

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Regulatory Committee

**Date of Committee** 7th July 2005

**Report Title** **Griff Quarry, Nuneaton – Extension of Period Within Which Mineral Extraction Must Commence at Griff 5**

**Summary** The application proposes the variation of Condition 34 of planning permission N100/01CM009 to extend the period within which mineral extraction must commence at Griff 5, Gipsy Lane, Nuneaton.

**For further information please contact** Matthew Williams  
Planning Officer  
Tel. 01926 412822  
matthewwilliams@warwickshire.gov.uk

**Would the recommended decision be contrary to the Budget and Policy Framework?** Yes/No

**Background Papers** Planning application, received 30/3/2005.  
Three letters of representation.  
438 signature petition.  
Letter from Environment Agency, dated 4/4/2005.  
Letter from Department for Environment, Food and Rural Affairs (DEFRA), dated 7/4/2005.  
Letter from English Nature, dated 11/4/2005.  
Letter from the Highways Agency, dated 11/4/2005.  
Letters from Nuneaton and Bedworth Borough Council, dated 13/4/2005 and 17/5/2005.  
Letters from the County Museum, dated 15/4/2005 and 10/5/2005.  
Letter from British Waterways, dated 15/4/2005.

**CONSULTATION ALREADY UNDERTAKEN:-** *Details to be specified*

Other Committees  .....

Local Member(s)  Councillor J Ross – no comments received.  
(With brief comments, if appropriate)

- Other Elected Members  Councillor Mrs J A Tandy – no comments received.
- Cabinet Member  .....  
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive  .....
- Legal  P Endall – comments incorporated.
- Finance  .....
- Other Chief Officers  .....
- District Councils  Nuneaton and Bedworth Borough Council – no objection.
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  County Museum, Environment Agency, DEFRA, English Nature, Highways Agency, British Waterways – see paragraph 2.

**FINAL DECISION**                      **YES/NO**      *(If 'No' complete Suggested Next Steps)*

**SUGGESTED NEXT STEPS :**

*Details to be specified*

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  .....
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

**Regulatory Committee - 7th July 2005**

**Griff Quarry, Nuneaton – Extension of Period Within Which  
Mineral Extraction Must Commence at Griff 5**

**Report of the Director of Planning, Transport and  
Economic Strategy**

**Recommendation**

That the Regulatory Committee authorises the grant of planning permission to vary Condition 34 of planning permission N100/01CM009 from:-

‘The development (which relates to planning permission ref: N100/99CM010) hereby approved, shall be commenced no later than 8th July 2007. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.’

To:-

‘The development (which relates to planning permission ref: N100/01CM009) hereby approved, shall be commenced no later than 8th July 2012. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.’

Provided that all other conditions and limitations relating to planning permission N100/01CM009 in effect at the date of this permission shall continue to apply (such conditions being set out in **Appendix B** to the Report of the Director of Planning Transport and Economic Strategy).

APPLICATION NO: N100/05CM011

RECEIVED BY COUNTY: 30/03/2005

ADVERTISED DATE: 05/05/2005

APPLICANT: Hanson Aggregates, Ashby Road, East Shepshed,  
Loughborough, Leicestershire. LE12 9BU.

AGENT: Mr Peter Toon, Hanson Aggregates, Ashby Road East,  
Shepshed, Loughborough, Leicestershire, LE12 9BU.

THE PROPOSAL: Town & Country Planning Act 1990 - Section 73 application to carry out development without complying with Condition 34 (Implementation date for Griff 5) of planning permission N100/01CM009 - Griff Quarry, Gipsy Lane, Nuneaton.

SITE & LOCATION : Griff Quarry, Gipsy Lane, Nuneaton, Warwickshire. [Grid ref: 364.889].

See plan in **Appendix A**.

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## 1. Application Details

1.1 The application proposes variation of Condition 34 of planning permission N100/01CM009 to extend the period within which mineral extraction must be commenced at Griff 5, Gypsy Lane, Nuneaton.

## 2. Consultations

2.1 **Nuneaton and Bedworth Borough Council** – no objection.

2.2 **Councillor J Ross** – no comments received.

2.3 **Councillor Mrs J A Tandy** – no comments received.

2.4 **County Museum** – no objection.

2.5 **Environment Agency** – no objection.

2.6 **DEFRA** – no comments.

2.7 **English Nature** – no objection.

2.8 **Highways Agency** – no objection.

2.9 **British Waterways** – no objection.

## 3. Representations

3.1 Four letters of **objection** and a 438 signature petition have been received in respect of the application. Concerns include:-

- (i) Traffic.
- (ii) Proximity to new residential areas.
- (iii) Dust (Air pollution).
- (iv) Noise.
- (v) Visual impact.
- (vi) Impact on wildlife.
- (vii) Impact on landscape.
- (viii) Impact on leisure activities.

