

## **Appendix B**

### **Kingsbury Quarry, Dosthill Extension to Quarry to provide brick making material**

#### **NWB/19CM020**

##### **Planning Conditions.**

##### **Commencement Date**

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

**Reason:** To comply with the provisions of Section 91 of the Town and country Planning Act 1990 (as amended).

2. The development to which this permission relates shall cease and the site shall be fully restored on or before the 31<sup>st</sup> December 2055.

**Reason:** To ensure timely and expeditious restoration of the site.

##### **Pre-Commencement**

3. The development hereby permitted shall not be commenced until an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Mineral Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

**Reason:** To protect and record features of archaeological importance.

4. The development hereby permitted shall not be commenced until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority and any pre-commencement measures in it have been taken. The CEMP shall include details of a sensitive lighting scheme, root protection for trees and hedgerows, pre-commencement checks for breeding birds, otter, water vole and badgers plus method statements for reptiles and great crested newts, and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site including an 8 metre buffer zone

between the edge of the waterway and the development. The approved CEMP shall be implemented in full.

**Reason:** To ensure that protected species are not harmed by the development

5. The development hereby permitted shall not be commenced until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes). It should also include a long-term maintenance and management plan for the geological SSSI. Such approved measures shall thereafter be implemented in full.

**Reason:** To ensure a net biodiversity gain in accordance with NPPF.

6. The development hereby permitted shall not be commenced until a scheme detailing the creation of a replacement geological exposure in the location specified in the application documentation has been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall include a timetable for creation of the replacement geological exposure, details of improved access and secured long term management and protection. The replacement geological feature and the access to it shall be provided in accordance with the approved scheme before commencement of Phase 1B of the development.

**Reasons:** In order to protect the SSSI geological exposure in the long term.

7. The development hereby permitted shall not be commenced until a Dust Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. Following approval the Plan shall be implemented throughout the duration of the development.

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

8. The development hereby permitted shall not be commenced until a detailed soil handling and management plan has been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall include details of temporary storage areas and permanent placement locations. The approved scheme (referred to in

these conditions as the “Soil Scheme”) shall be adhered to and implemented in full.

**Reason:** To ensure the integrity of soils and secure a satisfactory standard of restoration.

9. The development hereby permitted shall not be commenced until a scheme detailing a programme of works, including timescales, to resurface the carriageway on the bridge over the railway line which forms part of the access road into the quarry/brickworks has been submitted to and approved in writing by the Mineral Planning Authority. The approved scheme shall be completed within six months of approval and maintained throughout the duration of the development.

**Reason:** In order to maintain railway safety.

10. The development hereby permitted shall not be commenced until details of a stakeholder liaison forum has been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall include details of venue, frequency, chairmanship and participants. Following approval, the site operator shall facilitate and participate in the liaison forum for the duration of the development unless the Mineral Planning Authority agrees to its cessation or suspension because the stakeholders so request or are failing to participate.

**Reason:** In order to secure liaison and communication with the local community.

## **Ecology**

11. A detailed restoration scheme for each phase of the development, based on the concept restoration plan, shall be submitted to and approved in writing by the Mineral Planning Authority before extraction progresses into the next phase of the development. The submitted scheme shall include details of planting schemes and habitat creation. Following approval, the restoration plans shall be carried out in accordance with the approved timetable for implementation.

**Reason:** In order to ensure satisfactory and timely restoration of the site.

11. Within 12 months from the commencement of development, the net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric as applied by Warwickshire County Council (“the County Council”) in the area in which the site is situated at the relevant time and, if the measures for on-site mitigation approved in accordance with Condition 5 [LEMP/Restoration Plan] of these conditions are not sufficient to prevent a net biodiversity loss, arrangements to secure measures on

another site which ensure that there is no net biodiversity loss as a result of the development shall have been submitted to and approved in writing by the County Planning Authority. Unless those arrangements comprise a proposal to enter an agreement with the County Council under which the County Council will secure the implementation of suitable measures, the submitted arrangements shall include:

1. Proposals for off-site offsetting measures;
2. A methodology for the identification of any receptor site(s) for offsetting measures;
3. The identification of any such receptor site(s);
4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).

The written approval of the County Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the arrangements or any variation so approved.

