

16 December 2011

Kathy Else BSc(Hons) Dip TP MRTPI
Principal Planner
RPS Planning and development Ltd
Highfield House
5 Ridgeway
Quinton Business Park
Birmingham
B32 1AF

Our Ref: MWP/5/19/5 D3450
Your Ref:

Dear Sir,

**ENVIRONMENT ACT 1995: SECTION 96 AND SCHEDULE 13 (FIRST LIST)
APPEAL BY DR NIGEL ROBERTS, SEARCHLIGHT LTD, NGR LAND (LAND
DEVELOPMENT) LTD AND TRUSTEES OF MALCOM WOOTTON
LAND AT CAMPIONS WOOD QUARRY, CHESLYN HAY, STAFFORDSHIRE,
WS6 7JA
APPLICATION REF: SS/EA.2.6**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Mr Geoff Salter BA MRTPI who carried out a site visit on 21 June 2011 into your client's appeal against Staffordshire County Council's determination, dated 29 July 1997, of conditions to apply to planning permission SS/E/A.26, dated 30 January 1997, for the winning and working of clay and associated minerals, including coal, at Camions Wood Quarry, Cheslyn Hay, Staffordshire WS6 7JA.

Inspector's recommendation and summary of the decision

2. The Inspector recommended that the recommencement of mineral extraction be allowed, subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

3. In reaching this position the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended by The Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2000. The Secretary of State is content that the Environmental Statement complies with the

Department for Communities and Local Government
Stephanie Hurst,
Planning Environment Division,
1/J5, Eland House
Bressenden Place
London
SW1E 5DU

Tel: 0303 444 1692
Email: PCC@communities.gsi.gov.uk

above regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

Policy considerations

4. The Secretary of State agrees with the Inspector that as a lawful permission for minerals extraction exists (IR7), the main policy and procedural considerations in this are Planning Policy Guidance note 2: *Green Belt*, and Minerals Policy Guidance note 14: *Environment Act 1995 – review of Minerals Permissions*. The Secretary of State also recognises that the appeal relates to all proposed conditions.

Appraisal: Conditions appealed against

5. The Secretary of State has considered the proposed conditions and national policy as set out in Circular 11/95. He notes that these conditions have been subject to public consultation and that they have been agreed between the appellant and Staffordshire County Council (IR5). He agrees with the Inspector's appraisal of all conditions and, for the reasons set out in IR10-14, with his conclusions that the proposed conditions would impose reasonable requirements for the renewed working of the site to extract a valuable mineral resource, whilst minimising environmental impacts, safeguarding residential amenity, and highway safety, meeting statutory requirements for protected species and ensuring the proper restoration of the site after the material has been worked (IR15). He agrees with the Inspector's suggested minor changes, including the deletion of one condition (IR10).
6. In reaching this decision, the Secretary of State has regard to the presence of great crested newts on the site (IR14). He has noted from his consideration of the appeal documents that, in response to the consultation, Natural England stated that it had in principle no objection to the proposed scheme of conditions as a means for securing appropriate mitigation and compensation for great crested newts. The Secretary of State therefore agrees with the Inspector that there is no reason to suppose that Natural England would refuse to grant a mitigation licence (IR14).

Formal Decision

7. Accordingly, for the reasons given above, the Secretary of State **agrees** with the Inspector's recommendation. He hereby allows your client's appeal and grants permission for the recommencement of mineral excavation subject to the conditions in the schedule attached to the Inspector's report.
8. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
9. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.


Right to challenge the decision

10. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
11. A copy of this letter has been sent to Shropshire Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Stephanie Hurst

Authorised by Secretary of State to sign in that behalf

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.



Report to the Secretary of State for Communities and Local Government

by Geoff Salter BA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 29 July 2011

APPEAL UNDER SECTION 96 & SCHEDULE 13 OF THE ENVIRONMENT ACT
1995

APPEAL AGAINST DETERMINATION OF CONDITIONS (FIRST LIST) by
DR NIGEL ROBERTS, SEARCHLIGHT LTD, NGR LAND (LAND DEVELOPMENT)
LTD AND TRUSTEES OF MALCOLM WOOTTON

Site visit made on 21 June 2011

Campions Wood Quarry, Cheslyn Hay, Staffordshire WS6 7JA

File Ref(s): MWP/5/19/5 D3450

File Ref: MWP/5/19/5 D3450

Campions Wood Quarry, Cheslyn Hay, Staffordshire WS6 7JA

- The appeal is made under section 96 and schedule 13 of the Environment Act 1995 against the imposition of conditions under the procedures set out in the Act for the review of old mineral planning permissions.
- The site is the subject of a planning permission (ref. CCR/1767) granted in 1956 for the excavation of clay and associated minerals, including coal.
- The appeal is made by Dr Nigel Roberts, Searchlight Ltd, NGR Land Developments Ltd and Trustees of Malcolm Wootton against Staffordshire County Council.
- The application (ref. SS/EA.2.6) dated 30 January 1997 was for the determination of what conditions should be imposed on this site. The Council determined the application by notice which set out 81 proposed conditions in total, dated 29 July 1997.