- (ix) Not aware of existence of planning permission for Griff 5.

## 4. Observations

- 4.1 Hard rock has been extracted in the Griff area for a great many years. Mineral extraction is now undertaken at a site to the south of Gypsy Lane known as Griff 4. Griffs 1, 2 and 3, which were located to the north of Griff 4, are now long since exhausted, infilled and restored.
- 4.2 Planning permission (N135/96CM029) was granted in 1997 for the extraction of diorite and shale from land at Perch Hill (Griff 5) as an extension of Griff 4. In 2000 this planning permission was amalgamated with those relating to operations undertaken at Griff 4 as part of a review of old mineral permissions carried out under the provisions of the Environment Act 1995 (N100/99CM010). Subsequent to this Condition 34 (Implementation date of Griff 5) of the amalgamated consent was amended to allow the development of Griff 5 to commence no later than 8th July 2007. Conditions controlling operations at both Griff 4 (operational site) and Griff 5 (unimplemented permission/site) are now contained within planning permission N100/01CM009.
- 4.3 To date mineral extraction has not yet commenced at Griff 5 (although there are the remains of an old quarry working within the centre of the site) as sufficient reserves have remained in Griff 4. Griff 4 has been the subject of a number of small extensions to the permitted working area over the years which has resulted in the an extension to the working life of the quarry. The latest extension to the working area of Griff 4 was granted planning permission (N100/04CM039) late last year. This extension will allow all of the exploitable mineral within the quarry to be worked and is likely to result in Griff 4 remaining operational until 2012. The applicant advises that it is not consequently necessary to commence mineral extraction at Griff 5 in the short term and therefore an extension of time within which the development may commence is being sought.
- 4.4 Since planning permission was originally granted for the development of Griff 5 a former industrial site (Stirling Metals), located a little over 400 metres to the north-east of the site, has been redeveloped for residential use. Residents of these properties have raised objection to the development of Griff 5 on the grounds of its proximity to the recently built housing. Their concerns include, noise, dust, traffic, health implications and visual and landscape impact.
- 4.5 Although, the new housing had not been developed when planning permission was originally granted for Griff 5 it was planned and would have been taken into consideration. The Environmental Health Officer at Nuneaton and Bedworth Borough Council has been consulted on the current proposal to extend the implementation date and has raised no objection from an environmental health perspective. Access to Griff 5 would be gained via the existing Griff 4 access onto Gypsy Lane resulting in no greater impact on the local highway network. The current application proposes no change to the working of the site so would result in no greater visual or landscape impact. The approved working plan incorporates overburden/landscape bunds along the northern boundary of the site which would screen the extraction area from the new housing.

