

Conditions attached to Planning Permission BC 39489P.

1. Except as otherwise provided in the conditions attached to this permission, the operations hereby permitted shall be carried out strictly in accordance with :-

the permitted scheme as contained within the application, volumes 1 to 5, as subsequently amended by the documents set out in Appendix 1 to this permission.

TIME LIMITS

2. The extraction of clay hereby permitted shall cease within 14 months of the date of commencement of the development as defined in Condition 5 below.
3. The disposal of controlled waste hereby permitted shall cease within 11 years of the date of commencement of waste disposal as defined in Condition 5, below unless otherwise agreed in writing by the Local Planning Authority.
4. The Vigo/Utopia site shall be progressively restored in accordance with the scheme to be approved under Condition 80 below and completed within 12 years of the commencement of waste disposal or within 12 months of cessation of waste disposal, whichever is the sooner, unless otherwise previously agreed in writing with the Local Planning Authority.
5. Not less than seven days advance notice in writing shall be given to the Local Planning Authority prior to any of the following events taking place:-
 - i. the commencement of any operations on the site.
 - ii. the commencement of mineral extraction on the site.
 - iii. the completion of mineral extraction on the site.
 - iv. the commencement of landfilling in the landfill void.
 - v. the completion of landfilling in the landfill void.

vi. the completion of restoration.

vii. the commencement of aftercare.

In any event, the development authorised by this permission must be begun not later than 5 years from the date of this permission.

6. Unless previously agreed in writing with the Local Planning Authority the following works shall be completed within 12 months of the commencement of site operations, in accordance with details to be submitted to and approved by the Local Planning Authority.

The stabilisation of Vigo Quarry northern and eastern faces

Permanent screening behind the properties on Queen Street shall be constructed, seeded and planted.

The re-alignment of Vigo Brook and the seeding and planting of the associated wildlife corridor.

* The construction and opening to public use of the new western section of Coppice Lane.

MATTERS TO BE UNDERTAKEN BEFORE DEVELOPMENT COMMENCES

7. Establishment of a Site Liaison Committee and inaugural meeting.

ACCESS AND HIGHWAY MATTERS

8. Up to the time of construction and opening for use by the public of the realigned section of Coppice Lane, the sole access to the site shall be that shown on Plan VU fig 4.
9. Following the construction and opening for use by the public of the realigned section of Coppice Lane, referred to in condition 8 above, the sole access to the site shall be via Coppice Lane as shown on Plan VU fig 5.2.
10. In respect of the works referred to in conditions 8 and 9 above the Applicant shall enter into an agreement under Section 38 of the Highways Act in the Council's standard form in respect of the adoption of the re-aligned Coppice Lane and associated junction and highway work at Brickyard Road.

11. The design and specification and final line for the re-aligned Coppice Lane and associated junction and highway work at Brickyard Road shall be submitted to and agreed in writing by the Local Planning Authority before any tipping operations commence at the site.
12. No tipping operations shall take place until the new section of Coppice Lane has been constructed in accordance with Plan VU fig 5.2 and the statement accompanying the planning application.
13. Details of a wheelwash to be installed at the locations shown on the drawing VU fig 4. and VU fig 5.2. shall be submitted for the approval in writing by the Local Planning Authority. No heavy goods vehicle carrying clay or waste shall leave the site without first passing through the approved wheelwash system and the approved system shall be maintained in a fully operational condition throughout the full period of mineral extraction and landfilling at the site.
14. The site access road shall be provided with a tarmac or concrete surface. Within the limits of this hard surfacing, as defined on Drawing VU fig 4. and VU fig 5.2. the road shall be maintained in a smooth condition, free from potholes throughout the full period of mineral extraction and landfilling at the site to the satisfaction of the Local Planning Authority.
15. Measures shall be taken to keep the site roads suitably damp throughout the duration of clay extraction and controlled landfilling in order to prevent the generation of dust by vehicular or plant traffic. Such measures shall include the provision of a mechanical brush on the access road and water bowser on internal site roads and shall thereafter be diligently undertaken as necessary to prevent such dust nuisance.
16. No loaded clay lorries shall enter the public highway unless they are securely sheeted. Before the commencement of mineral extraction at the site a location for the sheeting of lorries shall be notified to and agreed in writing by the Local Planning Authority.
17. All land within the visibility splays shown on Drawing VU fig 4. and VU fig 5.2. shall be maintained to ensure that there is no vegetation or other obstacles or obstructions within these areas exceeding a height of 0.6m.
18. Drains shall be installed within the site boundaries and maintained to the reasonable satisfaction of the Local Planning Authority as necessary to ensure that there is no drainage from the site onto the public highway.