Recommendation: Allow the recommencement of mineral excavation subject to the conditions listed in the attached schedule.

Background

Planning history

1. The site has a long and complicated planning history which is detailed more fully in the two Staffordshire County Council committee reports attached to the file. In summary, planning permission for the working of minerals at Campions Wood Quarry was originally granted in 1956. The permission was lawfully implemented before 1 April 1979 and some of the site (about 5.3 ha in the south-eastern area) was worked and restored by British Coal. Planning permission for residential development of part of the original site, a spur of about 3ha to the north east off Pinfold Lane, was granted and implemented. Extraction of minerals (mudstones, sandstones, sand and gravel) from the north western part of the quarry started in 1993.
2. In January 1997 the County Council as Mineral Planning Authority (MPA) received four applications from the appellants individually, each proposing the same new set of conditions under the provisions of the Environment Act 1995 (the Act) for the working of the quarry. The MPA determined a single schedule of conditions in July 1997 which are the subject of this appeal by all four then owners of the site in January 1998. The appeal was held in abeyance pending the outcome of litigation, eventually resolved at the Court of Appeal in 2002, concerning the status of the British Coal land. The court decided this area should be included within the site the subject of this appeal.
3. The abeyance continued pending the determination of a proposal for residential development of the major part of the site, which was dismissed on appeal by the then First Secretary of State in October 2008 (ref. APP/C3430/A/06/2019854).

New proposed conditions

4. Given the lengthy time that had elapsed since the original appeal, the appellants reviewed the proposed method of working and prepared an Environmental Statement (ES), attached to the files. The ES has been reviewed by the Planning

Inspectorate and is satisfactory. The version dated August 2010 forms the basis of the extraction scheme and a revised schedule of conditions.

5. These proposals were subject to full public consultation and reviewed by the County Council. The outcome of these processes is that a revised set of conditions have been agreed by both main parties, as set out in the schedule attached to the report to the Staffordshire County Council Planning Committee on 7 April 2011. The revised list of conditions has been subject to a further period of public consultation and the comments of statutory consultees and interested persons are attached to the file.

The Site and Surroundings

6. The site is located to the south west of Cheslyn Hay, about 780 m east of junction 11 of the M6 and 1km south of the M6 toll road. Much of the site comprises a partly-worked marl and sandstone quarry, extending south eastwards from Wolverhampton Road (B4156). A substantial area of the quarry is under water but the south-eastern part of the land is at a higher level and contains some trees and shrubs. The site is separated visually from the nearest houses to the north-east by an earth bund. To the south and south west is open agricultural land. There is an access from the north-west corner of the site to the B4156. The site is described more fully in the ES.

Planning Policy

7. As an extant lawful permission for mineral extraction exists, the policy advice in paragraphs 88-92 of MPG14 is particularly relevant. These state that conditions which deal with the environmental and amenity aspects of working the site should not have the effect of restricting working rights to the extent that either the economic viability of operating the site or the asset value of the site would be prejudiced adversely to an unreasonable degree. However, conditions attached to permissions for recommencement should seek to mitigate or avoid the impact of re-working, which should be done in an environmentally and sustainable way.
8. The site lies in the green belt. Paragraph 3.11 of PPG2 requires MPAs to ensure that planning conditions for mineral sites within the green belt achieve suitable environmental standards and restoration.

The proposed working

9. The scheme of working outlined in the ES proposes excavation from the north west corner of the site in benches 4-5m high across the whole site, from a current top level of about 150m to a depth of about 123m. An estimated 2.67 million tonnes of material would be excavated, of which about 0.94 million tonnes would be clay of suitable quality for making bricks, including top quality engineering bricks, and ceramic tiles. Daily production using a single excavator would be about 2,000 tonnes, amounting to 13 years' working. However, it is intended to work the quarry in 'campaigns' over a longer period, possibly up to February 2042. Daily lorry movements to remove material from the site would be in the order of 100 per day. An access road within the site and associated parking, weighbridge and soil storage would be close to the south-west boundary of the site.