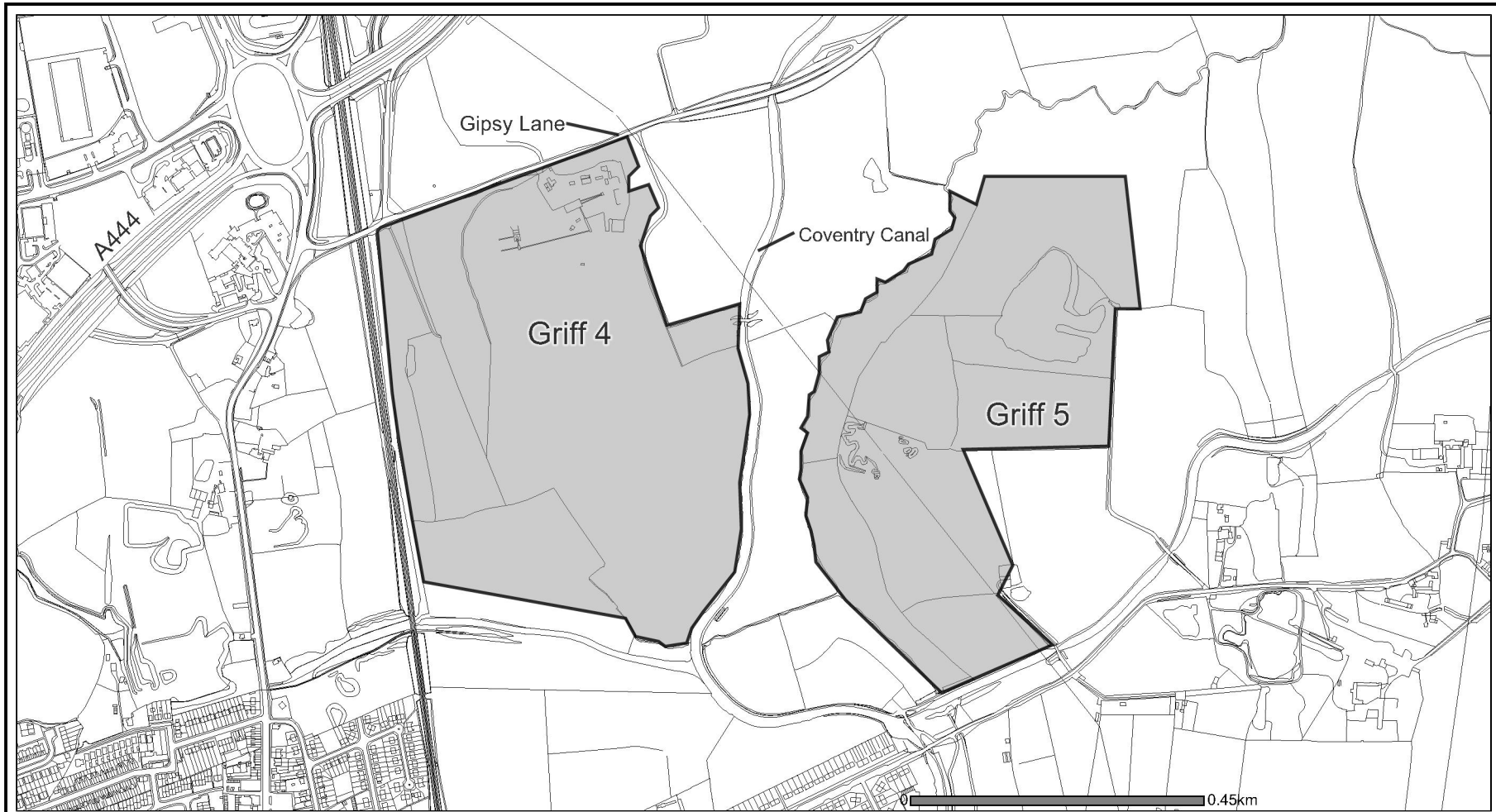
- 4.6 Policy M6 of the Minerals Local Plan states that applications for the extraction of minerals will be considered on the basis of the provisions of the development plan and their likely overall impact on factors such as operational and economic needs and physical restraints. The principle of this development has already been established with the original granting of planning permission which was based on the provisions of the development plan. This proposal would not have any greater environmental impact than the previously approved scheme as the only change would be the timing of when the development would start. The application site is located within the Green Belt where development is only permitted in exceptional circumstances. PPG2 (Green Belts) states that mineral extraction need not be inappropriate development and need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored. The principle of this development has already been considered and the current proposal would result in the development having no greater impact on the openness of the Green Belt. Therefore, the proposal accords with the provisions of the development plan.
- 4.7 In conclusion, the current proposal would not result in any change to the approved development of the site, rather it would simply result in a delay to the commencement of mineral extraction at Griff 5.

## **5. Environmental Implications**

- 5.1 It is considered that extension of the period within which mineral extraction must commence at Griff 5 would result in development having no greater environmental impact.

JOHN DEEGAN  
Director of Planning, Transport and Economic Strategy  
Shire Hall  
Warwick

23rd June 2005



Scale 1: 9500	Ref No. N100/05CM011	Drawn Matthew Williams
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Regulatory Committee 7th July 2005  
 Subject  
**Griff Quarry - Nuneaton**

**Warwickshire**  
County Council

John Deegan  
 Director of Planning, Transport  
 and Economic Strategy  
 Shire Hall, Warwick, CV34 4SX

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APPENDIX A OF AGENDA NO.

**Regulatory Committee – 7th July 2005**

**Griff Quarry, Nuneaton – Extension of Period Within Which  
Mineral Extraction Must Commence at Griff 5**

**Application No : N100/05CM011**

**The area known as Griff 4 and defined on the attached plan ref: N100/05CM011 shall be subject to the following conditions:**

1. Winning and working of minerals shall cease on or before the 31st October 2015.

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

2. Unless otherwise approved in writing by the Mineral Planning Authority, the development to which these conditions relate shall not be undertaken other than in accordance with the submitted plans ref. 49/0-214, 49/04-215, 49/04-212, 49/04-216, 49/04-217, G76cg/30b and the conditions set out in this determination.