METHOD OF OPERATION/WORKING

19. Operations at the site shall only take place in the phased manner and sequence as set out in approved drawings Nos. VU4a to 4k inclusive, except as may be otherwise amended under the terms of the conditions of this permission.
20. No extraction of clay or the construction of roads and buildings shall commence on any part of the site unless all topsoil, subsoil and soil making materials from that part of the site have first been stripped separately and used in the formation of the screening mounds shown on Drawings Nos. VU4a and VU5.2.
21. The areas to be used for the siting of screen mounds, subsoil and overburden mounds, shall not be so used unless they have previously been stripped of all topsoil in advance of the formation of the said mounds, and the areas to be used for the siting of screen mounds and overburden mounds shall also have been stripped of subsoil prior to their formation, unless these areas are to be used for storage of topsoil.
22. All topsoil, subsoil and overburden stripped from the site shall be separately stripped and, unless used immediately, separately stored within the site until required for the restoration of the site. Likewise all topsoil and subsoil imported to the site which is to be used for the restoration of the site shall be separately stored. The said material shall be stored only in accordance with a scheme or schemes of storage which shall have been agreed in writing from time to time with the Local Planning Authority, and such schemes shall define the location, configuration and height of the storage mounds and works to establish and maintain a grass cover over the surface of such mounds for the period of storage.
23. Unless otherwise approved by the Local Planning Authority no soil stripping operations shall be carried out except between the months of April and October inclusive and only then when the soils are in a suitably dry and friable condition so as to avoid unnecessary compaction.
24. No running of loaded earthscrapers or other loaded wheeled vehicles shall take place over topsoil or subsoil before stripping, during storage or after final spreading and grading of such material unless such movement is required for the initial removal or storage of soils or for restoration of the site.
25. No topsoil mound shall exceed 2 metres in height, unless otherwise agreed in writing with the Local Planning Authority.
26. The topsoil and subsoil mounds shall be graded, cultivated and seeded with a suitable seed mixture to be agreed with the Local Planning Authority and thereafter reseeded and

otherwise treated as necessary to achieve a complete grass cover. They shall thereafter be kept free of noxious weed throughout the duration of the development.

CLAY EXTRACTION

27. No clay extraction operations shall take place on the site until:
- i) details of the design, siting and timing of installation of the site fencing has been submitted and approved by the Local Planning Authority and such fences have been erected. The approved fencing shall thereafter be maintained in good condition in accordance with those details or as may be otherwise agreed in writing by the Local Planning Authority.
 - ii) Details of the method of clay extraction have been submitted to and approved in writing by the Local Planning Authority.
28. Upon completion of the clay extraction operations in the Smelter Area the completed perimeter slope profiles shall be as shown on Drawing VU5.2 or as otherwise approved pursuant to the requirements of the conditions of this permission. The remaining quarry slopes shall be re-graded progressively as waste infilling proceeds.
29. No reduction of existing ground levels as shown on Drawing VU3 shall be carried out within a distance of 50m of the canal where it is immediately adjacent to the site.
30. No mineral stockpiling or processing shall be undertaken above the rim of the existing quarry, unless by prior agreement with the Local Planning Authority.
31. The site preparation works at the commencement of the extraction operations shall include the following:
- . The secure fencing of the site in accordance with condition 27(i).
 - . The completion of the water treatment system.
 - . The completion of the screening mound behind the properties on Queen Street.
 - . The completion of the re-alignment of the Vigo Brook adjacent to Coppice Lane.
 - . The construction of the close board wooden fence in the recreation area prior to the commencement of works in that area.

32. Details of the tonnage's of clay extracted from the site shall be supplied to the Local Planning Authority at quarterly intervals, based on a calendar year.