Appraisal

10. The conditions fall into five broad groups covering working methods, highway safety, protection of residential amenity (for example from noise and dust), protecting natural assets including protected species, and restoration. The agreed list would enable quarry working to start again according to modern day practice, thus enabling much more effective control of operations than under the originally approved conditions, to meet the objectives of the Act. The proposals in the attached schedule have also been assessed to ensure they meet the six tests outlined in Circular 11/85 concerning necessity, relevance to both planning and also the development the subject of the permission, enforceability, precision and reasonableness in all other respects. I have recommended some minor changes, including one deletion, to improve clarity and avoid repetition.

Method of working

11. The method of working is to be controlled through reference to the detailed proposals set out in the ES, with other reasonable safeguards being provided by conditions concerning excavation patterns, treatment of soil, the location of storage mounds, protection of topsoil for restoration etc. In accordance with decisions of the High Court, the end date of quarrying cannot be earlier than that specified in the Act itself. A restriction on working within 50m of adjoining residential properties in Pinfold Lane, The Nook and Kestrel Way is needed to ensure proper ground stability. Other conditions requiring fencing and gates would ensure adequate site security and the safety of the public.

Highway safety

12. Paragraph 103 of MPG14 indicates that it is not generally appropriate to expect the construction of new accesses or exits to active sites. In this case it seems that this could not be achieved without significantly affecting the structure of existing operations or the design of the quarry. It is not possible to provide adequate sightlines to the west of the existing access to Wolverhampton Road, because of a sharp bend about 20m from the site boundary. A condition requiring a notice to inform all heavy goods vehicles (HGVs) taking material from the site to turn left is therefore essential, to encourage egress with adequate visibility of oncoming traffic and to divert HGVs from Cheslyn Hay village. A number of other measures such as requirements for the eastern visibility splay, details of the access, sheeting of vehicles and wheel washing are also necessary in the interest of highway safety.

Residential amenity

13. There is already a substantial bund along the north-eastern boundary between the nearest houses and the area to be excavated further, which would provide significant attenuation of noise from the digger and trucks used for transporting material. The agreed condition restricts working hours, including HGV movements, to between 0700 and 1900 on weekdays and 0700 to 1700 on Saturdays. There is some inconsistency with another proposed condition regarding routine vehicle maintenance, which I consider should reasonably be restricted to the same hours. These hours fall within the normal daytime limits set out in PPG24. A further safeguard against undue noise levels would be provided by a condition restricting noise levels at any noise-sensitive property in the nearest residential streets, which is in accordance with established guidance

in MPS2. These measures would protect residential amenity adequately, without the need to extend the buffer around the site boundary from 50m to 100m. The appellants agree the conditions would not affect working or restoration operations. The specification of 'quiet water uses' as part of the restoration and after use requirements is insufficiently precise and the original condition requiring details to be approved by the MPA would be equally effective in protecting amenity.

Nature Conservation

14. A survey has identified the presence of Great Crested Newts on site. A scheme of mitigation, involving the provision of a very substantial habitat area at the eastern end of the site and a wildlife corridor, has been agreed. Some measures, including the provision of new ponds, have already been carried out prior to relocation of the newts from the working areas of the quarry. The proposed conditions would safeguard this and any other protected species adequately. There is no reason to suppose that Natural England would refuse to grant a mitigation licence, since the three tests of the Conservation of Habitats and Species Regulations 2010 can be considered to be met:

- There is an overriding public interest of an economic nature through the extraction of a scarce, nationally important clay mineral resource using sound modern practices;
- there are no alternative ways to work the site, bearing in mind the proximity of residential property, and the previous working regime;
- the extensive surveys and the detailed mitigation scheme, which includes a full method statement for re-location of the great crested newts, should ensure the maintenance of the protected species population during working of the quarry.

Conclusions

15. The proposed conditions would impose reasonable requirements for the renewed working of the site to extract a valuable mineral resource, whilst minimising environmental impacts, safeguarding residential amenity and highway safety, meeting statutory requirements for protected species and ensuring the proper restoration of the site after the material has been worked. The MPA is satisfied that the conditions proposed, including the requirements for mitigating the impact of renewed working on protected species, will not have an adverse effect on the viability or asset value of the site.

Recommendation

16. I recommend that the recommencement of mineral excavation is allowed subject to the conditions in the attached Schedule.

Geoff Salter

Inspector

Campions Wood Quarry – Schedule of conditions

1. These New Conditions as set out below, shall supersede the existing conditions provided by the planning permission Ref. No. CCR.1767 (issued on 13.11.56) on the day on which these new conditions are issued in accordance with the provisions in Schedule 13 of the Environment Act 1995.
2. This permission relates to the winning and working of the clay within an area off Wolverhampton Road (hereafter referred to as "the Site") as shown edged red on drawing no. Figure 2.01/Plan 1 dated September 2010, hereafter referred to as 'the Site'. The development hereby permitted shall only be carried out in accordance with the information submitted in the Environmental Statement dated 27 August 2010 supporting the application as listed below, except in so far as the submitted information is amended by the conditions specified below.