**Reason:** To ensure a net biodiversity gain in accordance with NPPF

### **General Operations**

13. The development hereby permitted shall be carried out in accordance with drawing numbers: Location Plan K1\_LAN\_001 Rev A, Application Plan K1\_LAN\_002 Rev A, Site Plan K1\_LAN\_003 Rev A, Site Context K1\_LAN\_004 Rev A, Extraction Phasing Plan K1\_LAN\_005 Rev A, Development Stage A K1\_LAN\_006 Rev A, Development Stage B K1\_LAN\_007 Rev A, Development Stage C K1\_LAN\_008 Rev A, Final Restoration Proposals K1\_LAN\_009 Rev A, Cross Sections K1\_LAN\_010 Rev A and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by, or pursuant to, these conditions.

**Reason:** In order to define the scope of the permission and in the interest of clarity.

14. No more than 100,000 tonnes of mineral shall be exported from the site, other than for use in the adjoining brickworks, in any year. By 31<sup>st</sup> January in every year, returns detailing the quantity of mineral which has been exported during the previous calendar year, shall be submitted to the Mineral Planning Authority.

**Reason:** In order to define the scope of the permission and in the interest of clarity.

## Soils

15. All topsoil, subsoil and overburden shall be retained on site and shall be reused as part of the restoration scheme in accordance with the Soil Scheme.

**Reason:** To ensure a satisfactory standard of restoration.

16. Unless otherwise allowed by the Soil Scheme the full depth of the topsoil and subsoil shall be stripped and stored for use in restoration of the site.

**Reason:** To ensure a satisfactory standard of restoration.

17. No soils shall be stripped or removed except when the full depth of soil to be stripped or otherwise transported is in a suitably dry and friable condition. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty and the ground shall be suitably dry to allow the passage of heavy goods vehicles and machinery over it without damage to the soils.

**Reason:** In order to ensure proper separation of soils and preserve soil quality.

18. Topsoils and subsoils shall be stripped and stored separately. Any overlap of soil types within a mound shall be the minimum necessary to form that mound and the interface shall be clearly recorded on a plan.

**Reason:** To ensure the integrity of the soils.

19. Prior to any part of the site being excavated or traversed by heavy machinery (except for the purpose of stripping that part or storing topsoil on that part) or used for the stacking of subsoil, all available topsoil shall be stripped from that part.

**Reason:** To ensure the integrity of the soils.

20. No topsoil or subsoil stripping operations shall take place until details of the locations of storage mounds, where soils are not to be used immediately for restoration, have been submitted to and agreed in writing by the Mineral Planning Authority.

**Reason:** To ensure the integrity of the soils.

21. Topsoil and subsoil mounds shall be constructed with the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery once constructed.

**Reason:** To ensure the integrity of the soils.

22. All reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not impaired or rendered less effective by permitted operations.

**Reason:** To ensure the integrity of the soils.

### **Access**

23. No vehicular access shall be used to the site except by the existing Brickworks and Quarry access off Rush Lane.

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

24. The access road between the wheelwash and public highway shall be maintained in macadam or other suitable hard bound material for its whole length.

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

25. The existing wheelwash, or a replacement approved by the Mineral Planning Authority, shall be retained on site in its current location and used by all vehicles exiting the quarry and clay stocking area throughout the duration of the development.

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

26. Before any vehicle leaves the site it shall be sufficiently clean to prevent it from depositing deleterious material on the public highway.

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

27. When necessary, roadsweepers shall be used to keep the hard-surfaced internal roads and access areas clean to ensure that no mud or other debris is deposited on the public highway.

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

28. No loaded lorries shall enter or leave the site, with the exception of lorries transporting bricks, unless their loads are sheeted or netted or otherwise appropriately secured.

**Reason:** In the interests of highway safety and to protect the amenities of the area.

### **Noise**

29. No vehicle or mobile plant used on site shall be operated unless they have been fitted with a broad band/white noise audible alarm or a non-

audible reversing alarm system to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential amenity.

**Reason:** In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

30. No vehicle, plant, equipment or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant, equipment or machinery shall be maintained in accordance with the manufacturer's specification at all times.

