of conditions different to those submitted by the applicant gives rise to the right of appeal. The extent to which there is a likelihood of success in such an appeal will be determined in light of the Statutory Development Plan and national policy in relation to mineral extraction. (MPG11 previously dealing with noise at mineral sites was replaced by MPS2 which was itself swept away with NPPF). However, the key message from national policy in relation to noise coming from mineral sites has remained substantially unaltered.

31. Paragraph 143 of NPPF deals with the preparation of Local Plans, but It does recognise that Mineral Planning Authorities (MPA's) should:
“When developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate mineral extraction...”
32. The construction of the clay cake and its exploitation is an example of the type of short term activity that appears to be envisaged in this advice. Paragraph 144 of NPPF recognises that in determining planning applications MPA's should ensure that unavoidable noise emissions are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties.
33. It is clear from the chronology that has been set out above, that the initial review of the mineral permission was subject to a Decision Notice in June 1997 where conditions were imposed in relation to the hours of working and the noise levels that would be permitted from the site. The limits on noise currently attached and those proposed will be unchanged and accord with those set out in the Technical Guidance to the NPPF.
34. The imposition of conditions that would restrict working rights on the mineral site could give rise to a compensation claim. Paragraph 174 of MPG 14 states:

'The approach to be adopted to the determination of conditions following periodic reviews broadly follows that for initial reviews with two main differences. First, there is no distinction between periodic review sites that are working and those that are not. Secondly, where MPA's determine conditions different from those submitted by the applicant; and the effect of those conditions, other than restoration or aftercare conditions, is to restrict working rights further than before the review, a liability for compensation will always arise. This is because periodic reviews will be dealing with sites where the predominant planning permissions have been granted since 1982 and sites which

have already been updated following an initial review or through the IDO procedures introduced by the 1991 Act' emphasis added]

This is specifically addressed in paragraph 171 of MPG14 that provides:

“Where an MPA determines conditions different from those submitted by the applicant and the effect of the new conditions, other than restoration or aftercare conditions, as compared with the effect of the existing conditions is to impose a restriction on working rights, then Parts IV and XI of the 1990 Act have effect as if a modification order had been made and confirmed under Sections 97 and 98 of that Act imposing those restrictions. Land and mineral owners whose interests have been adversely affected by any of the restrictions imposed by the deemed modification order would be entitled to claim compensation from the MPA under Section 107 of the 1990 Act modified by Section 116 of that Act or any Regulations made there under.”

35. The MPA, in considering the future operations at the site and to further restrict either the hours or duration or operational abilities for the site to function appropriately, could clearly give rise to claims for compensation and this matter has been confirmed by Counsel.

36. Notwithstanding this matter, the quarry operated without complaint for the majority of the 1997 review period when the quarry owners and operators Hinton Perry and Davenhill were working purely on the extraction phase, with worked minerals being stored, mixed and transported to the Dreadnought Road tile and brick works from the Ketley Road entrance and access. At that time, the Dudley Road entrance and access was utilised only on a limited basis as plant and machinery remained in-situ at the site. The 1997 approval therefore attached conditions needed to address the future phased extraction of minerals, operation of the quarry and to ensure restoration of the site.

37. WCL Ketley Quarries Ltd, have entered into a lease agreement with the owners of the quarry (Hinton Perry and Davenhill), to infill and restore the worked out areas through the importation and processing of inert waste materials as required by the 1997 approval. Condition 30 of the 1997 approval covered the restoration and after-use of the quarry and condition 23 related to the provision of screen bunds. Notwithstanding that complaints and objections arose when operations at the site changed, no breach of noise limits was identified by monitoring officers.
38. The applications to discharge Condition 23 and Condition 30 were approved by the Development Control Committee in November 2012 and the implementation of these approvals will lead to the effective restoration of the quarry and to more noise protection for local residents. The discharge of condition 23 also incorporated additional noise protection to Ketley Road residents by the provision of bunds to the clay cake area. On the basis of the above background and policy considerations, it is not considered to be appropriate in principle to further restrict the operational ability of the site in this statutory review of conditions.

Residential Amenity

39. The authorised activities currently undertaken on site will not be intensified by this current application. The noise assessment submitted in association with application 97/50322/C2 was audited utilising three dimensional mapping of noise sources, which confirmed main impacts to be from extraction activities. Phased bund construction will protect local residents from future extraction phases, whereas the in location of the crushing and screening activity, the quarry walls act as an effective noise barrier which will be supplemented in the future with additional screen bunds.
40. Additional quantified lorry movements to and from the quarry will not have an impact on residential amenity in terms of noise, given the use and location of the Dudley Road access, some 200 metres from the nearest residential properties on the Sandpipers estate. A large number of objections to this application have been received from local residents and to

a large extent, these reflect the fact that the applicant company have been on site for several months and now import materials necessary for the construction of the screen bunds. It is clear that lorry movements have increased since the operations started to import inert materials, but these vehicle movements form part of the authorised use of the site. There is no restriction on the number of lorries that can enter or leave the site from the authorised access onto the A4101 Dudley Road, the only restriction being on the times that lorries can enter or leave the site in the morning which remains unchanged from the times approved by Planning approval P12/0399 as 07.30 hours. An end time of 18.00 hours has been added for plant or HGV's entering or leaving the site however, as no end time was previously attached.

Highway Issues

41. The transport assessment associated with application P11/1144 for the recycling of secondary aggregates for sale which was approved in November 2012 indicated that there are some 60 HGV visits per day (a total of 120 vehicle movements) to the site, principally associated with the preparation of the site and importation of material to construct bunds, being the extant element of vehicle movements under the 1997 approval from Dudley Road. In order to undertake the recycling activities at the site an additional 40 HGV visits were identified to arise (a total of 80 vehicle movements) leading to a total of 100 visits, or 200 vehicle movements per day.
42. The Group Engineer acknowledges that waste importation in the order of the above levels is necessary to undertake infilling of the quarry by 2042 and that vehicle movements of the order indicated in the Transport Assessment must take place. The Group Engineer does not envisage that the use of the Dudley Road access in relation to this application will have an adverse effect upon the operation of the A4101, which is part of the strategic highway network, or upon highway safety, (the incidence of accidents involving HGVs on this stretch of the

A4101 is low) particularly as access improvements have been undertaken. The use of the access will represent in the region of 1% of traffic flows on the A4101 with increase as a result of the approved recycling therefore representing less than 1%.