Chapter 1 - Introduction

Chapter 2 - Description of Site and Proposals

Chapter 3 - Planning Policy Framework

Chapter 4 – Ecology Impacts

Chapter 5 - Minerals

Chapter 6 - Landscape and Visual Impacts

Chapter 7 - Traffic, Transport and Rights of Way

Chapter 8 - Noise and Vibration

Chapter 9 - Air Quality & Dust

Chapter 10 - Hydrogeology, Hydrology, Water Quality and Flood Risk

Chapter 11 - Cultural Heritage & Archaeology

Chapter 12 - Socio- Economic and Community Effects

Chapter 13 - Alternatives and Cumulative Effects

Chapter 14 - Summary of Mitigation and Residual Effects

Figures:

Figure 2.01 - Planning Permission Boundary

Figure Q2.1 Version A - Existing Site Survey and features

Figure Q2.3 Version A - Work in Progress to 142 AoD

Figure Q2.4 Version A - Work in Progress to 133 AoD

Figure Q2.5 Version A - Final levels of flooded quarry

Figure Q2.6 Version A - Geological Plan and Cross Section through proposed excavation

Figure Q2.7 Version A- Section showing properties at the Nook and Kestrel Way and properties final quarry excavations

Figure Q2.8 Version A- Schematic showing realistic maximum vehicle movements/plant operating times

Drawing 1 – Maximum extent of Clay stockpiles

Figure 4.1 Rev A – Great crested Newt habitat

Figure 4.2 Rev C – Mitigation and enhancements proposals during quarry works

Figure 4.3 Rev C – Mitigation and enhancements proposals post quarrying/decommissioning phase

Figure 4.4 – Evolution Ecology Survey Map 2010

Figure 4.5 – Map of development site

Figure 6.1 Rev A - Landscape Context

Figure 6.2 - Landscape Features

Figure 6.3 - Visual Impact Assessment
Figure 6.4 - Zone of Visual Influence – Extant Quarry Operations
Figure 6.5 Zone of Visual Influence – Extant Quarry Operations
Figure 6.6 - Visual Impact Assessment – Quarry (Year 1)
Figure 6.7 - Visual Impact Assessment – Quarry (Year 15)
Drawing No 1 Version A – Schematic showing realistic maximum vehicle movements/plant operating times
Figure 01 Rev 01 – Monitoring Location Draft Only – For revision
Figure 9.1 - Location Plan
Figure Q9.2 – 100 Metres Boundary
Figure 9.3 - Wind roses Results
Figure Q10.1 – Monitoring locations and licensed abstractions surrounding the site
Figure Q10.2 – Location of springs and abstraction boreholes surrounding the site
Figure 12.1 - Cheslyn Hay South Ward

Technical Appendices:

Appendix 1.1 - Non-Technical Summary
Appendix 2.1 – Quarry Scheme of Conditions
Appendix 2.2 - Quarry Drawings
Drawing No Q.2.2.1 - Existing Site Survey and features
Drawing No Q.2.2.2 - Proposed Final Quarry Excavation and Site Layout
Drawing No Q.2.2.3 - Work in Progress to 142m AOD
Drawing No Q.2.2.4 - Work in progress to 133 m AOD
Drawing No Q.2.2.5 - Proposed Final Levels of Flood Quarry
Drawing No Q.2.2.6 - Geological plan and cross section through proposed excavation
Drawing No Q.2.2.7 - Properties at the Nook and Kestrel Way and proposed Final Quarry Excavation
Drawing No Q.2.2.8 - Schematic showing realistic maximum vehicle movements/plant operation times
Appendix 2.3 - Plant Movement and Requirements
Appendix 4.1 - Baseline Ecological Appraisal
Appendix 4.2 - Water Body descriptions
Appendix 4.3 - List of species recorded during bird survey visits
Appendix 4.4 - Ecological Data Search map
Appendix 4.5 - Photographic Records
Appendix 4.6 - GCN draft method statement
Appendix 5.1 - Geological Report
Appendix 5.2 - Wienburger Sampling Report
Appendix 6.1 - Assessment Criteria for Landscape
Appendix 6.2 - Landscape & Visual Impact Tables
Appendix 6.3 - Plates
Plates No 6.1 – Viewpoints 1 and 2
Plates No 6.2 – Viewpoints 3 and 4
Plates No 6.3 – Viewpoints 5 and 6
Plates No 6.4 – Viewpoints 7 and 8
Plates No 6.5 – Viewpoints 9 and 10
Plates No 6.6 – Viewpoints 11 and 12
Appendix 7.1 – Vehicle Distribution for B4156/A462 Junction