**Reason:** In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

31. The free-field Equivalent Continuous Noise Level, dB LAeq, 1 hour, free field, due to operations on the site, shall not exceed a site noise limit at the dwellings, as set out below. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Position	Location	Site Noise Limit dB LAeq, 1 hour, free field
1	Holt Hall Farm	52
2	Slateley Hall Farm	55
3	Cliff Farm/The Croft	55
4	Ascot Drive	50
5	Stonehill Farm	51
6	Whateley Hall Farm	49
7	Hockley Hall	46
8	Rathmore House	50

**Reason:** In order to protect the amenity of nearby residents.

## Dust

32. At no time during the development shall any operations take place which, despite the use of dust control measures, would give rise to airborne dust levels sufficient to cause nuisance to properties around the site. If measures to prevent dust nuisance prove ineffective to prevent such nuisance, then the operations which cause that nuisance shall temporarily cease until such time as the weather conditions change and dust suppression becomes effective.

**Reason:** To protect the amenity of the area and local residents from dust.

## **Environmental Protection**

33. None of the operations hereby permitted shall take place except during the following times:

Mineral extraction operations (except soil stripping and overburden removal):

0630 – 1830 Monday to Saturday

There shall be no mineral extraction on Sundays

Soil stripping and overburden removal:

0700 – 1800 Monday to Friday

0700 – 1300 Saturday

There shall be no soil stripping or overburden removal operations on Sundays or Public Holidays.

**Reason:** In order to protect the amenities and environmental quality of the locality.

34. Notwithstanding the provisions of the Town and Country Planning (General Development Order) 2015 (as amended or re-enacted) no buildings or fixed plant or machinery shall be erected or otherwise brought into the site.

**Reason:** To protect the amenity of the area and local residents.

## **Restoration**

35. The site shall be restored in accordance with the approved restoration schemes as required for each phase of the development (as detailed in condition 11). Restoration of the last phase and any final restoration work shall be completed within two years of the cessation of the quarrying of minerals from the site.

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

## **Aftercare**

36. Three months prior to the re-placement of any topsoil, final soil cover or the completion of restoration works within each phase, whichever is sooner, a detailed aftercare scheme for that area shall be submitted to the Mineral Planning Authority for approval. The scheme shall specify the steps to be taken and the five year period in which they are to be taken. Following approval in writing by the Mineral Planning Authority the scheme shall be implemented accordingly.



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

### **Drainage**

37. A minimum clear corridor of 6 m is required adjacent to the ordinary watercourse located to the south of the proposed blue sandstone stockpile near Holt Hall Farm. The easement is measured from the top of the river bank perpendicular to the direction of flow and must remain free from development.

**Reason:** To prevent the increased risk of flooding and to ensure future access for maintenance purposes.

38. The development hereby permitted shall be carried out in accordance with submitted documents:

- Kingsbury Extension EIA – Hydrology and Hydrogeology (ref. 190217 Version v.02) by GWP Consultants, dated 03/04/2019,
- Correspondence from C. Carpenter (GWP Consultants) to J. Mahal (WCC) dated 25/05/2020,
- Correspondence from A. Cobb (GWP Consultants) to D. Lamb (WCC) dated 23/06/2020,

except to the extent that any modification is required or allowed by, or pursuant to this condition.

**Reason:** To ensure the flood risk and surface water drainage is adequately managed throughout the lifetime of the development.

### **Development Plan Policies Relevant to this Decision**

#### **Minerals Local Plan for Warwickshire – February 1995**

Policy M1 – Preferred areas and areas of search.

Policy M6 – Considerations when assessing an application.

Policy M7 - Environmental effects to be mitigated.

Policy M9 - Restoration.

#### **Local Plan for North Warwickshire – adopted Core Strategy.**

Policy NW1 – Sustainable Development.

Policy NW3 – Green Belt

Policy NW10 – Development Considerations.

Policy NW12 - Quality of Development.

Policy NW13 – Natural Environment.

Policy NW14 - Quality, character, diversity and local distinctiveness of the historic environment.

Policy NW15 – Nature Conservation.

**North Warwickshire Borough Local Plan 2006 (saved policies)**

Policy ENV 4 - Quality of the local environment.

Policy ENV6 - Protect land resources.

Policy ENV9 – Air Quality.

Policy TPT1 – Minimise the transport and highway impacts.

**Compliance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2015.**

In considering this application the County Council has complied with paragraph 38 contained within the National Planning Policy Framework 2019.

**Regulatory Committee – 07 July 2020**

**Kingsbury Quarry, Dosthill  
Extension to Quarry to provide brick making material**

**NWB/19CM020**

**Warwickshire County Council**

**Decision**

The decision of the Regulatory Committee on 7<sup>th</sup> July 2020 to grant planning permission to extend Kingsbury Quarry to provide brick making material and to extend the end date for extraction and restoration on land at Kingsbury Quarry, Rush Lane, Dosthill subject to conditions pursuant to Application NWB/14CM034 (“the Application”).