43. Many objections have referred to mud being deposited on the highway from vehicles exiting the site. The Highway Maintenance Manager has been monitoring the situation regularly and taking action as necessary, however in itself, this is not an issue that should affect the determination of the current application. In addition, because of the new large concreted compound, access drive, new high pressure fixed wheel wash installed by the applicants and management plan, lorries are cleaned before joining the A4101. The applicants also use their own road sweeper during operating times to clean detritus that may fall from spattered vehicles during intense wet weather periods. A new haul route which is nearing completion will take all HGV traffic from the Dudley Road access and compound down into the working quarry and out again along an engineered access, located close against the quarry wall. The new extended haul route will be hard core surfaced and make all vehicles drive through the new fixed high pressure wheel wash facility located within the enlarged concrete apron of the site compound. The extended haul route will enable a greater amount of mud to be shed from the wheels and body of HGV traffic before the wheel wash and site compound is reached, therefore reducing potential for deleterious materials to be shed on the highway.

Wildlife, Archaeology and Geological Issues

44. The Ketley Claypit SSSI is designated due to the geological outcrop that occurs to the rear of the hotel and close to the Dudley Road access. Approved restoration plans have accommodated the retention of and access to this feature following restoration of the working quarry. Furthermore, access to further geological features which will be uncovered by future extraction phases has been agreed with the Council Keeper of Geology. A condition relating to archaeology is carried forward in this application. On the basis of and subject to relevant conditions attached to the approved

restoration proposals, no objection was raised to future extraction and restoration proposals by Natural England.

Health Issues

45. Notwithstanding that the current application relates to the authorised use of the site for the extraction and processing of minerals and inert waste, a number of objections relating to potential toxic materials, dust and health related issues have been the subject of observations from the Health Protection Agency and the Health and Safety Executive. In both instances, no health related concerns were raised relative the operation of the site which is controlled by specific Environmental Permits issued for specific operations by both the Environment Agency and The Head of Environmental Health and Trading Standards. The Environment Agency Environmental Permit controls the majority of operations at the site including dust and will continue to do so in the future. At the time of the original Environment Act review in 1997 the control of dust was vested with the local authority and consequently a condition (12) was attached to the permission. In view of the fact that such a condition would no longer be lawful, an informative of similar prescription is now proposed to be attached to the decision notice.
46. A dust assessment submitted with the application for recycling of minerals in accordance with the requirements of the NPPF and the Environment Agency permit regime covered quarry operations and associated activities, including the importation, storage and treatment and recycling of materials at the site. Inert waste importation will also be the subject of screening under the terms of the Environmental Permit and by definition should not contain materials prejudicial to human health or which could degrade in the future.
47. The Head of Environmental Health and Trading Standards issued Environmental Permit relates to the specific crushing and screening of site derived and imported materials within a defined area of the quarry floor. Both permits cover the issue of dust suppression through the imposition of operating conditions and such measures are incorporated within the working

regime of the site with effective water based dust suppression systems maintained at the site.

48. The Head of Environmental Health and Trading Standards has previously responded to complaint of dust impacts arising from the site, but the instance could not be substantiated or linked, as the dust type was not quarry related.

The proposed operational consent

49. As noted in the proposals section at paragraph 14, although the form of some conditions has been changed for clarity, essentially, the permitted hours of use, periods of operation and noise limitations will remain unchanged from original conditions but a number of conditions have also been discharged and so are no longer present in their original form.
50. On this basis the proposed operational conditions can be explained as follows;
51. Definition and Scope of Permission;
Condition 1, minor changes to refer to minerals rather than clay with updated plan reference.
52. Duration of Permission;
Condition 2, unchanged.
53. Working Programme, Phasing and Direction of Working;
Condition 3, unchanged aside from updated plan reference added.
Condition 4, unchanged aside from updated plan reference added.
(Original condition 5 removed as no longer relevant as new bunds approved)

54. Hours of Working

Condition 5a, unchanged

Condition 5b, (formerly 5c) unchanged aside from the word "hours" added.

Condition 5c, (formerly 5d) unchanged.

Condition 5d, (formerly 5b) revised to remove distinction between loaded and unloaded vehicles utilising the Ketley Road access at different times, as justification for such a distinction could not be supported, when unloaded vehicles at 07.30 hours could be potentially noisier than loaded vehicles at 08.00 hours. The proposed condition "No plant or HGV's shall enter or leave the site through the Ketley Road access before 07.30 hours or after 18.00 hours." Revision also now prohibits plant from accessing the site early in the morning and also precludes access or egress of such vehicles after 18.00 which was not previously controlled.

Condition 5e, added as approved by planning application P12/0399 on 29/05/2012 with slight revision in wording as indicated "No plant or HGV's (with the exception of road sweepers) shall enter or leave through the Dudley Road access before 07.30 or after 18.00 hours." to include plant and exclude road sweepers in case such activities are required to be undertaken. An end time for access or egress of such vehicles after 18.00 is added which was not previously controlled.

55. Safeguarding Adjacent Land

Condition 6, requirements unchanged from original condition 7 but with alterations in updated plan number and wording to remove reference to former condition 8 which was superseded by the approval of application 97/50322/C1 in November 2012.

56. VEHICLE CLEANSING

Condition 7, revised clearer wording to former condition 9 as follows;

(a) A permeable hardstanding and access road shall be maintained and made available at the Ketley Road entrances, for loading vehicles in the

cake area, as shown on drawing number APS/HPD/04.13 dated April 2013 from which vehicles shall leave the site in a forward gear.