Appendix 7.2 – Junction Capacity Assessments
Appendix 10.1 - Sump & Lagoon Dimensions
Appendix 11.1 - Archaeology Desk Based Assessment
Appendix 12.1 - Selected Census Statistics Tables (2001)
Appendix 12.2 – Wienburger Letter

Additional information submitted: -

4 January 2011 - GCN Presence/Absence Survey Report – July 2010
19 January 2011 – Letter from Evolution Ecology
25 January 2011 – Great Crested Newt – Mitigation/Compensation Measures Method Statement Report
Letter from Symmetry Law dated 24 February 2011
• Annex 1 – Land Registry Document
• Annex 2 – Drawing 1 Rev C
• Annex 3 – Land Registry Plan
• Annex 4 – Drawing RA2 Rev A
15 March 2011 – Great Crested Newt – Mitigation/Compensation Measures Method Statement Report.

3. A copy of this determination notice of decision, together with all the approved plans and documents and details required under the Conditions of this permission shall be maintained at the site office at all times throughout the period of development.
4. Prior to the recommencement of the development hereby permitted details of warning signs to be erected on Wolverhampton Road in both directions drawing attention of the presence of the quarry shall be submitted to and approved in writing by the Mineral Planning Authority (MPA). The warning signs shall be implemented in accordance with the approved details and within 6 months of approval.
5. Within 6 months of the date of this determination, a notice board shall be erected at the site entrance with Wolverhampton Road (B4156), indicating the name and telephone number during the hours specified, of the operating company and the representative of the operators who will be available to deal promptly with any complaints. The notice board shall be maintained for the duration of the development.
6. The winning and working of clay and associated minerals shall cease not later than 21.2.2042. The site shall be restored in accordance with scheme (s) pursuant to condition 53. Restoration works shall commence no later than 12 months from the permanent cessation of the winning and working of minerals or 21.2.2042 whichever is sooner. The permission shall expire when the restoration and aftercare works required have been carried out in accordance with the approved plans.
7. In the event that the winning and working of minerals ceases before the date specified in Condition 6 above a scheme of restoration and aftercare shall be submitted to and approved in writing by the MPA within 3 months of cessation. The scheme shall be implemented in accordance with the approved plans, within 6 months of its approval and shall be completed within a further one year.

8. Within 6 months of the date of this determination, a sign shall be erected at the site exit to read "ALL HGVs TO TURN LEFT" to advise drivers to use the B4156 and A462 to gain access to the M6 motorway or any other destinations. All signs to be maintained in good order during the life of the site.
9. The MPA shall be notified in writing of the commencement of each and every contract let for the removal of minerals from the site at least 14 days before the contract commences.
10. No access to the site shall be gained other than via the existing access off Wolverhampton Road (B4156) shown on Drawing No. 1 Rev C dated 23.2.2011.
11. A visibility splay shall be maintained to the east of the access measuring 120 metres x 4.5 metres. Within this visibility splay nothing must be planted, erected or allowed to remain that exceeds or may exceed 600mm in height above the level of the adjacent carriageway.
12. The access at its junction with Wolverhampton Road (B4156) shall be maintained at a width of 14 metres. The first 30 metres of macadam access road shall be maintained at a minimum width of 9.3 metres.
13. Access gates shall be located a minimum of 20 metres from the back of footpath on Wolverhampton Road (B4156) and shall be kept locked outside of working hours specified by conditions 38, 39 and 40.
14. Prior to the recommencement of the development hereby permitted, details of wheel wash facility including the provision of signs and the construction of the haul road at the wheelwash location shall be submitted to and approved in writing by the MPA. The wheelwash facilities provided shall be used by all vehicles leaving the site with the exception of any vehicle below 1500 kg payload. The wheel cleaning/washing facility shall be implemented in accordance with the approved scheme before minerals are removed from the site.
15. If and when a car parking facility is required for staff and visitors cars such a facility should be located in the area identified on Drawing No.1 Rev C. Any such car park shall be constructed and maintained with a free draining compacted stone surface. The approved car park shall be laid out within 6 months of the date of this determination unless otherwise agreed in writing with the MPA.
16. Office accommodation, storage, maintenance and welfare facilities shall only be erected in locations agreed in writing with the MPA and shall not exceed a height of 3.0 metres unless otherwise agreed in writing with the MPA. All such buildings and structures shall be painted in a colour to be agreed in writing with the MPA within 3 months of those buildings and structures being brought into use. The buildings shall be retained in the approved form for the duration of the permission.
17. All haul roads used on the site shall be free draining, evenly graded with a crossfall.
18. Prior to the recommencement of the development hereby permitted, the

permanent access arrangements from the quarry void to the access road shall be provided in accordance with Plan No. 1 Rev C.

