



## Regeneration – Planning and Building Control

Geoplan Limited  
7 Heritage Business Centre  
Derby Road  
Belper  
Derbyshire  
DE56 1SW

# PLANNING DECISION NOTICE

---

TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

---

## *Grants Planning Permission Subject to Conditions*

### Part 1 – Particulars of Application

**Applicant:** Wienerberger Limited

**Agent:** Geoplan Limited

**Application Number:** 09/1730/MI

**Date of Application:** 01/12/2009

**Site Address:** Sandown Quarry, 175 Stubbers Green Road, Aldridge, WS98BJ

**Proposal:** Extraction of clay from beneath section of former railway line with importation of limited quantities of inert fill materials (clay and overburden)

### Part 2 – Particulars of Decision

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

### **CONDITIONS**

1. These conditions relate only to the winning and working of minerals and deposit of mining waste within the remaining unworked section of the former mineral railway line (the site) as shown edged red on submitted plan referenced S14/61 received by the Minerals Planning Authority on 1<sup>st</sup> December 2009 and associated ancillary materials storage, landscaping and restoration operations within the area of the quarrying complex edged blue.

*Reason:* To define the permission.

2. All winning and working of minerals and deposit of mining waste shall cease not later than 21st February 2042.

*Reason:* Pursuant to the requirements of the Town and Country Planning Act 1990 (as amended).

3. 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, within the site edged red, 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.

*Reason:* To enable the Mineral Planning Authority to maintain effective control at the site.

4. 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.

*Reason:* To define the terms of the permission and secure the effective use of materials at the site.

5. 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 within the control of the site operator pending use in restoration.

*Reason:* To define the terms of the permission and secure the effective use of materials at the site.

6. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995, or its 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 adjacent Swan Pool Site of Special Scientific Interest

*Reason:* To protect the SSSI.

7. Prior to commencement of clay extraction, details of the proposed connection to the canal towpath together with details to demonstrate that the proposed landscaping and necessary drainage works would not prevent inspections of the canal embankment nor result in a detrimental impact on the embankment including further slope failure shall be submitted to and approved in writing by the Mineral Planning Authority in consultation with British Waterways Board. The approved details shall be implemented prior to the commencement of clay extraction or in accordance with a timetable to be agreed in writing with the Minerals Planning Authority.

*Reason:* In order to ensure that the integrity of the waterway infrastructure is not compromised by the development.

8. All works required to secure slope stability and the safety of Swan Pool, as specified in the geotechnical report for the land effected by permission BC57897P, shall be maintained in association with operations under this permission, to the satisfaction of the Mineral Planning Authority including maintenance of the clay seal at the rear of Swan Pool implemented in the working plan approved as permission BC39250P.

*Reason:* To protect the integrity of the Site of Special Scientific Interest.

9. Within three months of the development being implemented the applicant shall submit to the Minerals Planning Authority a satisfactory scheme for:
- Continued monitoring and timescale for monitoring of water levels in Swan Pool throughout operations at the site and provision of recorded data to the Mineral Planning Authority at an agreed frequency and
  - The recharging of water and maintenance of water levels into the Swan Pool in the event of there being excessive loss in the opinion of the Mineral Planning Authority in consultation with Natural England.

*Reason:* To protect the integrity of the Site of Special Scientific Interest.

10. Mineral extraction shall only take place in accordance with an approved scheme of working which shall be reviewed following approval by the Mineral Planning Authority at 5 yearly intervals during any continued mineral extraction. Such scheme (s) shall specifically include provision for:
- The anticipated method, direction, depth and sequence of working and rate of mineral extraction;
  - The separate stripping, storage and movement of any subsoil, topsoil and overburden and proposed treatments prior to re-use.
  - The location, height and surface treatment of storage mounds, except where stored below quarry rim level;
  - A programme of implementation
  - The anticipated limit of excavation to be made under each submitted scheme of working;
  - The proposed means of management and treatment of any surface water and drainage within the site;
  - Details of fencing to be erected alongside the existing public footpath or any subsequent diversion;
  - 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 23 and 28;
  - The compatible linking of the working of the site to the schemes of working approved under permissions BC40528P and BC51997P.

*Reason:* To ensure the satisfactory working and restoration of the site.

11. Not later than 12 months from the date of this approval, a Landscape Master Plan for the quarrying complex and timescale for implementation shall be submitted to the Mineral Planning Authority for approval showing:
- The existing and proposed landscape features at the quarrying complex which are to be retained for the duration of the development;
  - A scheme for the maintenance of the landscape features
  - A scheme(s) for the maintenance of existing and proposed landscape features, incorporating the provisions of Condition 30.
  - An overall concept for the final landscaping and planting of the complex including the means of drainage, the contours to be achieved and any habitats to be created related to the proposed afteruse;
  - The integration of the site into the surrounding area.

*Reason:* To ensure the satisfactory integration of the site with the adjacent land and landscape features.