- (b) Any vehicle leaving the working quarry area via the Dudley Road access shall be subjected to a cleaning regime where the wheels are cleaned via a permanent wheel wash or have dust suppression depending on the weather conditions in accordance with the requirements of discharged conditions attached to planning approval P11/1026 unless otherwise agreed in writing by the Mineral Planning Authority.

The changes in wording are more precise and allow reference to the approved wheel washing and management regime at the Dudley Road access. Former conditions 10 and 11 are superseded and no longer relevant. Former condition Dust is now an informative for the reasons given at paragraph 44.

57. Noise

Condition 8, (former condition 13) the proposed condition maintains all existing timings and timescales with more precise wording and a more logical order as follows;

Noise emitted from the site shall not exceed 55 dB(A)Leq (one hour) (freefield) between the hours of 07.30 hours and 18.00 on weekdays and 07.30 and 13.00 hours on Saturdays.

Noise emitted from the following activities shall not exceed 70dB(A) Leq (one hour) (freefield) unless agreed in writing with the Mineral Planning Authority;

- (a) The construction of the cake stock pile adjacent to Ketley Road. This activity shall not exceed 44 working days in any one calendar year.

- (b) The construction and removal of noise barrier mounds including the removal of topsoil, subsoil and overburden in

connection with their construction and removal. This activity shall not exceed 44 working days in any one calendar year.

(c) The loading of vehicles for the removal of clay from the clay cake storage area via Ketley Road shall not be undertaken on Saturdays and shall not exceed six hours in aggregate in every working week.

(d) The working, levelling and removal of tiles and bricks. These activities shall not exceed 20 working days in any one calendar year.

All noise levels shall be measured at the nearest noise sensitive dwelling.

In all instances where a time limit is applicable to the undertaking of a particular activity, records shall be maintained and shall be made available to the Mineral Planning Authority upon request to verify the actual time worked.

Former condition 14 is removed as it was imprecise and has effectively been superseded by the approval of application 97/50322/C2.

58. Blasting

Condition 9, (former condition 15) unchanged and maintained as an exceptional circumstance that has not taken place since the original review.

59. WATER PROTECTION AND POLLUTION

Conditions 10, 11 and 12 are unchanged from original conditions 16, 17 and 18.

60. ARCHAEOLOGY

Condition 13, revised wording to original condition 19 to refer to future phases of extraction.

61. LANDSCAPING

Conditions 14, 15 and 16 updated and reworded to refer to previously discharged conditions and recent approval 97/50322 to update and supersede original conditions 20, 21, 22, 23, 24 and 25.

62. SOIL STRIPPING AND STORAGE

Condition 17, wording revised to incorporate the relevant elements of original conditions 26, 27, 28 and 29.

63. RESTORATION AFTER USE AND AFTERCARE

Conditions 18, 19, 20 and 21 are revised or updated to reflect the discharge of former condition 30 by details approved under application 97/50322. Such conditions replace original conditions 30, 31, 32, 33 and 34.

64. DUST INFORMATIVE

The condition originally attached as condition 12 is appended as an informative as follows;

Procedures shall be instigated at all times to minimise the emission of dust from site, utilising the use of water on internal roads during the clay winning operations and in operations for the moving and storage of soil, overburden and other materials within site, as required by the Environmental Permits regulating the operations of the site

CONCLUSION

The Review of the Mineral Permission seeks to impose updated and revised conditions which are necessary to protect the amenities of surrounding residents, protect wildlife, ecological, archaeological and geological interests whilst ensuring the appropriate future extraction of minerals and eventual restoration of the site. Limited additional future traffic movements will not have an adverse impact on vehicular flows or traffic safety on the A4101 and will not have an adverse impact upon the amenities of local residents in terms of noise. Dust and health issues have been considered in the application process. Ecological impacts are unlikely to arise from the activity and the geological SSSI will be protected in-situ. Appropriate access arrangements are in place and no changes in the authorised operations of the site will arise. No health related impacts are considered likely to arise as such issues are adequately controlled by Environmental Permits. The development is therefore considered to accord with the requirements of the National Planning Policy Framework, the Black Country Core Strategy and saved policies of the Dudley Unitary Development Plan.

RECOMMENDATION

65. It is recommended that the application be approved subject to the attached conditions.

Reason for approval.

The Review of the Mineral Permission seeks to impose updated and revised conditions which are necessary to protect the amenities of surrounding residents, protect wildlife, ecological, archaeological and geological interests whilst ensuring the appropriate future extraction of minerals and eventual restoration of the site. Limited additional future traffic movements will not have an adverse impact on vehicular flows or traffic safety on the A4101 and will not have an adverse impact upon the amenities of local residents in

terms of noise. Dust and health issues have been considered in the application process. Ecological impacts are unlikely to arise from the activity and the geological SSSI will be protected in-situ. Appropriate access arrangements are in place and no changes in the authorised operations of the site will arise. No health related impacts are considered likely to arise as such issues are adequately controlled by Environmental Permits. The development is therefore considered to accord with the requirements of National Planning Policy Framework, the Black Country Core Strategy policies MIN1 Managing and Safeguarding Mineral Resources, MIN2 Production of Aggregate Minerals, MIN3 Maintaining Supplies of Brick Clay, MIN5 New Proposals for Mineral Development, CSP5 Transport Strategy, TRAN3 The Efficient Movement of Freight, WM1 Sustainable Waste and Resource Management ,WM2 Protecting and Enhancing Existing Waste Management Capacity, ENV1 Nature Conservation and Saved Unitary Development Plan policies DD4 Development in Residential Areas and EP7 Noise Pollution.