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

**General Operations**

3. Except:-
  - (i) in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority on the next working day); or
  - (ii) in accordance with Condition 2; or
  - (iii) as otherwise agreed in writing by the Mineral Planning Authority;

the operations or uses shall not be carried out except between the following hours:

- (a) mineral extraction  
0600 to 1800 hours on Mondays to Fridays  
0600 to 1200 noon on Saturdays
- (b) overburden stripping and earth moving works  
0700 to 1800 hours on Mondays to Fridays  
0700 to 1200 noon on Saturdays

and shall not be carried out on Sundays, bank or public holidays

**Reason:** In the interests of the amenities of local residents.



4. Roadstone coating operations may take place at any time provided that:
- (i) the noise attenuation measures as described in the submitted consultants report have been installed at the plant and the Mineral Planning Authority has been given written notification of their completion and at least seven days' written notification of the intention to commence working outside the times permitted by Condition 1; and
  - (ii) noise monitoring takes place in accordance with a scheme agreed in writing by the Mineral Planning Authority which scheme shall include details of monitoring locations, equipment, monitoring frequency, monitoring times and assessment standard; and
  - (iii) noise generated by the coating plant should not exceed 40dB Leaq measured as one hour free field value at the nearest adjacent dwelling (external) outside the times permitted by Condition 1. The measurement and assessment shall be made according to BS4142:1990.

**Reason:** In the interests of the amenities of local residents.

5. Wheel cleaning facilities at the quarry shall be maintained and used as necessary in order that no mud or deleterious material shall be deposited on the public highway.

**Reason:** In the interests of highway safety and residential amenity.

6. Unless otherwise agreed in writing by the Minerals Planning Authority no loaded lorries shall leave the site unsheeted except those only carrying stone in excess of 150mm diameter.

**Reason:** In the interests of highway safety and amenities of nearby residents.

7. Except in emergencies to maintain safety (which shall be notified in writing to the Minerals Planning Authority on the next working day) blasting operations shall be carried out only between 14.30 and 16.00 hours Monday to Friday and as near to 15.00 hours as is practicable. Unless otherwise agreed in writing by the Mineral Planning Authority.

**Reason:** In order to safeguard the amenities of nearby residents.

8. Blasting operations shall be carried out in such a manner that vibration, noise and air over pressure are minimised to the reasonable satisfaction of the Minerals Planning Authority. The peak particle velocity and air over pressure attributed to any blast, measured at a point immediately adjacent to any sensitive building outside the boundary of the site, shall not exceed 6mm/sec or 100dB respectively. Each blast shall be monitored and a record of peak particle velocity and air over pressure kept for inspection by the Mineral Planning Authority.

**Reason:** In order to safeguard the amenities of nearby residents.

9. Blasting operations shall be carried out in such a manner that peak velocity of any blast does not exceed 65mm/sec at the boundary of Railtrack property and 12mm/sec at either of the rail bridges adjacent to the existing quarry site.

**Reason:** In order to safeguard the Coventry to Nuneaton railway line.

10. Blasting operations shall be carried out in such a manner that peak particle velocity attributed to any blast shall not exceed 25mm/sec when measured at the boundary of the Coventry Canal.

**Reason:** In order to safeguard the Coventry Canal.

11. Within six months of the date of this determination coming into effect a detailed scheme of working and monitoring of blasting in the vicinity of the nearby Coventry Canal shall be submitted to the Mineral Planning Authority. Following approval the scheme shall be implemented accordingly.

**Reason:** In order to safeguard the Coventry Canal.

12. To ensure the safe operation of the Coventry to Nuneaton Rail Line all blasting shall be in accordance with the detailed system of work agreed with Railtrack and approved by the Mineral Planning Authority in a letter dated 9th January 1997 and amended by the letter dated 5th November 1999.

**Reason:** In order to safeguard the Coventry to Nuneaton railway line.

13. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.

**Reason:** In order to safeguard the amenities of nearby residents.

14. Noise levels generated by the operations hereby permitted shall not exceed 55dB (LAeq, 1 hour, free field), when measured at the nearest noise sensitive property, unless otherwise agreed in writing by the Mineral Planning Authority.

**Reason:** In order to safeguard the amenities of nearby residents.

15. During the construction of overburden mounds measures shall be taken to prevent large rocks or other material rolling into the Coventry Canal.

**Reason:** In order to safeguard the Coventry Canal.

16. Except in the event of power failure only electric pumps shall be used unless otherwise agreed in writing by the Mineral Planning Authority. Should the use of diesel pumps be necessary because of power failure this event shall be notified to the Mineral Planning Authority on the next working day.

**Reason:** In order to safeguard the amenities of nearby residents.

17. Within 12 months of the determination coming into effect an audit of the top soils available for restoration shall be undertaken with the locations, quantities and

types of soil marked clearly on a plan which shall be submitted to the Minerals Planning Authority.

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

### Highway

18. There shall be no vehicular access to or from the site except via the existing access to Gipsy Lane, shown on plan no. 49/04 - 212 dated 22nd March 1999.