SLOPE STABILISATION

33. No mineral extraction or tipping operations shall take place at the site until, a satisfactory detailed slope stabilisation design scheme for the east slope of the site has been submitted to and approved in writing by the Local Planning Authority (LPA). Unless otherwise agreed in writing with the LPA, the scheme shall be submitted within six weeks of the grant of this permission and the works shall be commenced within four weeks of approval of the detailed scheme and issue of a Waste Management License whichever is the later. The scheme submitted for approval shall comply with Condition 37 below and include:
- (a) stabilisation of the east slope by employing the principles of buttressing and control of ground waters as set out in the application;
 - (b) confirmation and detailed explanation of;
 - i) the sequence and thickness of superficial material across the east slope;
 - ii) Strength parameters appropriate to the superficial materials and to the failure surface passing through those deposits;
 - iii) ground-water conditions and control measures;
 - (c) a report on the assessment of the potential for variation in the ground model, employed in the detailed design, particularly with regard to variation in strength parameters and ground water conditions: such assessment shall include details of any necessary additional site investigations undertaken as part of the evaluation of the ground model (such additional investigations to include, if considered necessary by the LPA, the drilling of further boreholes and completion of an up to date topographical survey of the slope);
 - (d) identification of potential critical failure planes in the existing slope profile which shall be addressed in the design solution in order to demonstrate that the proposed works will adequately stabilise these potential failure planes:
 - (e) appropriate identified factors of safety to be achieved

- i) during construction works
 - ii) on completion of slope stabilisation works for long term stability of the slope
- (f) details of
- i) the nature of the materials towards the toe of the slope. This shall be established by a suitable investigative technique (for example window sampling) such that further instability of the slope as a whole is unlikely to be induced. Disturbed and undisturbed samples shall be taken and laboratory testing carried out to define index and strength properties;
 - ii) how this information has been taken in account in the detailed design
- (g) confirmation that 'Construction Design and Management' proposals under the terms of the Construction (Design and Management) Regulations 1994 will be drawn up for all stabilisation works.

12 weeks
from 18th
July
15/ Aug
12/ Sept
10/ Oct.

34. All stabilisation works for the east slope shall be completed to the written satisfaction of the LPA, within 12 weeks from the commencement of such operations, unless otherwise agreed in writing. Seven days prior written notification of commencement of works shall be given to the LPA.
35. From commencement of stabilisation works on the east slope a written progress report shall be submitted to the LPA every fourteen days, unless otherwise agreed, up until satisfactory completion of the approved works to that slope.
36. A detailed method statement for each slope to be re-profiled, setting out the sequence of construction of the re-profiling works and the methods of construction, shall be submitted to and approved in writing by the LPA.
37. Stabilisation of the east slope and re-profiling of the north, west and south slopes shall take place progressively in advance of tipping adjacent each particular slope, and only in accordance with a programme which shall be submitted to and approved in writing by the LPA. The schemes shall, amongst other things, include provision for the following and in relation to the east slope shall also comply with Condition 33 above:
- (a) the proposals for monitoring all the slopes shall be submitted and these shall include:
 - i) location and type of instrumentation

- ii) frequency of monitoring
- iii) duration of monitoring
- iv) submission of monitoring reports to the LPA

(b) provisions for any necessary emergency remedial action on any of the slopes should this be shown to be necessary as a result of the monitoring process.

38. Should the monitoring under Condition 37 indicate the need for remedial works, or for any other reason should there be an indication of the need for any remedial works other than emergency works outside the scope of the approved scheme, then such works shall be carried out in accordance with a further scheme which shall first be submitted to and approved by the LPA in writing.

HOURS OF WORKING

39. Unless otherwise approved by the Local Planning Authority the clay extraction operations hereby permitted shall not take place outside of the following hours :-

Monday to Friday	7.00 a.m. - 7.00 p.m.
Saturday	7.00 a.m. - 1.00 p.m.

except for emergency work, essential maintenance and pumping.

No operations shall take place on Sundays or Bank Holidays or other public holidays.

40. Notwithstanding condition 39 above work shall only take place on either the screening mound behind Queen Street or on the fencing in the recreation ground or on the completion of the clay cap or restoration works within 100m of inhabited residential property between 08.30 and 17.00 hours, Monday to Friday.

CONTROL OF DUST

41. At no time during the operations hereby permitted shall any operations take place which, despite the use of dust control measures as defined in Condition 15, would give rise to airborne dust levels sufficient to cause nuisance to properties around the site, and which cannot be suppressed by the approved dust control measures. At such times as the prevention of dust nuisance proves impossible, then the operations which cause that nuisance shall temporarily cease until such time as the weather conditions change and dust suppression becomes effective.