19. Before any further mineral is won and worked or removed from the site, the existing access road surface shall be made good.
20. No surface water from the access road shall be discharged onto the public highway.
21. Before any further mineral is won and worked or removed from the site, details of kerb and island arrangements at the junction of the site access with Wolverhampton Road, including a 15 metre radius kerb on the western side of the site access and other kerbs to prevent HGVs from leaving to the east, shall be submitted to and approved in writing by the MPA. The kerbs and traffic islands shall be constructed in accordance with the approved details before any further minerals are removed from the site.
22. Prior to the recommencement of the development hereby permitted a scheme of fencing and site security shall be submitted and approved in writing by the MPA and implemented in accordance with the approved details before any further minerals are removed from the site. The approved fencing and site security shall be retained in the approved form for the duration of the development hereby permitted.
23. No winning and working of minerals shall take place within 50 metres of the site boundary with properties along Pinfold Lane, the Nook and Kestrel Way until a detailed geotechnical survey and written report, to determine the extent to which existing and proposed batters are capable of remaining stable during the lifetime of quarry operations and until restoration of the site has been completed, has been submitted to and approved in writing by the Mineral Planning Authority. Batters shall be formed and maintained in accordance with the approved recommendation of the geotechnical report.
24. Within 6 months of the date of this determination, details of the landscaping for the existing soil storage mound on the frontage of Wolverhampton Road (B4156) shall be submitted to and approved in writing by the MPA. Landscaping works shall be implemented in accordance with the approved details and in the first available planting season following approval.
25. No soils shall be stripped, handled, stored and replaced except in accordance with a scheme to be submitted to and approved in writing by the MPA. The scheme shall include the method of stripping, handling, storage and replacement of soils and the machinery to be used in these operations, and the means of protecting the soils from contamination.
26. All soils shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles or machinery or roads, building, plant yards or stores are constructed on it.
27. Within 12 months of the date of this determination, details of the topsoil storage arrangements shall be submitted to and approved in writing by the MPA. The topsoil storage arrangements shall then be implemented in accordance with the

approved details.

28. No stockpiles of minerals shall be located outside the confines of the quarry void, except in the Stock Area shown on Drawing No. 1 Rev C dated 23.2.2011. No stockpile within the quarry void and Stock Area shall exceed a height of 3 metres above local ground level.
29. No stripping, movement and re-spreading of topsoil shall take place unless the material is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles and machinery over it without damage to the soils.
30. The site operator shall give at least 14 days notice to the MPA prior to the commencement of any topsoil stripping from any part of the site.
31. No topsoil stored on the site shall be sold or otherwise removed from the site.
32. Notwithstanding the scheme approved under Condition 27 any overlap of soil types in the storage mounds shall be kept to the minimum necessary for the effective formation of that mound and the interface shall be defined on site and on a record plan.
33. No soil storage mounds shall be traversed by machinery except for low ground pressure tracklaying machines and for the express purposes of stocking or removing materials for final re-spreading.
34. All storage mounds shall be grass seeded, managed and kept free of noxious weeds in accordance with a scheme to be agreed in writing with the MPA.
35. Within 6 months of the date of this determination, a phasing plan shall be submitted to and approved in writing by the MPA. The plan shall indicate how the site is to be subdivided into separate areas of land and the sequence in which the site is to be developed over the life of the site. The approved plan shall be brought into effect within 6 months of the entry into the first phase in the approved plan.
36. All indigenous self seeded trees below a height of 1.2 metres height shall be removed in the first available planting season. Any such specimens shall be replaced by a tree of a similar species in location on the site agreed in writing by the MPA.
37. No perimeter trees or hedges shall be disturbed or removed from the site without the prior written agreement of the MPA.
38. No winning and working of clay and associated minerals and the transportation of minerals from the site shall take place except between the hours of 0700-1900 hours Mondays to Fridays and between 0700-1300 hours on Saturdays, except for essential pumping operations and in emergencies for reasons of safety or prevention of pollution. No winning and working of clay and associated minerals and the transportation of minerals from the site shall take place on Sundays, Bank or Public Holidays. No HGVs shall enter the site outside the permitted hours.