**Reason:** In the interests of highway safety.

### Pollution Control

19. All necessary measures to prevent or minimise the raising of dust shall be adopted. These measures shall include:-

- i) the use of water bowsers on haul roads and other operational areas of the site.
- ii) the use of water sprays or other methods of controlling dust from mineral extraction.
- iii) methods for controlling dust during overburden movement including the suspension of operations during weather conditions likely to give rise to uncontrollable dust generation; and
- iv) the compaction, profiling and damping of stored materials.

**Reason:** In order to safeguard the amenities of nearby residents.

20. There shall be no discharge of foul or contaminated surface water or trade effluent from the site into either the groundwater system or any surface waters.

**Reason:** To prevent pollution of the water environment.

21. The operations carried out at the site shall not interfere with drainage to and from areas adjoining the site.

**Reason:** To prevent pollution of the water environment.

22. Any drilling rigs used on site shall be fitted with dust containment bags.

**Reason:** In order to safeguard the amenities of nearby residents.

23. Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should be vent downwards into the bund.

**Reason:** To prevent pollution of the water environment.

## Landscaping

24. The landscaping scheme approved on the 3rd July 1997 as shown on drawing number 49/04 - 188b shall be carried out in the first planting season following the completion of earth moving. Any trees or plants which within 5 years of initial planting die, are removed or damaged or become seriously diseased shall be replaced in the next planting season with others of a similar size and species.

**Reason:** In order to safeguard the amenities of nearby residents

25. All available soil (top soil and subsoil) shall be stripped and stored separately and shall be used for spreading over the outside of the amenity bund created after phase 2 operations, to ensure the successful planting of the bund.

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

## Protection of Geological Features

26. Within twelve months of the date of this determination coming into effect a scheme shall be submitted to the Mineral Planning Authority for the alternative provision of geological exposures at the site to replace those lost through mineral extraction of the SSSI. Following agreement in writing the scheme shall be implemented accordingly.

**Reason:** To ensure preservation of features of geological interest.

27. The stone blocks placed around the edge of the visitor car park shall be retained in their position unless otherwise agreed in writing by the Mineral Planning Authority.

**Reason:** To ensure preservation of features of geological interest.

28. No mineral working shall take place unless English Nature's Geologist (or a geologist nominated by them) has access to the site by prior appointment, such access not to be unreasonably withheld, for the purpose of monitoring and recording features of geological interest.

**Reason:** To ensure preservation of features of geological interest and access to view them.

## Coating Plant

29. Unless otherwise agreed in writing with the Mineral Planning Authority only stone produced at Griff Quarries shall be coated at the plant.

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

30. The spoil banks to the north, east and south of the plant site shall be retained to their full height as shown on Plan 117A received on 12th August 1981. The vegetation on the outer flanks of the northern and eastern banks shall be retained.

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

31. Coated stone shall not be stored in the open air.

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

32. No recycling of coated products shall be carried out without the prior approval in writing of the Mineral Planning Authority.

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

### **Restoration**

33. By the 31st October 2014 or within 6 months of the cessation of mineral extraction, which ever is the sooner, a comprehensive scheme for the removal of plant and equipment, restoration of the site, including final levels and after care of the site, shall be submitted to the Mineral Planning Authority for approval. Following approval in writing the scheme shall be implemented accordingly.

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

34. By the 31st October 2014 or within 6 months of the cessation of mineral extraction, which ever is the sooner, a scheme of backfilling and infilling shall be submitted to the Mineral Planning Authority. The scheme shall detail the material to be used, methods and phasing and the final filled levels. In preparing the scheme regard shall be had to the availability of suitable fill materials. The profile and nature of the fill shall be compatible with the restoration scheme required by condition 35. The scheme as approved in writing by the Mineral Planning Authority shall be implemented.

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

### **The site known as Perch Hill (Griff 5) subject to planning permission ref N100/99CM010 shall be subject to the following conditions:**

35. The development (which relates to planning permission ref: N100/05CM011) hereby approved, shall be commenced no later than 8th July 2012. Written notification of the date of commencement shall be sent to the Minerals Planning Authority within 7 days of such commencement.

**Reason:** To comply with Section 91 of the Town and country Planning Act 1990.

36. Unless otherwise approved in writing by the Minerals Planning Authority, the development permitted shall not be carried out except in accordance with the submitted application, supporting statement (as amended by the letter from Pioneer dated 20th November 1996), submitted plans (Ref: 49/04-175, 49/04-178, 49/04-179 and revised plans 49/04-176a, 49/04-177a, 49/04-181a, 49/04-190) and the conditions hereunder.

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

37. Notwithstanding the provisions of parts 19 and 21 of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, replacing or re-enacting that Order) no plant or machinery, buildings, structures and erections and private ways shall be erected, extended or installed or replaced at the site without prior written agreement of the Mineral Planning Authority.