**Amended conditions for the Decision Notice under application number:
97/50322 in relation to the periodic review of Mining Sites in accordance with
the Environment Act 1995.**

Applicant:

Hinton, Perry and Davenhill Ltd

Dreadnought Works

Pensnett

Brierley Hill

West Midlands

DY5 4TH

SITE:

KETLEY QUARRY, KETLEY ROAD, KINGSWINFORD

DEFINITION AND SCOPE OF PERMISSION

1. The development to which these conditions apply, which comprises mineral extraction and removal, stocking of extracted and imported minerals, internal haulage of minerals, the importation, processing, treatment, tipping and storage of waste, landscaping, planting and restoration of mineral workings, shall only be carried out within the land edged red on plan number APS/HPD/04.13 dated April 2013 attached to and forming part of this submission.

DURATION OF PERMISSION

2. The winning and working of minerals or depositing of waste shall cease not later than 21 February 2042.

WORKING PROGRAMME, PHASING AND DIRECTION OF WORKING

3. Unless otherwise agreed in writing by the Mineral Planning Authority the working of the site shall be carried out only in accordance with the phased scheme as shown on plan number APS/HPD/04.13 dated April 2013, as submitted with this application.
4. Unless otherwise agreed in writing by the Mineral Planning Authority the positions of the clay stockpile, tile area and cake area shall only be as shown on plan number APS/HPD/04.13 dated April 2013. The maximum height of the stockpile will not exceed 125m OD, the tile area 118 m OD and the cake area 107m OD.

HOURS OF WORKING

5. Except in emergencies and in order to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing:
 - (a) Operations other than water pumping, environmental monitoring, servicing, maintenance and testing of plant shall be carried out at the site only between the following times:

07.30 hours and 18.00 hours Monday to Friday, and
07.30 hours and 13.00 hours on Saturday.
 - (b) Servicing, maintenance and testing of plant shall only be carried out at the site between the following times:

07.30– 19.00 hours Monday to Friday
07.30– 16.00 hours Saturday.
 - (c) No operations other than environmental monitoring and water pumping at the site shall take place on Sundays or public holidays.

(d) No plant or HGV's shall enter or leave the site through the Ketley Road access before 07.30 hours or after 18.00 hours on any day.

(e) No plant or HGV's (with the exception of road sweepers) shall enter or leave through the Dudley Road access before 07.30 or after 18.00 hours on any day.

SAFEGUARDING ADJACENT LAND

6. No excavations shall take place closer than the 30 metre limit of the planning permission area shown on drawing number APS/HPD/04.13 dated April 2013, or within 5 metres of the limit of the planning permission at any other point, other than between points X – Y.

VEHICLE CLEANSING

7. (a) A permeable hardstanding and access road shall be maintained and made available at the Ketley Road entrances, for loading vehicles in the cake area, as shown on drawing number APS/HPD/04.13 dated April 2013 from which vehicles shall leave the site only in a forward gear.

(b) Any vehicle leaving the working quarry area via the Dudley Road access shall be subjected to a cleaning regime where the wheels are cleaned via a permanent wheel wash or have dust suppression depending on the weather conditions in accordance with the requirements of discharged conditions attached to planning approval P11/1026 unless otherwise agreed in writing by the Mineral Planning Authority.

NOISE

8. Noise emitted from the site shall not exceed 55 dB(A)Leq (one hour) (freefield) between the hours of 07.30 hours and 18.00 on weekdays and 07.30 and 13.00 hours on Saturdays.

Noise emitted from the following activities shall not exceed 70dB(A) Leq (one hour) (freefield) unless agreed in writing with the Mineral Planning Authority;

(a) The construction of the cake stock pile adjacent to Ketley Road. This activity shall not exceed 44 working days in any one calendar year unless otherwise agreed in writing by the Mineral Planning Authority.

(b) The construction and removal of noise barrier mounds including the removal of topsoil, subsoil and overburden in connection with their construction and removal. This activity shall not exceed 44 working days in any one calendar year unless otherwise agreed in writing by the Mineral Planning Authority.

(c) The loading of vehicles for the removal of clay from the clay cake storage area via Ketley Road, which activity shall not be undertaken on Saturdays and shall not exceed six hours in aggregate in every working week unless otherwise agreed in writing by the Mineral Planning Authority.

(d) The working, levelling and removal of tiles and bricks. These activities shall not exceed 20 working days in any one calendar year unless otherwise agreed in writing by the Mineral Planning Authority.

All noise levels shall be measured at the nearest noise sensitive dwelling.

In all instances where a time limit is applicable to the undertaking of a particular activity, formally documented records shall be maintained and shall be made available to the Mineral Planning Authority upon request to verify the actual time worked.

BLASTING

9. Except in emergencies, no blasting will take place, unless previously agreed in writing with the Mineral Planning Authority.

WATER PROTECTION AND POLLUTION

10. The scheme for the drainage works and methods approved on the 12th March 1999 for ensuring that silt laden water, oils, fuels, lubricants and other potential pollutants do not pose a pollution risk to surface water and ground water, shall be maintained for the life of the development unless otherwise agreed with the Mineral Planning Authority.
11. Any liquid other than water, permanently stored in static facilities, shall be stored in suitable tanks and containers which shall be housed in the areas surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should vent downwards into the bund.
12. No new excavation, raising of ground levels or other obstruction other than fencing shall be permitted within five metres of any watercourse.

ARCHAEOLOGY

13. Prior to excavation taking place in future extraction phases desk top assessments shall be undertaken relative to those phases and submitted to the Mineral Planning Authority. No working shall take place in any areas identified as being of archaeological interest in the desk top reports, until a programme of archaeological investigation has been completed, providing preservation by record in relation to that particular area. Access shall also be made available to the Mineral Planning Authority in each excavation phase for archaeological recording in accordance with the desk top assessments undertaken.