12. No 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.

*Reason:* To ensure the satisfactory operation of the site.

13. The line of the existing footpath or any subsequent diversion across the site shall be fenced in accordance with details pursuant to Condition 11. Any vehicular crossing points shall be advance signposted to warn both drivers and users.

*Reason:* To protect the public right of way.

14. Throughout the duration of the development, the access road for a 50 metre section 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. 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.

*Reason:* To avoid the transfer and deposit of material on the highway by vehicle tyres.

15. Reasonable steps shall be taken to minimise the incidence of airborne dust caused by the operations, including the following:
- Use of a bowser to spray water onto active site areas and site roads, as and when the conditions dictate;
  - The establishment, where appropriate, of vegetation covers on mounds of stored material;
  - The regular cleaning and maintenance of site roads, including those used for access to the public highway;
  - At no time shall operations take place which, despite the use of dust control measures, would give rise to visible air borne dust emissions beyond the boundary of the active quarrying complex. In such circumstances operations that cause dust

shall temporarily cease until such time as weather conditions change favourably or dust suppression becomes effective.

*Reason:* To avoid impacts on amenity arising from dust.

16. Except where otherwise previously agreed in writing by the Mineral Planning Authority, the level of noise generated by any site operations 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.

*Reason:* To protect residential amenity.

17. No operations at the site shall take place outside of 0700 and 1900 hours Monday to Fridays and outside of 0800 and 1300 hours on Saturdays, or at all on Christmas Day, Boxing Day, New Years Day, Easter Monday and May Bank Holidays, unless previously agreed in writing with the mineral Planning Authority

*Reason:* To protect residential amenity.

18. 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.

*Reason:* To protect the ground water environment.

19. If the operations are for any reason suspended for a period exceeding twelve consecutive months, the Mineral Planning Authority shall be notified giving reasons for the suspension of operations within 14 days of the expiration of the first twelve 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.

*Reason:* To ensure that there is no undue impact arising from the temporary cessation of operations

20. Temporary storage of any soils and restoration materials shall only be undertaken in accordance with details submitted pursuant to Condition 10. In any event, stripping or movement of any topsoil or subsoil at the site shall only take place when soil moisture conditions are such 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.

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

21. The site shall be restored in accordance with the restoration scheme(s) and timetable pursuant to Conditions 10 and 11. Such scheme(s) shall make provision for the following:

- The final levels and contours to be achieved;
- A landscaping and planting scheme to be implemented as part of restoration;
- The creation of final stable slopes;
- The satisfactory drainage of the land.
- An aftercare strategy for the restored site.
- Proposed timescales for the implementation of restoration

*Reason:* To ensure satisfactory restoration of the site

22. 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 10 and 11. Such scheme(s) will 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.

*Reason:* To ensure satisfactory restoration of the site.

23. 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 will make provision for the re-seeding or planting, maintenance and aftercare of the areas so treated.

*Reason:* To ensure satisfactory restoration of the site.

24. 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 10 and 11

*Reason:* To ensure satisfactory restoration of the site.

25. Aftercare shall be carried out in accordance with the scheme submitted for the approval of the Mineral Planning Authority pursuant to Conditions 10 and 11. Not later than twelve months after commencement of restoration operations a five year aftercare plan shall be submitted for the approval of the mineral Planning Authority. The plan shall make provision for steps as may be necessary to bring the site to a condition capable of supporting a defined beneficial after use, appropriate to the status of the land. The scheme shall provide a general statement of works for the 5 year aftercare period and a detailed description of works during the first 12 month period, to include as appropriate: any regarding works, measures to reduce surface compaction, results of soil sampling, fertilizer application, cultivation works, reseeded, grass

cutting, weed and pest control, replacement of failed plants and drainage works.

*Reason:* To ensure that the restoration works are successfully established to ensure the land is suitable for beneficial after use.

26. 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.

*Reason:* To ensure that the restoration works are successfully established to ensure the land is suitable for beneficial after use.

27. 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 and proposed on the restored land during the period covered by the said review.

*Reason:* to ensure that the restoration works are successfully established to ensure the land is suitable for beneficial afteruse.

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

*Reason:* To avoid impacts on amenity arising from blasting.

29. The landscape enhancements to the canal boundary as shown on approved drawing 938.01 received by the Minerals Planning Authority on 1<sup>st</sup> December 2009 shall be implemented within the first available planting season (November-March) and shall be retained and maintained for a period of 5 years from the full completion of the approved scheme. Within this period any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

*Reason:* To ensure the satisfactory appearance of the development.

30. Following completion of final excavation of Etruria clay and prior to the agreed restoration of the site commencing under the terms of the conditions of this permission, 33,330m<sup>3</sup> of clay from the adjacent Atlas Quarry, or other location as agreed in writing by the Mineral Planning Authority, shall be deposited within the quarry void. The deposit of clay shall be brought into the site over a single campaign over a four month period.