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

38. No development shall be carried out until detailed measures to prevent or minimise the raising of dust have been submitted to and agreed in writing by the Mineral Planning Authority. Following agreement these measures shall be implemented accordingly.

**Reason:** In order to safeguard the amenities of nearby residents

39. No development shall be carried out until a detailed landscaping scheme has been submitted to and approved in writing by the Mineral Planning Authority. Such a scheme shall include:

- a) details of the treatment of soil and overburden storage bunds, proposed hedge and site boundary planting;
- b) planting and seeding proposals, including seed mix and method of application, the locations, numbers, groupings and species of trees and shrubs;
- c) a programme of implementation and maintenance.

Following approval the scheme shall be implemented accordingly.

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

40. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Mineral Planning Authority.

**Reason:** To ensure protection and/or recording of features of archaeological importance.

41. No development shall take place until a detailed scheme for the monitoring of water levels, and any necessary remedial action, in nearby fishing pools at Marston Jabbett has been submitted to and approved in writing by the Mineral Planning Authority. Following approval the scheme shall be implemented accordingly.

**Reason:** To ensure protection of the water environment.

42. No development shall take place until a detailed scheme of bund construction operations has been submitted to and approved in writing by the Mineral Planning Authority. Such a scheme shall include the phasing and period of

construction operations and measures to minimise the impact on nearby property. Following approval the scheme shall be implemented accordingly.

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

43. Within 6 months from the date of this permission a detailed scheme for permitting access to features of geological interest shall be submitted to the Mineral Planning Authority for approval.

**Reason:** To ensure protection of features of geological interest.

44. Mineral extraction shall cease and desist not later than 31st October 2015.

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

45. Unless otherwise approved in writing by the Mineral Planning Authority, the operations or uses permitted shall not be carried out except between the following hours:

Overburden Stripping and - 0800 to 1700 hours Monday to Friday

Earth moving works 0800 to 1200 hours Saturdays

Mineral Extraction - 0700 to 1800 hours Monday to Friday

0700 to 1200 hours Saturdays

No operations or uses shall be carried out on Sundays, bank or public holidays.

**Reason:** In order to safeguard the amenities of nearby residents

46. Unless otherwise agreed in writing by the Mineral Planning Authority all loaded lorries leaving the site shall be sheeted or netted.

**Reason:** In the interests of highway safety and amenities of nearby residents.

47. Prior to cessation of mineral extraction operations a comprehensive scheme for the restoration and creation of the lake and associated areas indicated on the submitted restoration plan (as revised by plan Ref: 49/04-190) shall be submitted to the Mineral Planning Authority for approval. Such a scheme shall include the following:

- a) the final configuration of the restored lakes, shorelines and wetland areas;
- b) planting and seeding proposals, including surface treatments, seed mix and method of application, the location, numbers, groupings and species of trees and shrubs;
- c) proposals for improving the nature conservation value of the site;
- d) programme of implementation, maintenance and aftercare.

Following approval in writing by the Mineral Planning Authority the scheme shall be implemented accordingly.

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

48. The best practicable means shall be adopted to prevent the deposit of mud or other deleterious material on the public highway.

**Reason:** In the interests of highway safety and amenities of nearby residents.

49. The best practicable means shall be adopted to prevent or minimise noise emissions from the site. All vehicles plant and machinery employed within the site shall be properly maintained and silenced in accordance with the best practicable standard.

**Reason:** In order to safeguard the amenities of nearby residents.

50. Notwithstanding Condition 14, noise levels generated by the operations or uses permitted shall not exceed 63dB during overburden and earth moving works and 54dB during all other operations or uses ( $L_{Aeq}$ , 1 Hour, free field) when measured any noise sensitive property.

**Reason:** In order to safeguard the amenities of nearby residents.

51. Unless otherwise agreed in writing by the County Planning Authority, only electric pumps shall be used at the site.

**Reason:** In order to safeguard the amenities of nearby residents.

52. Unless otherwise agreed in writing by the Mineral Planning Authority, blasting shall not be carried out except between 1430 and 1530 hours Monday to Friday and as near to 1500 hours as is practicable.

**Reason:** In order to safeguard the amenities of nearby residents.

53. Blasting operations shall be carried out in such a manner that vibration, noise and air overpressure are minimised to the reasonable satisfaction of the County Planning Authority. The peak particle velocity attributable to any blast, measured at a point immediately adjacent to any sensitive building outside the boundary of the site, shall not exceed 6mm/sec. Each blast shall be monitored and a record of peak particles velocity and air overpressure kept for inspection by the Mineral Planning Authority (Peak particle velocity shall be measured as the maximum of three mutually perpendicular directions taken at the ground surface).