39. No restoration or landscape earthworks authorised by this permission shall be carried out adjacent to residential boundaries before 0830 hours or after 1700 hours, Mondays to Fridays inclusive, and none should occur on Saturdays, Sundays, Bank or Public Holidays unless otherwise agreed in writing with the MPA. No HGVs shall enter the site outside the permitted hours.
40. No routine servicing, maintenance or testing of vehicles and machinery shall take place within 50 metres of a residential property, and between the hours of 0700 to 1900 hours, Mondays to Fridays and 0700 to 1700 hours on Saturdays. No such operations shall take place on Sundays, Bank or Public Holidays. No HGVs shall enter the site outside the permitted hours.
41. All mineral carrying HGVs leaving the Site shall be securely sheeted or covered, or the load otherwise treated so as to prevent dust being blown off the load onto adjoining land or the public highway (Wolverhampton Road - B4156).
42. Within 6 months of the date of this determination, a Dust Suppression Action Plan shall be submitted to and approved in writing by the MPA. The approved Action Plan shall be implemented in accordance with the approved details and within one month of approval.
43. Notwithstanding the Dust Suppression requirements set out in the Action Plan required by Condition 42 best practicable means shall be taken to ensure all surfaced and unsurfaced roads and hardstandings shall be sprayed with water to minimise emissions of dust generated by vehicle movements and, in particular, shall include the watering of all haul and access roads as necessary during dry weather conditions. A water bowser shall be retained on site at all times when the quarry is operational for this purpose.
44. No winning and working of minerals or vehicle movements within the site shall take place on the site which would result in attributable noise when measured at any noise sensitive property in Kestrel Way, Pinfold Lane and The Nook exceeding a level of 51 dB LAeq (1hour)(freefield) and at any other noise sensitive property exceeding a level of 55 dB LAeq (1hour)(freefield) between 0700 and 1900 hours Mondays to Fridays and 0700 and 1300 on Saturdays.
45. Noise levels from soil stripping, soil replacement or baffle mound formation, shall not exceed 70 dB LAeq (1 hour)(freefield) measured at 1 m from the façade of any noise sensitive property. Such operations shall not exceed a total of 8 weeks in any 12 month period.
46. All vehicles, equipment and other machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in good condition in accordance with that specification at all times.
47. Within 6 months of the date of this determination a noise monitoring scheme shall be submitted to and approved in writing by the MPA. The noise monitoring scheme shall include details of the monitoring locations, frequency of monitoring, the timescale and arrangements for supplying the MPA with the results of the monitoring and the provision of an annual review meeting to

consider the approved arrangements. Noise monitoring shall be carried out in accordance with the approved details and within one month of approval.

48. Prior to the recommencement of quarrying, details of the broad band 'white' noise reversing alarms/warning systems to be installed on vehicles operating on Site shall be submitted to and approved in writing by the MPA.
49. No blasting shall be carried out on the site.
50. No floodlighting shall be erected and used on the site above the existing ground level on the periphery of the site until details of the design, height, light intensity, hooding and location of the floodlights have been submitted to and approved in writing by the MPA. The site shall not be illuminated outside the permitted hours stated in Conditions 38, 39 and 40, unless otherwise agreed in writing by the MPA.
51. Within the quarry area all noxious weeds shall be regularly treated each growing season to eradicate them.
52. Within 6 months of the date of this determination, a scheme of groundwater monitoring shall be submitted to and approved in writing by the MPA. The scheme shall provide for:
 - Monitoring of the level and quality of any groundwater encountered in the excavation;
 - Monitoring of the level and quality of any groundwater in the backfill (present in the former open cast coal mining area in the south east of the application boundary);
 - Mitigation against the possible impacts of the discharge of poor quality water (due to acid rock drainage) to surface watercourses.The scheme shall be carried out in accordance with the approved details and implemented within 6 months of approval.
53. Within 6 months of the date of this determination, a scheme to dispose of foul drainage shall be submitted to and approved in writing by the MPA. The scheme shall be carried out as approved and implemented within 6 months of approval.
54. All water draining from the mineral extraction area shall be discharged into settlement ponds for removal of suspended solids prior to discharge into any ditch, stream, watercourse or culvert outside the site.
55. Facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, unless the container is mobile, double skinned and designed to contain spillages the following conditions shall apply: the volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

56. Within 3 years of the date of this determination a detailed restoration scheme shall be submitted to and approved in writing by the MPA. The Restoration Scheme shall include details of:
- (a) definition of the proposed after uses
 - (b) delineation of the areas to be restored for the agreed uses;
 - (c) the restoration works to be carried out in the phases defined on the plan required by Condition 35;
 - (d) final contours, gradients and levels following restoration and landscaping;
 - (e) a programme for the carrying out of the progressive restoration works of the whole site to the approved final contours;
 - (f) timing and method of soil placement;
 - (g) surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
 - (h) a programme of implementation
 - (i) details of the final landscape for the periphery of the site

The scheme shall be carried out in full and implemented in accordance with the approved plans and documents and item (h) the approved programme of implementation.