LANDSCAPING

14. The existing trees, bushes and hedgerows within the site as shown on plan number M/H147/EA/97/4/a dated May 1997 shall be retained and shall not be felled, lopped or removed, other than under normal silvicultural practice, except within the areas shown in the development proposals, without the prior written consent of the Mineral Planning Authority. Any such vegetation outside the development area dying, being severely damaged or becoming seriously diseased as a result of operations permitted by this permission shall be replaced with trees or bushes of such size and species as may be agreed with the Mineral Planning Authority, in the planting season immediately following any such occurrences. The existing trees, bushes and hedgerows within the development proposals should not be removed during months of March to July (inclusive).
15. The landscaping scheme submitted in accordance with Condition 24 of Planning approval No. 97/50322 and approved on the 2nd July 1999 by the Mineral Planning Authority shall be retained for the life of the development unless otherwise agreed in writing with the Mineral Planning Authority.
16. The development of future phases of extraction shall take place only in accordance with discharged condition 23 of planning approval 97/50322 under reference 97/50322/C2 which was approved on 29th November 2012.

SOIL STRIPPING AND STORAGE

17. No topsoil or subsoil originating from the site shall be removed from the site and all such topsoil and subsoil shall be retained separately on site for restoration purposes. The location and volume of such shall be provided to the Mineral Planning Authority in writing within 28 days of such a written request unless otherwise agreed in writing.

RESTORATION AFTER USE AND AFTERCARE

18. All plant and buildings shall be removed from the site within 12 months of completion of quarrying and tipping, unless otherwise agreed in writing with the Minerals Planning Authority. Any plant which is no longer in operation shall be removed from the site.
19. Restoration and after use of the site shall be undertaken in full accordance with the details and conditions attached to approval reference 97/50322/C1 which discharged the requirements of condition 30 of planning approval 97/50322 on 29th November 2012.
20. Prior to the restoration of each phase of the development, detailed landscaping proposals and visual impact assessments which incorporate the Ecological and Nature Conservation enhancements contained within approval 97/50322/C1 shall be submitted for the written approval of the Mineral Planning Authority and shall thereafter be fully implemented in accordance with such approved schemes.
21. An aftercare scheme detailing maintenance, drainage and husbandry for each phase of restoration shall be submitted for the written approval of the Mineral Planning Authority within one year of the commencement of the restoration of that phase. The approved aftercare scheme shall thereafter be implemented and maintained in accordance with the requirements of such scheme.

DUST INFORMATIVE

Procedures shall be instigated at all times to minimise the emission of dust from site, utilising the use of water on internal roads during the clay winning operations and in operations for the moving and storage of soil, overburden and other materials within site, as required by the Environmental Permits regulating the operations of the site

ENVIRONMENT ACT 1995
(Section 96 and schedule 13)

Deposited on : 28th February 1997

Application number: 97/50322

Applicant:
Hinton, Perry & Davenhill Ltd
Dreadnought Works
Pensnett
Brierley Hill
West Midlands
DY5 4TH

Agent:
John German Chartered Surveyors
Black Birches
Hadnall
Shrewsbury
SY4 3DH

SITE:

KETLEY QUARRY, KETLEY ROAD, KINGSWINFORD

PARTICULARS OF PROPOSED DEVELOPMENT:

DETERMINATION OF CONDITIONS FOR A MINERAL SITE

DEFINITION AND SCOPE OF PERMISSION

1. The development to which these conditions apply, which includes clay extraction, stocking of extracted and imported clays, internal haulage of minerals, importation and tipping of waste, landscaping and planting, and restoration of mineral workings, shall only be carried out within the land edged red on plan number M/H147/EA/97/2/A dated May, 1997, attached to and forming part of this submission.

DURATION OF PERMISSION

2. The winning and working of minerals or depositing of waste shall cease not later than 21 February 2042.

Reason: To comply with the Town and Country Planning Act 1990.

WORKING PROGRAMME, PHASING AND DIRECTION OF WORKING

3. Unless otherwise agreed in writing by the Mineral Planning Authority the working of the site shall be carried out only in accordance with the phased scheme as shown on plan number M/H147/EA/97/3/A dated May, 1997, as submitted with this application.
4. Unless otherwise agreed in writing by the Mineral Planning Authority the positions of the clay stockpile, tile area and cake area shall be as shown on plan number M/H147/EA/97/3/A dated May, 1997. The maximum height of the stockpile will not exceed 125m OD, the tile area 118m OD and the cake area 107m OD.

Please reply to:

ENVIRONMENT ACT 1995
(Section 96 and schedule 13)

Deposited on : 28th February 1997

Application number: 97/50322

5. The existing overburden mound along the eastern boundary, and within the 30m zone (as referred to in Condition 7) as shown on plan number M/H147/EA/97/2/A dated May, 1997, shall be retained in the position shown and its height shall not be increased or decreased from the levels indicated, without the prior written approval of the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to adequately control development and to minimise the impact on the amenities of the local area.

HOURS OF WORKING

6. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing:
- (a) Operations other than water pumping, servicing, environmental monitoring and maintenance of plant shall be carried out at the site only between the following times:

07.30 hours and 18.00 hours Monday to Friday, and
07.30 hours and 13.00 hours on Saturday.
 - (b) Loaded vehicles shall not enter or leave the site before 08.00 hours.
Unloaded vehicles shall not enter or leave the site before 07.30 hours.
 - (c) Servicing, maintenance and testing of plant shall only be carried out at the site between the following times:

07.30 - 19.00 hours Monday to Friday
07.30 - 16.00 hours Saturday.
 - (d) No operations other than environmental monitoring and water pumping at the site shall take place on Sundays or public holidays.

Reason: To protect the amenities of local residents.

SAFEGUARDING ADJACENT LAND

7. No excavations shall take place closer than 30 metres to the limit of the planning permission area as shown on drawing number M/H147/EA/97/3/A, dated May, 1997, until a working scheme has been prior agreed with the Mineral Planning Authority as required in Condition 8, and within 5 metres of that limit of the planning permission at any time, other than between points X-Y.