**Reason:** In order to safeguard the amenities of nearby residents.

54. Blasting operations shall be carried out in such a manner that peak particle velocity attributable to any blast shall not exceed 25mm/sec when measured at the boundary of the Coventry Canal.

**Reason:** In order to safeguard the Coventry Canal.



55. No development shall take place until a detailed scheme of working and monitoring of blasting in the vicinity of the overhead lines and gas pipeline crossing the site and nearby Coventry Canal have been submitted to and approved in writing by the Mineral Planning Authority, in consultation with East Midlands Electricity Board, British Gas and British Waterways Board. Following approval the scheme shall be implemented accordingly.

**Reason:** In order to safeguard the Coventry Canal, overhead power lines and gas pipeline.

56. Any oil, fuel, lubricant and other potential pollutant shall be handled on the site in such manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls or sufficient height and construction as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil.

**Reason:** To prevent pollution of the water environment.

57. From the commencement of development until completion of aftercare the operator shall maintain and make stockproof the perimeter hedges, fences, and walls and protect the same from damage.

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

58. All undisturbed areas of the site and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from excessive plant growth. Cutting, grazing or spraying shall be undertaken, as necessary, to prevent build up of a seedbank of agricultural weeds or their dispersal onto adjoining land.

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

59. Unless otherwise approved in writing by the Mineral Planning Authority all soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with a scheme to be agreed in writing with the Mineral Planning Authority before soil stripping commences.

60. All topsoil and subsoils shall be permanently retained on site and used in restoration.

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

61. No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations.

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

62. No movement of topsoil or subsoil shall occur except:

a) during the months April to October inclusive,

- b) when all soil above a depth of 1,200mm is in a suitably dry and friable condition that is not subject to smearing,
- c) when topsoil is sufficiently dry that it can be separated from subsoil effectively.

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

63. No soil stripping shall commence on any phase until any standing crop and excess vegetation has been removed and the Mineral Planning Authority has received written notification at least 5 working days before soil stripping is likely to commence.

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

64. No part of the site shall be excavated or traversed by heavy vehicles or machinery (except as necessary to strip that part of topsoil or subsoil) or used for a road or for the stationing of plant or buildings, or storage of subsoil or overburden or waste or mineral deposits, until all available topsoil and subsoil has been stripped from that part. The exception is that topsoils may be stored on like topsoils and subsoils may be stored on like subsoils.

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

65. All topsoils, subsoils and soil making materials shall each be stored in separate mounds which do not overlap under a scheme identifying volumes to be agreed with the Mineral Planning Authority.

Such mounds:

- a) shall be located in positions specified and agreed with the Mineral Planning Authority in advance, so as to avoid loss or contamination to the materials therein,
- b) shall be constructed with only the minimum amount of compaction necessary to ensure stability and so shaped as to avoid collection of water in surface undulations,
- c) shall not be traversed by heavy vehicles or machinery except where essential for purposes of mound construction or maintenance,
- d) shall not be subsequently disturbed until required for restoration unless otherwise agreed by the Mineral Planning Authority.

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

66. After cessation of mineral extraction restoration of land to be returned to agriculture shall be carried out in accordance with a scheme to be agreed in writing with the Mineral Planning Authority so that:

- a) after replacement of topsoil and subsoil and after settlement, the contours conform with those of the surrounding land:

- b) the land is free from ponding and capable of receiving an effective artificial under-drainage system.
- c) gradients do not exceed 7 degrees.

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

67. Prior to respreading of soil making materials, subsoil or topsoil, the upper 300mm of the surface shall be:

- a) prepared so that it does not contain toxic material injurious to plant growth,
- b) ripped at a spacing 500mm or closer to remove rock, stone, boulder, wore rope, cable, other operations including mole ploughing or subsoiling.

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

68. Stones, materials and objects which exceed 200mm in any dimension and occur on the surface of the ripped and loosened ground shall be removed from the site or buried at a depth of not less than 2 metres below the final pre-settlement contours.

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

69. The Mineral Planning Authority shall be notified when the previous condition has been fulfilled and given at least 2 working days to inspect the area before further restoration of this part is carried out.

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

70. Unless otherwise agreed in writing with the Mineral Planning Authority no movement, respreading, levelling, ripping or loosening of topsoil or subsoil shall occur:

- a) during the months October to April includes,
- b) when it is raining, except light drizzle,
- c) when there are pools of water on the surface of the storage mound or receiving area,
- d) except in accordance with the Supporting Statement as amended by this schedule of conditions.

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

71. Plant and vehicles shall not cross any area of replaced and loosened ground replaced subsoil or topsoil except where essential and unavoidable for purposes of spreading soils or beneficially treating such areas.