*Reason:* To ensure the satisfactory restoration of the site in a sustainable manner with minimal disruption to the highway network.

31. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: S14/61, S14/62A, S14/66, S14/67, S14/67A, S14/67B, planning application supporting information document, Hydrology and Stability Causeway Excavation report, Landscape Design and Access Statement

including drawing 938.01 and Great Crested Newt Survey received by the Mineral Planning Authority on 1<sup>st</sup> December 2009.

*Reason:* For the avoidance of doubt and in the interests of proper planning.

#### Note for applicant

##### *British Waterways*

The applicant is advised that an access agreement with BW will be required for any new accesses to the towpath and all works must comply with the "Code of Practice for Works Affecting British Waterways" a copy of which is available on our website.

The applicant/developer is advised to contact Mr Des Harris, Senior Works Engineer on 077710 175227 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterway

##### *Environment Agency*

We advise the applicant to contact Ian Bindley (National Environmental Permitting Team) to discuss any implications the proposed development may have regarding the existing environmental permit or the requirement of a new environmental permit for the development site. Ian Bindley can be contacted by telephone on 0121 7083935.

##### *Highways*

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

#### **SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The proposal would not unduly impact on restoration timescales in the context of the improved environmental situation in terms of restoration and imminent restoration of adjacent quarries since the dismissal of the appeal. Nor would the proposals have any significant further impact upon the Green Belt. There would be no adverse impact upon highway safety or on the adjacent SSSI and canal corridor. The release of the clay would help improve the shortfall in reserves and maintain employment provision. No objections have been raised from neighbours or consultees to the proposal. Accordingly the proposal meets the requirements of policies GP2, ENV2, ENV3, ENV10, ENV17, ENV19, ENV21, ENV32, ENV33, ENV40, JP8, LC9, 9.6, 9.7, 9.10, M1, M4 and M5 of the Unitary Development Plan, Planning Policy Guidance 2 and Mineral Planning Policy Statement 1.

**Date of Decision:** 04/06/2010



David Elsworthy  
Head of Planning and Building Control



## NOTES FOR APPLICANT

1. Please read this decision notice carefully. If the conditions require you to submit further details, you must ensure that these details have been approved before you commence work. You may need to pay a fee to the Council to consider these details.
  
2. This decision is given only under the Town and Country Planning Act 1990, and the Town and Country Planning (General Development Procedure) Order 1995. In particular:
  - 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 number 01922 652408 should you require further advice.
  
  - ii This permission does not grant approval or in any way override the requirement to comply with any restrictive covenant(s) that may be on the land. You should be aware that there is a risk involved in proceeding with development without clarifying whether there are any relevant covenants relating to the property.
  
  - 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" and "A Short Guide to the Party Wall etc. Act 1996", both are available from Communities and Local Government Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB. Tel: 0300 123 1124, Fax: 0300 123 1125. These documents are also available at <http://www.communities.gov.uk/publications/planningandbuilding/partywall>
  
3. **Your right to appeal:** If you are aggrieved by the decision of the Council to grant permission or approval subject to conditions, you may appeal to the Secretary of State. If this permission is for a householder application and the application was made on or after 6 April 2009, you must appeal within 12 weeks of the date of this notice. For other applications you must appeal within 6 months of the date of this notice. Appeals must be made on a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs) . The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Council, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to

the statutory requirements, to the provisions of the development order, and to any decision of a Council was based on a direction given by him.

4. If permission to develop land is refused or granted subject to conditions, whether by the Council or by the Secretary of State, and you claim that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, you may serve on the Council a purchase notice requiring the Council to purchase your land in accordance with the provisions of Part IX of the Town and Country Planning Act 1990. A notice may only be served on the Council by the owner of land concerned.
5. In certain circumstances, a claim may be made against the Council for compensation, where permission is refused or granted subject to the conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. Development must comply with Section 46 of the West Midlands County Council Act 1980 (namely it shall provide adequate means of access for the fire brigade to the building or, to the building as extended, as the case may be. It must be ensured that existing means of access for the fire brigade to a neighbouring building are not rendered inadequate).
7. **Street Naming & Numbering:** If this decision grants permission for new development, subdivision or a conversion that will give rise to new addressable properties, you must apply to obtain your new postal address(es) using the application form that you can obtain from the Street Naming and Numbering Team, Traffic Management, Engineering and Transportation Services, Civic Centre, Darwall Street, Walsall WS1 1DG or online at [www.walsall.gov.uk/street\\_naming\\_and\\_numbering](http://www.walsall.gov.uk/street_naming_and_numbering)

If you would like further information or clarification of the reasons for this decision contact the planning case officer Norman Hickson on or e-mail [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk).

#### Alternative language or format

If you would like this information in another language or format contact the Planning helpline on 01922 652452, Textphone 0845 111 2910 or Translation Line 01922 652426.