42. Unless otherwise agreed with the Local Planning Authority dust monitoring equipment of a type previously approved in writing by the Local Planning Authority shall be installed at the ambient noise monitoring locations shown on fig VU23 and reports of the monitoring shall be made to the Local Planning Authority at intervals of not more than 3 months throughout the period of clay extraction and waste disposal.
43. No plant used on site for the movement of minerals, waste or other materials shall be equipped with downward pointing exhausts.
44. Haul roads on the site shall only be used when in good condition, with an evenly graded, consolidated surface.
45. No drilling equipment shall be used unless it is fitted with and operated using efficient dust suppression equipment.
46. No clay or overburden shall be stocked above the height of the existing quarry rim in positions other than shown on Plan no VU fig 4 unless otherwise agreed in writing with the Local Planning Authority.

CONTROL OF NOISE

47. No plant or machinery shall operate on the site unless correctly fitted with silencers which are in good working order. No plant or machine shall be operated with any of its engine covers or panels open or removed, except for the purposes of maintenance.
48. Except at such locations and for such periods that may be previously agreed in writing by the Local Planning Authority, the noise emanating from the operation of any plant or machinery within the site shall not exceed a 1 hour Leq of 55 dB(A), subject to a maximum instantaneous r.m.s. noise level of 80 dB(A) as measured at noise sensitive property.
49. Instrumentation used for sound measurement purposes shall conform to British Standards 5969:1981 and 6698:1986, Type 1 Precision Grade as appropriate.
50. Prior to, and after, all measurements of noise, instrumentation used for such purposes shall be calibrated by means of a known acoustical source in accordance with the manufacturer's instructions. The acoustical reference source shall possess a certificate of calibration traceable to a National Standard, where applicable, which is no greater than 12 months old.

51. Noise measurements shall be undertaken in accordance with the general measurement protocol contained in British Standard 4142:1990.
52. The Applicant or his Agent(s) shall undertake noise monitoring to demonstrate compliance with condition no. 48. Such monitoring shall be undertaken at intervals of 3 months after commencement of site working, the results of which shall be forwarded to the Local Planning Authority within 14 days of completion. Periods of individual measurement shall not be less than 1 hour and shall be undertaken at the positions marked A, B and C on Drawing VU fig 23 Vigo Noise monitoring stations.

PLANT

53. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning (General Development Order) 1988 (or any order revoking or re-enacting that order) the erection of any plant or machinery or structure or erection of the nature of plant or machinery other than that hereby permitted shall not take place within the site without the prior approval of the Local Planning Authority.
54. The colour of all buildings shall be agreed in writing with the Local Planning Authority, prior to being erected on site.

PROTECTION AND MAINTENANCE OF TREES AND HEDGEROWS

55. All existing hedgerows and trees outside of the extraction area, including those provided for in the landscaping scheme referred to in Conditions 80 and 85, below, shall be shown on a plan submitted to the Local Planning Authority prior to the commencement of the operations hereby permitted. They shall be maintained and protected in accordance with details shown on the plan for the duration of the development and shall not be wilfully damaged or destroyed, uprooted, felled lopped or topped during the duration of the development without the previous written consent of the Local Planning Authority. Any hedgerows or trees removed without such consent or those dying or severely damaged or diseased during these periods shall be replaced in the first available planting season with trees or hedgerows, details of which shall be agreed in writing with the Local Planning Authority.

SURFACE WATER AND POLLUTION CONTROL

56. No activity shall take place on the site that would result in any surface water from the site reaching a watercourse other than through a properly constructed outfall. Any outfall to a watercourse shall be constructed to avoid any interference to the flow, or any erosion of the bed or banks of that watercourse, or any pollution.

57. Site curtilage drains or ditches shall be constructed within the site to intercept all surface water which shall be discharged in accordance with Condition 56. Such drains shall be maintained in good and efficient condition throughout the duration of the development including the five year aftercare period.
58. No site drainage including that from the wheelwash and soil mounds shall be disposed of other than through the proposed water treatment area shown on Drawing VU fig 3. Such lagoons shall be protected by the provision of adequate security measures following construction.
59. No oil or fuel shall be stored on the site other than in properly constructed facilities consisting of an impervious base and impervious bund walls. The size of the bunded compound shall be equivalent to 110% of the volume of the stored liquids. All filling points, vents and sight glasses shall be located within the compound.