Please reply to:

ENVIRONMENT ACT 1995
(Section 96 and schedule 13)

Deposited on : 28th February 1997

Application number: 97/50322

8. No excavation shall take place within 30m of the boundary of the planning permission as shown on drawing number M/H147/EA/97/3/A dated May, 1997, until the mineral reserves have been exhausted in Phase 1, unless otherwise agreed with the Mineral Planning Authority, and subsequently Phases 2 and 3. Prior to any excavation within that 30m limit, a scheme of operation shall be submitted to the Mineral Planning Authority and shall include a site investigation report, slope analysis report, details of the environmental protection measures to mitigate the impact of working from the surrounding properties and details for the treatment of the terminal faces to ensure compliance with the requirements of Condition 30 below. All future excavations in the 30m zone shall then take place in accordance with an agreed scheme of operation.

Unless otherwise agreed in writing with the Mineral Planning Authority, the final quarry faces within each phase (measured from the top of extraction at each outer phase boundary to the base of the excavation) shall not exceed an overall slope of 1:1 from the eastern and southern boundary of Phase 3 and the eastern boundaries of Phases 1 and 2.

The final exposed quarry faces, if any within the 30m zone, are to be benched, each bench with a maximum height of 10 metres and width equivalent to the adjacent height.

Reason: So that the development is contained within its permitted boundaries to avoid effects on surrounding land to protect the amenities of residents and to avoid affecting the restoration or subsequent after use of the site.

VEHICLE CLEANSING

9. (a) Within the southern part of the cake area, as shown on plan No. M/H147/EA/97/3/A dated May, 1997, a permeable hardstanding and access road shall be provided to enable road vehicles to enter and leave the site via the southern access from Ketley Road in a forward gear when being loaded/unloaded.
- (b) Within the northern part of the cake area, as shown on plan No. M/H147/EA/97/3/A dated May, 1997, a temporary permeable hardstanding and access road shall be provided as soon as sufficient clay is removed, for the loading/unloading of road vehicles. When sufficient hardstanding is available road vehicles entering and leaving the site via the northern access from Ketley Road, shall do so in a forward gear.

In respect of a. and b. above, all site vehicles shall be excluded from the hardstandings and access roads and all road vehicles should not proceed beyond the hardstandings. Such facilities shall be retained throughout the life of the development.

ENVIRONMENT ACT 1995
(Section 96 and schedule 13)

Deposited on : 28th February 1997

Application number: 97/50322

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10. Within six months of the permission, measures shall be agreed with the Mineral Planning Authority to prevent the deposition of mud and debris on the highway by use of the access to Dudley Road.
11. No other accesses shall be utilised or created other than shown on drawing numbers M/H147/EA/97/5, 6 and 7 dated February 1997. Detailed plans to a scale of not less than 1:500 scale shall be submitted within 3 months to the Mineral Planning Authority to confirm the position and layout of the two accesses onto Ketley Road.

Reason: To keep mud off the road in the interests of highway safety and the amenities of the area.

DUST

12. Procedures shall be instigated at all times to minimise the emission of dust from site, including the use of water on internal roads during clay winning operations and in operations for the moving and storage of soil, overburden and other materials within the site.

Reason: To protect the amenities of the locality from the effect of dust arising from the development.

NOISE

13. Noise emitted from the site shall not exceed 55 dB(A)Leq (one hour) (freefield) between the hours of 07.30 hours and 18.00 on weekdays and 07.30 and 13.00 on Saturdays measured at the nearest noise sensitive dwellings, except for the following circumstances or unless otherwise agreed in writing with the Mineral Planning Authority:
- (a) The construction of the cake stock pile adjacent to Ketley Road. This activity shall not exceed 44 working days in any one calendar year.
 - (b) The construction and removal of noise barrier mounds including the removal of topsoil, subsoil and overburden in connection with their construction and removal. This activity shall not exceed 44 working days in any one calendar year.
 - (c) The removal of clay from the clay cake storage area in Ketley Road. This activity shall not be undertaken on Saturdays and shall not exceed six hours in every working week.
 - (d) The working, levelling and removal of tiles and bricks. These activities shall not exceed twenty working days in any one calendar year.

ENVIRONMENT ACT 1995
(Section 96 and schedule 13)

Deposited on : 28th February 1997

Application number: 97/50322

Noise levels emanating from these activities shall not exceed 70dB(A)Leq (one hour) (freefield) measured at the nearest noise sensitive dwellings.

In all instances where a time limit is applicable to the undertaking of a particular activity, records shall be maintained and shall be made available to Officers of the Council upon request to verify the actual time worked.

14. Procedures shall be instigated at all times to minimise the emission of noise from the site including the adaptation of working practices, the use of plant and machinery, the strategic location of plant and machinery, the use of stored clay as temporary noise barriers and the prevention of unnecessary operation of plant and machinery.

Reason: To protect the amenities of local residents.

BLASTING

15. Except in emergencies, no blasting will take place, unless previously agreed in writing with the Mineral Planning Authority.

Reason: In the interests of the amenities of the locality.

WATER PROTECTION AND POLLUTION

16. Within 12 months of this permission a scheme for drainage works and methods of ensuring silt laden water, oils, fuels, lubricants and other potential pollutants do not pose a pollution risk to surface water and ground water shall be submitted for approval to the Mineral Planning Authority. Such a scheme shall be implemented within 12 months of approval and maintained during the life of the development.

Reason: To minimise the risk of pollution of watercourses and aquifers from surface water run off.

17. Any liquid other than water, permanently stored in static facilities, shall be stored in suitable tanks and containers which shall be housed in the areas surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should vent downwards into the bund.

Reason: To minimise the risk of pollution of watercourses and aquifers.

ENVIRONMENT ACT 1995
(Section 96 and schedule 13)

Deposited on : 28th February 1997

Application number: 97/50322

18. No new excavation, raising of ground levels or other obstruction other than fencing shall be permitted within five metres of any watercourse.

Reason: To provide for out of bank flows, maintenance access and a conservation corridor.

ARCHAEOLOGY

19. Prior to excavation taking place in Phase 1 of the development area, a desk top archaeological assessment will be commissioned relative to that phase and submitted to the Mineral Planning Authority. Prior to excavation taking place in any future phases, further desk top archaeological assessments will be commissioned as required relative to each further phase.