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

72. Subsoil and any soil making materials shall be:

- a) only spread onto ground upon completion on Condition 69,
- b) laid in separate layers not exceeding 450mm in thickness, unless laid by loose tipping methods,
- c) levelled to provide an even depth across the relayed area so that the total thickness of layers replaced conforms with those to be agreed in writing with the Mineral Planning Authority before soil stripping commences.

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

73. Each layer formed in accordance with Condition 72 shall be ripped or cross-ripped.

- a) to provide loosening equivalent to a single pass at a tine spacing of 0.5m or closer,
- b) to its full depth and at least 150mm into the underlying material, except where the loose tipping method is employed when soil loosening as described in Condition 72(a) to a minimum depth of 450mm should be carried out to ensure that Condition 72(c) can be achieved.

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

74. Compliance with the previous condition shall be carried out so as to provide a level surface to receive topsoil and meet the pre-settlement levels required by Condition 65. Also to remove any rock, stone, boulder, wire rope, cable, other foreign objects or compacted layers capable of impeding normal agricultural and land drainage operations including mole ploughing or subsoiling.

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

75. Topsoiling shall not commence until the Mineral Planning Authority has been notified that the previous condition has been fulfilled and has been given an opportunity of at least 2 working days to inspect the completed subsoiling works.

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

76. Topsoil shall be carefully and evenly respread to at least minimum depths to be agreed in writing with the Mineral Planning Authority before soil stripping commences.

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

77. The re-spread topsoil shall be rendered suitable for agricultural cultivation and ripped or loosened:

- a) to provide loosening equivalent to a single pass at a tine spacing of 0.5m or closer.
- b) to full depth of the topsoil plus 100mm,

- c) and any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than the 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

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

78. The Mineral Planning Authority shall be notified in writing within 2 days of completion of the previous condition and given an opportunity to inspect the completed works before the commencement of any cultivation operations.

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

79. Any area of the site which is affected by surface ponding or by local settlement caused by the approved operations shall be regraded to resolve the problem. Topsoil, subsoil and other overburden moved in the course of regrading shall not be mixed and shall be handled and replaced in accordance with the above conditions.

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

80. Once the development authorised by this planning permission has started, the site shall thereafter be restored in accordance with a scheme to be agreed in writing before restoration commences. From the date of aftercare commencement of any part,

- a) ditching (including piped ditch sections), installation of water supplies for livestock and erection of stockproof fences and gates shall be completed within 12 months and
- b) hedges and trees shall be planted during the first planting season which runs between 1st November and 31st March.

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

81. All areas to be restored to agriculture on plan number 49/04-190 shall undergo agricultural aftercare management for a 5 year period. The aftercare period shall commence on the date that restoration is completed to the Mineral Planning Authority's satisfaction.

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

82. An agricultural aftercare scheme outline strategy shall be submitted to the Mineral Planning Authority for its approval at least 3 months before spreading of subsoil commences. This strategy shall outline steps that shall be taken, and the period during which they are to be taken, to bring the land to the required standard so that its physical characteristics are restored, so far as it is practicable to do so, to what they were when it was last used for agriculture. Following approval the scheme shall be implemented accordingly.

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

83. Before 31st January of each year during the aftercare period the Mineral Planning Authority, owners and occupiers shall be provided with the following, (for the approval of the Authority).
- a) proposals for managing the land in accordance with the rules of good husbandry including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating land for the forthcoming 12 months.
  - b) a record of aftercare operations carried out on the land during the previous 12 months.

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

84. Before 1st March of every year during the aftercare period, unless the Mineral Planning Authority agree otherwise in writing, a site meeting shall be arranged to discuss and agree the proposals and record prepared in accordance with the previous condition. This meeting shall be attended by the person(s) responsible for undertaking the aftercare steps.

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

### **Note To Applicant**

You are reminded that the section 106 agreement dated the 8.7.97 which is linked to planning permission N135/96CM029 is still relevant.

### **Development Plan Policies relevant to this decision**

- (a) Warwickshire Structure Plan – 1996-2011 - Policies GD1, GD2, GD4, ER1, ER2 and ER5.
- (c) Nuneaton and Bedworth Borough Local Plan adopted February 1993 – Policies E1, L11.
- (c) Nuneaton and Bedworth Borough Local Plan (proposed modifications) – Policies Env1 and Env3.
- (d) Minerals Local Plan for Warwickshire adopted February 1995 – Policies M1, M4, M6, M7 and M9.

### **Reasons for the Decision to Grant Permission**

The development hereby permitted is in accordance with the relevant provisions of the development plan and there are no contrary material considerations sufficient to require refusal.