OPERATION OF THE LANDFILL SITE

60. Unless otherwise approved in writing by the Local Planning Authority, no controlled waste shall be brought onto the site until all clay extraction from the extended Vigo Quarry has been completed. Once deposited at the site, in accordance with the terms of this permission, no controlled waste shall be excavated or removed without the prior written approval of the LPA, except as required by condition 61.
61. Material to be used for the daily cover of deposited waste, drainage or the construction of haul roads shall be provided by excavation within the site or from materials delivered to the site. All such materials produced on site shall be retained and stored, together with delivered material, in such areas and to such heights as may be agreed in writing with the Local Planning Authority from time to time.
62. No tipping shall take place until details of landscape works along the full extent of the northern site boundary have been submitted to, approved and completed to the reasonable satisfaction of the Local Planning Authority, unless otherwise approved in writing by the LPA.
63. Prior to the commencement of landfill activities, a main site road constructed from clean consolidated hardcore shall be constructed between the wheel wash and the landfilling area. The road shall be kept in good repair throughout the duration of the development and when necessary damped down to prevent dust arising.
64. The access associated with waste disposal operations shall be constructed in accordance with Plan VU fig 5.2. before landfilling commences.

65. The site shall be progressively tipped, covered and restored in accordance with the plans and statement accompanying the planning application. Unless otherwise approved in writing by the Local Planning Authority, the progressive infilling and restoration shall take place in accordance with the sequence shown on drawings nos. VU4c to VU4k which shall be as follows :

- a) Phase 4 infilling shall not commence until Phase 3 restoration has been completed;
- b) Phase 6 infilling shall not commence until Phase 5 restoration has been completed;
- c) Phase 8 infilling shall not commence until Phase 7 restoration has been completed;
- d) Phase 9 infilling shall not commence until Phase 8 restoration has been completed;
- e) Phase 10 infilling shall not commence until Phase 9 of restoration has been completed.
- f) Phase 10 restoration and any re-seeding necessary on failed areas of preceding phases shall be completed within three months of completion of tipping in Phase 10.

For the purposes of this condition only, restoration shall mean the spreading of subsoils, topsoils and seeding of the surface.

Should development at the site for any reason not progress in the manner hereby approved or should operations prematurely cease or temporarily cease, for more than 18 months, then an amended restoration scheme for the whole site shall be submitted to the LPA taking into account the changed circumstances.

66. No tipping shall take place until a plan showing the location for the storage of skips has been submitted to and approved in writing by the Local Planning Authority. Thereafter all skips stored on the site shall be located in this area.

67. Unless otherwise approved by the Local Planning Authority, inputs of waste to the site shall not exceed the following levels:-

- (a) Not more than 300,000 cubic metres of waste shall be disposed of at the site in any calendar year. For the purposes of the Condition a calendar year shall begin on 1st January and end on 31st December of that year.

- (b) A record of all tonnage's of waste material disposed of at the site shall be maintained and shall be made available for inspection by the Local Planning Authority. The type of record shall be agreed with the LPA prior to any tipping commencing at the site.

MATERIALS TO BE DEPOSITED

68. The following materials shall not be tipped at the site:-

- (i) Liquids;
- (ii) Waste in sealed 45 gallon drums;
- (iii) Waste imported from countries outside the U.K;
- (iv) Waste, other than contaminated soils from reclamation sites, the deposit of which requires a waste management licence, and which is described by regulation 2 (1) (a) and Part II of schedule 1 of the Control of Pollution (Special Waste) Regulations 1980 (and any successor legislation in which special waste is defined);
- (v) Contaminated soils from reclamation sites, other than soils where;
 - a) an assessment of each reclamation site, consistent with the British Standard Draft for Development DD175:1988 'Code of Practice for the identification of potentially contaminated land and its investigation', has been carried out; and is certified by the person undertaking the assessment, where the basis of such assessment is subject to an annual written review which shall be submitted to and approved by the LPA, and
 - b) such assessments demonstrate that the calculated total quantity of any substance listed in Part 1 of Schedule 1 of the Control of Pollution (Special Waste) Regulations 1980 and any successor legislation in which special waste is defined, to be moved from the reclamation sites during any calendar month is such that the mean concentration would not make the waste fall within the description given by regulation 2 (1) (a) and Part II of schedule 1 of the Control of Pollution (Special Waste) Regulations 1980 and any successor legislation in which special waste is defined,