No working shall take place in any areas identified as being of archaeological interest in the desk top reports, until a programme of archaeological investigation has been completed, providing preservation by record in relation to that particular area.

Reason: To ensure that adequate archaeological investigation and recording is undertaken prior to the development taking place.

LANDSCAPING

20. The existing trees, bushes and hedgerows as shown on plan number M/H147/EA/97/4/A dated May, 1997, within the site shall be retained and shall not be felled, lopped or removed, other than under normal silvicultural practice, except within the areas shown in the development proposals, without the prior written consent of the Mineral Planning Authority. Any such vegetation outside the development area dying, being severely damaged or becoming seriously diseased as a result of operations permitted by this permission shall be replaced with trees or bushes of such size and species as may be agreed with the Mineral Planning Authority, in the planting season immediately following any such occurrences.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990.

21. The existing trees, bushes and hedgerows within the development proposals should not be removed during the months of March to July (inclusive).

Reason: In the interests of wildlife conservation.

22. Within three months of the permission a programme of access by the Mineral Planning Authority's nominated employee/agent, over a period of 12 months, for the purposes of a nature conservation survey shall be agreed. Such programme shall also include provision for a review every five years.

Please reply to:

ENVIRONMENT ACT 1995
(Section 96 and schedule 13)

Deposited on : 28th February 1997

Application number: 97/50322

Reason: To identify the nature conservation value of the site and ensure that habitats, species and geology are treated appropriately as the development proceeds.

23. No development shall take place in Phase 1 until a phased scheme for further environmental protection and enhancement shall be submitted to and approved by the Mineral Planning Authority; such scheme shall include details of the phased construction of further bunds and tree planting in order to mitigate the impact of the development of the site from surrounding residential properties as extraction phases are developed, and upon approval of such a scheme, shall be implemented to a programme previously agreed in writing with the Mineral Planning Authority.
24. Within 12 months of the date of this permission a landscaping scheme shall be submitted to the Mineral Planning Authority for agreement. Such details shall include:
- (a) The establishment of a grass sward along the existing overburden mound on the eastern boundary.
 - (b) Proposals for hedgerows A-B, C-D, E-F, G-H, M-L, including laying and gap planting as appropriate.
 - (c) Proposals for the tree corridor J-K and the area hatched on plan M/H147/EA/97/4/A dated May, 1997.
 - (d) Measures to protect all existing planting and new planting from encroachment by spoil and waste tipping.

The agreed scheme shall be implemented to a programme to be previously agreed in writing with the Mineral Planning Authority and retained during the life of the development.

Reason: To improve the appearance of the site in the interests of visual amenity and assist in the screening of workings.

25. Trees, shrubs and hedges planted in accordance with approved schemes shall be maintained and any plants which within five years of planting die, or become diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: In the interests of the amenity of the local area.

Please reply to:

ENVIRONMENT ACT 1995
(Section 96 and schedule 13)

Deposited on : 28th February 1997

Application number: 97/50322

SOIL STRIPPING AND STORAGE

26. The stripping and handling of soils shall only be undertaken during dry weather when the soils are in a dry and friable condition.

Reason: To maintain the condition of the soils.

27. No topsoil or subsoil shall be removed from the site and all such topsoil and subsoil shall be retained separately on site for restoration purposes and, where appropriate, for use in the bunding to be constructed in accordance with Condition 23.
28. All topsoil, and in addition a minimum depth of 600mm subsoil, shall be stripped and stored separately from all areas where soils exist in situ and where their removal is necessary for clay extraction purposes.
29. All new soil mounds will be accurately mapped and measured within six months of construction to show volumes of soil stored, the information to be passed to the Mineral Planning Authority. All mounds to be seeded with an appropriate grass seed mixture to be agreed with the Mineral Planning Authority.

Reason: To ensure that all available soils are retained for restoration and to maintain the condition of the soils.

RESTORATION, AFTERCARE AND AFTER USE

30. The site shall be reclaimed in accordance with a scheme which shall be submitted to the Mineral Planning Authority prior to infilling or within 15 years of the date of this consent, whichever is the sooner. The minimum finished levels shall be those agreed with Staffordshire County Council on 12 May 1952 unless otherwise agreed as part of the submitted scheme. The scheme shall include details of:
- The nature of the intended afteruse of the site, including proposals that may require separate planning permission(s) at a later date.
 - The sequence, phasing and method of working of reclamation showing clearly their relationship to the working scheme.
 - The re-spreading over the reclaimed area of overburden, subsoil and topsoil previously stripped from the site, in that order where appropriate, or for the preparation of levels suitable for any other afteruse of the site as detailed in a) above. Final contouring to be completed prior to the spreading of topsoils and subsoils.

Please reply to:

ENVIRONMENT ACT 1995
(Section 96 and schedule 13)

Deposited on : 28th February 1997

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- (d) The ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil, as appropriate with regard to c) above.
- (e) The machinery to be used in soil re-spreading operations, as appropriate with regard to c) above.
- (f) Drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage, as appropriate with regard to c) above.
- (g) Grass seeding of reclaimed areas with a suitable herbage mixture, as appropriate with regard to c) above.
- (h) The edges of any possible ponds to be left on conclusion of workings and the battering down of the restored banks of the ponds.
- (i) A timetable for implementation and aftercare.
- (j) Retention of the Site of Special Scientific Interest (as notified on 28 September 1990).
- (k) Infill material and potential pollution therefrom.

And upon approval by the Mineral Planning Authority, such schemes should be implemented in accordance with the approved details and timetable.

Reason: To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial afteruse and in the interests of the amenity of local residents.

31. The schemes detailed in Condition 30 shall be commenced within two years from approval, or such longer period as may be agreed in writing by the Mineral Planning Authority.

Reason: To ensure that the site is reclaimed in a condition capable of beneficial afteruse at an early date and in the interests of amenity.

32. All plant and buildings shall be removed from the site on completion of quarrying and tipping, unless otherwise agreed in writing with the Minerals Planning Authority. Any plant which is no longer in operation shall be removed from the site.