57. Within 10 years of the date of this determination a detailed aftercare scheme for the approved uses set out in Condition 56 shall be submitted to and approved in writing by the MPA. The Scheme shall provide for:
- (a) Annual meetings to discuss the works carried out in the previous year and the forthcoming year including remedial treatment.
 - (b) Replacing plants, shrubs or trees which die or are diseased at an agreed density and repair of any habitats that have not established as specified. Details of the site investigations carried out to determine the cause of tree failure should be provided, together with foliar analysis to establish nutrient deficiencies.
 - (c) Weeding to prevent the growth of plants being retarded.
 - (d) Details of the application of fertilisers, and the methods used to determine the fertiliser requirements.
 - (e) A programme of implementation.
 - (f) Areas to be seeded or planted including details of timing;
 - (g) Provisions for fencing of restored phases and tree planted areas from subsequent working phases;

The scheme shall be carried out in full and implemented in accordance with the approved plans and documents and Item (e) the approved programme of implementation.

58. All trees within the area known as Campion's Wood and defined on Figure Q10.2 shall be protected and maintained for the duration of this permission.
59. Before the replacement of the topsoil, the upper layers of the subsoil shall be ripped down-slope with a heavy duty winged subsoiler to a minimum depth of 600 mm spaced at no more than 1200 mm centres.
60. Following cultivation of the subsoil steps shall be taken to avoid re-compaction.

- If compaction does occur then the works set out in Condition 59 shall be carried out.
61. All operations involving soil replacement shall only be carried out when the full volume of soil involved is in a suitably dry soil moisture condition.
 62. In areas to be restored to woodland use, the top one metre layer of subsoil shall be replaced using mechanical shovel and dumptruck. The spreading of subsoil shall be carried out by using a 360 degree excavator or low ground pressure bulldozer.
 63. Earth moving machinery shall travel between the soil mounds and the soil spreading sites along clearly defined routes on the surface and these routes shall be cultivated and de-compacted and stones exceeding 150 mm in diameter shall be removed prior to being covered with topsoil.
 64. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to prevent erosion, silting or flooding of the site.
 65. Within 6 months of the date of this determination, details of hedges, trees, shrubs, wild flower seed mixes and species to be planted around the perimeter of the site during the operational phase of the development together with a plan for future maintenance shall be submitted to and approved in writing by the MPA. The landscaping shall be implemented in accordance with the approved plans and in the first available full planting season following approval. The landscaping shall be maintained in accordance with the approved maintenance plan.
 66. Within 6 months of the completion of restoration of the site all buildings, plant, machinery, foundations, hardstandings and redundant haul roads used in connection with the permitted operations but not required for aftercare works shall be removed from the site and the land concerned shall be reinstated in accordance with the Scheme approved under Condition 57.
 67. Each and every year a report shall be submitted to the MPA detailing the arrangements, methods and results of the monitoring and environmental management carried out on the site in terms of dust, noise, aftercare, landscape works and prevention of pollution. The report shall be submitted by 1 April in the year after the end of each 12 month period with the first report to be submitted by 1 April 2013.
 68. The quarrying activities hereby permitted shall recommence before March each year in order to deter Ringed Plover from returning to nest and monitoring of the quarry workings for nesting sites shall be ongoing during the nesting season.
 69. All vegetation clearance works and removal of soils shall take place outside of the bird breeding season from March to July; if vegetation clearance occurs during these periods any nests should be retained and a buffer maintained around it until the young have fledged.
 70. Mitigation works for the Great Crested Newts shall be completed in accordance

with the submitted GCN Presence/Absence Survey Report and the Great Crested Newt – Mitigation/Compensation Measures Method Statement Report (February 2011) unless agreed in writing by the MPA. Prior to the recommencement of the development hereby permitted a plan showing measures for protection of great crested newts habitat and wildlife corridors shall be submitted for the written approval of the MPA. This should include details of habitat management and monitoring and fencing design, monitoring and maintenance. Great crested newts and wildlife corridors shall be protected in accordance with the approved measures.

71. Within 6 months of the date of this permission, a badger re-survey shall be carried out by a suitably experienced and qualified ecologist. The badger re-survey details and results shall be submitted to the MPA and in the event that the surveys indicate the presence of badgers or their use of the Site, proposed measures for avoidance and mitigation of impacts shall be submitted for the written approval of the MPA. Works on the Site shall thereafter be implemented in accordance with the approved measures.
72. Prior to the recommencement of the development hereby permitted, an invertebrates survey shall be carried out by a suitably experienced and qualified ecologist. The survey details and results shall be submitted to the MPA and in the event that the surveys indicate the presence of protected or UK Biodiversity Action Plan invertebrates or their use of the Site, proposed measures for avoidance and mitigation of impacts shall be submitted for the written approval of the MPA. Works on the Site shall thereafter be implemented in accordance with the approved measures.