- (vi) Radioactive wastes within the meaning of the Radioactive Substances Act 1993 and any subsequent amendment thereto;
 - (vii) Domestic refuse, other than such refuse which has been completely incinerated and is in the form of an ash residue.
69. No tipping shall take place until a scheme for the fencing of the landfill area has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall provide for :-
- i. Details of the heights and design of the fencing sufficient to control litter.
 - ii. Details for the positioning and maintenance of the fencing during the phases of the landfilling operation.
70. No tipping shall take place above the existing ground levels at the quarry rim as shown on Plan No VU3 until details of the temporary bunds to be placed so as to limit views into the site have been submitted to and approved by the Local Planning Authority.
71. No waste other than landfill gas shall be burnt, and no waste other than leachate shall be processed on the site.
72. No spreading of capping materials and restoration soils in any of the phases shall take place until the final levels of the waste in each phase has been checked and a plan showing the final levels has been submitted to the Local Planning Authority.
73. No spreading of restoration soils shall take place until all waste materials have been capped with at least 1m thickness of clay material.

CONTROL OF LANDFILL GAS AND LEACHATE

74. No tipping shall take place until boreholes for the monitoring of landfill gas have been progressively installed around the perimeter of the quarry at the locations shown on Plan VU10 or such other locations as may be required and approved in writing by the Local Planning Authority.
75. (a) Following the completion of the tipping, monitoring of landfill gas shall continue until the biodegradation process has ceased. Monitoring shall therefore continue until the maximum concentration of flammable gas remains less than 1% by volume (20% of

the lower explosive limit of methane) in air or such other background levels agreed with the Local Planning Authority and the concentration of carbon dioxide remains less than 1.5% by volume in air (these levels shall be regarded as the trigger levels for action) measured in all monitoring points within the wastes on at least four separate occasions over a 24 month period. On at least two of these occasions the atmospheric pressure must be below 1000mb and falling. Readings shall normally be taken at six monthly intervals; the need to take readings on at least two occasions when pressure is below 1000mb and falling may dictate a variation of this time interval, any such variation shall be agreed in writing with the Local Planning Authority;

(b) Gas monitoring readings shall be taken from the gas monitoring points provided as shown on Plan VU10 in accordance with Condition 74. A record of the results of the gas monitoring shall be forwarded to the Local Planning Authority within 14 days of the readings being taken.

76. The accuracy of field readings for the levels of landfill gas obtained using portable monitoring equipment shall be confirmed every six months by taking duplicate samples for laboratory analysis by Gas Chromatography.
77. An active system of controlling landfill gas shall be progressively installed, and operated as considered necessary by the LPA.
78. There shall be no storage or treatment of leachate on site such as may give rise to malodours outside the site boundary.
79. The proposed landfill gas flaring plant, or any other means for safely dealing with collected landfill gas, shall be located and constructed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

RESTORATION

80. The site shall be progressively restored in accordance with drawings VU4d to VU4k, to achieve the contours shown on drawing no. 150.01.B and in accordance with a detailed restoration scheme to be submitted within 12 months prior to the completion of Phase 2 Filling shown on drawing no. VU4C. Such a scheme, unless otherwise approved in writing, shall include provision for :-

- i. The spreading of the final surface of the infilled site with soils to a depth appropriate to the reclamation objective and so as to achieve the final restoration contours shown on Plan No VU6.2 and drawing no. 150.01.B;
 - ii. the progressive restoration of the site to woodland, grassland and other habitat, to achieve the proportions of tree cover shown on drawing no. 150.01.B. Such restoration to be completed within 12 months of completion of tipping operations at the site;
 - iii. detailed planting scheme for each phase of restoration for the provision of trees, shrubs, grassland and other habitat on the site;
 - iv. details for the construction of a footpath network;
 - v. unless otherwise previously approved in writing by the Local Planning Authority, the scheme shall include provision for the removal of all hardcore, concrete and tarmac, tanks, plant, scrap, office buildings and hardstandings, other debris and materials from the surface of the site, together with the removal of rocks, boulders, wire, rope or other debris from the upper 1m of soils and the removal or burial at depth of shale, bind or other materials injurious to plant growth;
 - vi. details of the depths and types of subsoils and soils to be respread;
 - vii. stockproof fencing with gates;
 - viii. details of the proposed drainage works across the site;
 - ix. the timing of the works which shall ensure the completion of the restoration works to a stage when the site is soiled and seeded within the timescales specified on Conditions 4 and 65 above.
81. Within 3 months of the date of this planning consent or sooner, as may be required to meet the requirements of other conditions of this permission, details of the diversion of the Vigo Brook as shown on Plan No. VU6.2 and the treatment of the new Vigo Brook corridor together with the treatment of the area to be landscaped in phase 1 and shown on Plan No VU 5.2 shall be submitted to the Local Planning Authority. Such a scheme shall include provision for :-
- i. the alignment, gradients and cross section of the brook course;