Reason: In the interests of the amenity of the local area.

Please reply to:

ENVIRONMENT ACT 1995
(Section 96 and schedule 13)

Deposited on : 28th February 1997

Application number: 97/50322

33. In the event of a cessation of winning and working of minerals or the cessation of tipping operations and prior to the completion of the approved scheme on plan number M/H147/EA/97/3/A dated May, 1997, or any scheme agreed under Condition 30 which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation afteruse and aftercare, shall be submitted in writing for approval to the Mineral Planning Authority within one year of the cessation of winning and working or tipping. The approved revised scheme shall be fully implemented within two years of the written approval unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: To enable the Minerals Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use.

34. An aftercare scheme requiring such steps as may be necessary to bring each phase of land reclaimed under Conditions 30 and 31 to the required standard shall be submitted for the approval of the Mineral Planning Authority, within one year of commencement of reclamation of that phase and thereafter be implemented as approved.

Reason: To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 and to ensure that the reclaimed land is correctly husbanded, and to bring the land to the standard required for the approved afteruse.

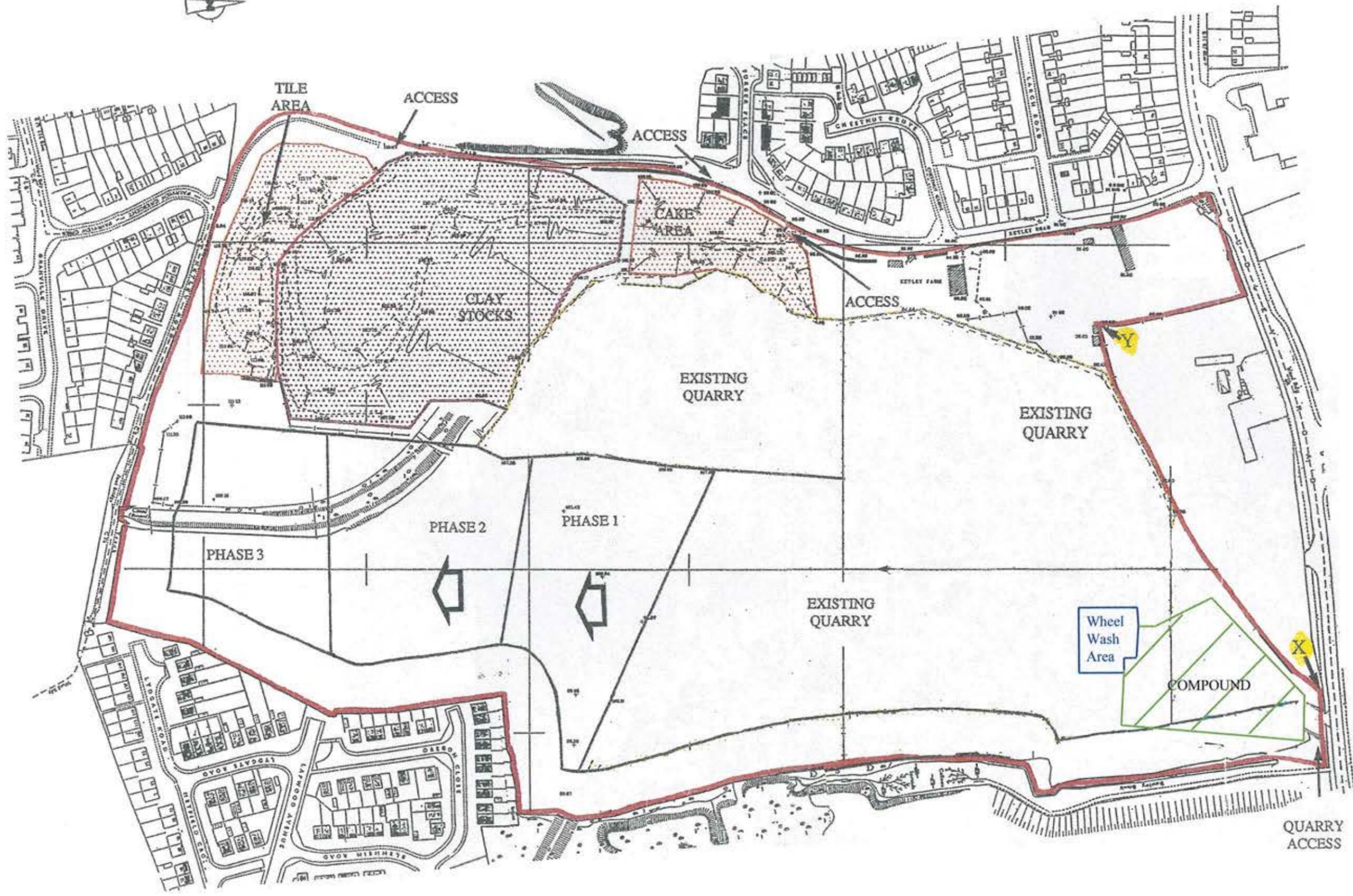
R. W. Johnson

R.W. Johnson,
Chief Planning & Leisure Officer.



KEY
 — PLANNING PERMISSION BOUNDARY.
 ↻ DIRECTION OF WORKING.
NOTE
 ARBITRARY GRID SHOWN.
 ALL LEVELS ARE TO O.S DATUM.
 O.S DETAIL IS TO BEST FIT ONLY.

□ Compound
 □ Wheel Wash Area



Client:
HINTON PERRY & DAVENHILL LTD

Title:
KETLEY QUARRY WORKING SCHEME MASTER PLAN

John German

Chartered Surveyors
 1000 Parkway, Parkway, Basingstoke, Hants RG24 0BA
 Tel: 01256 333333 Fax: 01256 333334
 www.johngerman.co.uk

Date	APRIL 13	Drawing No.	Rev.
Scale	1/2500	APS/HPD/04.13	B
Drawn			
Traced	ISM		