- ii. a detailed planting scheme for the provision of trees, shrubs and grass;
- ii. details of the construction of a footpath along the corridor;
- iv. the timing of the works to ensure completion within 6 months of commencement of site operations;
- v. the interim management of such areas during the period between the completion of the aftercare period of phase 1 and the last aftercare work on the site.

AFTERCARE OF THE RESTORED SITE

82. Unless otherwise approved in writing by the Local Planning Authority, an aftercare scheme for the site requiring that such steps as may be necessary to bring the land to the required standard for amenity use shall be submitted for the approval of the Local Planning Authority prior to the completion of Phase 2 Filling as shown on drawing no. VU4C. The submitted scheme shall specify the steps to be taken. Such steps shall include where necessary :-
- i. minor regrading works as necessary to alleviate the effects of settlement and surface ponding;
 - ii. further measures to reduce the effects of surface compaction;
 - iii. soil sampling to MAFF recommended standards;
 - iv. fertiliser and lime application;
 - v. cultivation works;
 - vi. reseedling where necessary;
 - vii. grass cutting or grazing;
 - viii. replacement of plant and tree failures and other works to ensure establishment;
 - ix. weed and pest control;
 - x. drainage including ditches and under drainage;
 - xi. field water supplies; not log
 - xii. a management programme to provide for the submission to the LPA of annual reports and minutes of meetings between the Local Planning Authority and the Applicant or his Agent and regular implementation of agreed works within agreed timescales.

83. The aftercare of the site shall be carried out in accordance with the aftercare scheme referred to in Condition 82 above as approved in writing by the Local Planning Authority. Aftercare shall be carried out for a period of five years following the completion of restoration works on every phase:
84. Where the Local Planning Authority agree in writing with the person or persons responsible for undertaking the aftercare steps that there shall be variations in the steps to be taken, the aftercare shall be carried out in accordance with that varied agreement.

PLANTING OF MATURE TREES

85. Prior to any mineral extraction taking place at the site, a scheme setting out details of proposals for the substantial planting of mature trees at the site shall be submitted to the Local Planning Authority for approval. This planting shall consist of at least thirty "selected standard" trees, of a species and in a location to be agreed in writing with the Local Planning Authority. A "selected standard" tree is a tree with an overall height of 3.0 to 3.6 metres from ground level, with a clear stem 1.8 to 2.1 metres from ground level to lowest branches, and a stem girth 100 to 120 millimetres measured at one metre from ground level. The planting scheme shall include details of the planting method, programme, tree staking and maintenance.

APPLICATION NO. BC 39489P.
REASONS FOR CONDITIONS.

<u>CONDITION NO.</u>	<u>REASON</u>
1.	To define the terms of the permission.
2,3,4,5	To ensure that clay extraction and waste disposal are completed within reasonable timescales, and restoration of the site is secured at the earliest possible date.
6,19,31,34	To ensure that the development proceeds in accordance with the approved programme.
7.	To ensure the opportunity is secured for the Local Community to become involved in monitoring the developments progress.
8,9,12,17, 18,64	In the interests of highway safety and the proper functioning of the local highway network.
10,11	To ensure that the new section of Coppice Lane is constructed to the Councils standards for Adoption.
13,14,63	To ensure that no mud or other debris is tracked out of the site by vehicles and deposited on the public highway.
15,16,30,39 40,41,78,42, 46,47,48,52.	To safeguard the amenities of the area.
20,21,22, 23,24,25,26	To ensure the protection, efficient handling and storage of soils at the site for re-use in restoration of the site.
27. (i)	To ensure that the site is secured with appropriate fencing before clay extraction takes place in the interests of amenity and public safety;
(ii)	To ensure that clay extraction takes place with due regard to amenity, and in a manner which is compatible with the other operations and aims of the permission.
28,29,35, 36,37	To ensure that the development proceeds in accordance with the terms of this permission and that adequate support is maintained to adjoining land.

32. . To ensure that clay extraction proceeds in accordance with the approved programme.
33. . To ensure that the development only proceeds with the benefit of an approved detailed design scheme for stabilisation of the quarry face.
38. . To ensure that any necessary remedial works are carried out in accordance with an approved scheme, in order to secure the success of the stabilisation proposals.
- 43, 44, 45, . In order to minimise the production of dust, in
63 the interests of protecting residential amenity.
- 49, 50, 51 . To ensure the success of the monitoring of noise
52 levels, in the interests of protecting amenity.
- 53, 66, 79 . To enable the Local Planning Authority to control
development at the site, in the interests of the
proper functioning of the development and in
order to protect amenity.
- 54, 55 . In order to safeguard visual amenity.
- 56, 57, 58, . To prevent pollution.
59
- 60, 65, 67, 72 . To ensure that the development is completed in
accordance with the approved programme in the
interests of minimising the impact of operations
on the amenity of the area.
61. . To ensure the most efficient use of materials on
site for cover and the appropriate storage of
materials brought onto the site for such use, in
the interests of the proper functioning of the
development and the protection of amenity.
62. . In order to secure full control over landscape
works, in the interests of the amenity of the
area.
68. . In order to ensure that no wastes are deposited
at the site which would; result in an
unacceptable reduction in the amenity of the
area, or pose an unacceptable immediate or long
term risk to adjacent housing and industry as a
result of the production of significant volumes
of landfill gas, or prejudice the successful
restoration of the site.
69. . To ensure that the site is properly fenced prior
to commencement of landfilling in order to protect
the visual and general amenity of the area.

APPENDIX 1, ATTACHED TO PLANNING PERMISSION BC 39489P :
VIGO UTOPIA QUARRY.

These documents supersede, in part only, the originally submitted application which together, as amended by the conditions on this decision notice form the planning permission.

1. Parkhill letter dated 16.3.95 to Walsall Metropolitan Borough Council (WMBC).
2. Drawing No. 150.01B titled 'Landscape Concept Master Plan' and dated February 1995. (Showing amended final contours and surface treatment).
3. Parkhill letter dated 22.2.95 to W.M.B.C.
4. Parkhill letter dated 21.2.95 to W.M.B.C.
5. Parkhill letter dated 20.2.95 to W.M.B.C.
6. Parkhill letter dated 9.11.94 to W.M.B.C. and received 12.12.94.
7. Parkhill letter dated 20.10.93 to W.M.B.C.
8. Parkhill letter dated 4.11.94 to W.M.B.C.
9. Parkhill letter dated 24.10.94 to W.M.B.C.
10. Parkhill letter 11.4.94 (with enclosed letter from Scott Wilson Kirkpatrick, dated 7.4.94 and two letters from Aspinwall and Co. dated 28.3.94 and 11.4.94) to W.M.B.C.
11. Parkhill letter dated 8.12.93 to W.M.B.C.
12. Parkhill letter dated 10.9.93 to W.M.B.C.
13. Parkhill letter dated 6.8.93 and enclosed application forms, to W.M.B.C.
14. Parkhill document dated March 1995 titled 'Revised Plans' containing eleven drawings referenced VU.4a to VU4k, and drawings VU.5.2 and VU.6.2. (showing, amongst other things, the amended application curtilage).
15. Parkhill Drawing No. VU4.1b 'Land Ownerships and Site Boundary Services' received by W.M.B.C 12.12.94, which confirms the amended site boundary and curtilage of the application.
16. Parkhill Plan VU Fig. 5.2 Revised Site Access (May '95) Efd Year 1.

APPLICATION NO. BC 39489P.

INFORMATIVES.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. It should also be noted that although the Local Planning Authority had used its best endeavours to determine the application on the basis of the information available to it this does not mean the land is free from instability.

The question of stability has been a material planning consideration and resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied; in particular, the granting of planning permission does not give a warranty of support or stability.

References to "Local Planning Authority" shall also be taken to mean "Minerals Planning Authority, for the purposes of the Town and Country Planning Act 1990, (as amended).