**Notice of Environmental Information**

In accordance with Article 22(2) of the Town and Country Planning (General Development Procedure) Order 1995 (“the GDPO”) and Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2017 (“the EIA Regulations”) notice is hereby given that the County Council in deciding the Application has taken into consideration an environmental statement and other environmental information (“the Environmental Information”).

**Statement under Regulation 21(1) of the EIA Regulations**

**Description of the Main Measures to Avoid, Reduce and Offset Major Adverse Effects**

The following measures will be secured through planning conditions:-

- (1) A restriction on the hours of operation of the site.
- (2) A limit on the amount of clay that may be exported from the site per annum.
- (3) Measures to ensure the cleanliness of the highway.
- (4) Submission of a dust management scheme.
- (5) Measures to prevent adverse noise impacts.
- (6) Measures to ensure biodiversity net gain.
- (7) Habitat and species protection measures.
- (8) Measures to secure a programme of archaeological fieldwork.
- (9) Measures to replace and maintain the SSSI geological exposure.
- (10) Establishment of a stakeholder engagement forum.
- (11) Limit upon the timescale of the development.

(12) A comprehensive restoration scheme.

Further details of these measures are given in the written report submitted to the Regulatory Committee at their meeting on 14 April 2015 ("the Report") and in the Environmental Information.

### **Statement Under Regulation 21(1) of the EIA Regulations**

### **Summary Under Article 22(1)(a) of the GPDO**

### **Statement of the Main Reasons and Considerations on Which the Decision is Based and Summary of Reasons for the Grant of Planning Permission**

The main considerations on which the decision was based were:-

- The Policies of the development plan summarised below.
- The other material considerations identified in the following reasons and detailed in the Report.

The purpose of the extension area development is to provide a source of brick making material to supply the adjacent Kingsbury Brickworks into the future. Kingsbury Quarry is a source of a high quality clay (Etruria Marl) and sandstone used in the adjoining Kingsbury Brickworks to produce blue engineering brick products. Kingsbury is the only brickworks remaining in Warwickshire. However, remaining reserves of minerals suitable for making blue bricks amount to 200,000 tonnes only, which is sufficient to supply the Brickworks for less than two years. The proposed quarry extension would provide a further 33 years of raw materials for the Brickworks and would secure continued brick production. The Kingsbury Brickworks relies on the adjacent quarry for the supply of raw materials. Etruria Marl is a vital resource to maintain the continuous production of blue brick products at Kingsbury Brickworks. The proposals accord with and are supported by NPPF in terms of need for the development.

The application site is located within the West Midlands Green Belt the fundamental aim of which is to maintain openness by not allowing inappropriate forms of development, except in very special circumstances. The NPPF makes it clear that mineral extraction need not be inappropriate development within the Green Belt provided that openness is preserved and that it does not conflict with the purposes of including land within it. The proposed development would not impact upon the openness of the Green Belt and therefore does not conflict with the purposes of including land within it. The proposed development would therefore not be an inappropriate form of development within the Green Belt

Kingsbury Quarry and Brickworks provides employment within the local area and contributes to the economy which is supported in general economic growth terms by the NPPF.

The wider policy framework seeks to manage amenity impacts upon the living environment of local occupiers and protect the natural and built environment from any adverse impacts resulting from development proposals. As an extension of the existing operation, many of the impacts, including vehicle numbers and movements and general operating practices would remain largely unchanged. Subject to the imposition of appropriately worded planning conditions in order to adequately control the development it is considered that the proposed development could be carried out in broad accordance with the aims of the policy framework and would not result in unacceptable impacts on the environment and local amenity.

The proposed restoration reflects and expands upon the existing approved restoration scheme for the overall site. The restoration scheme would create a traditional pattern of fields and woodland. Which once completed and planted would become an integral part of the surrounding landscape. This would be beneficial in the long-term.

Although not allocated within the adopted Minerals Local Plan for mineral extraction, it is considered that the proposal represents a logical extension of the site allowing the sustainable use of mineral resources to supply raw materials to the adjacent Kingsbury Brickworks. Minerals can only be extracted from where they are found and in this case these are a high quality and a rare regionally important reserve. It is therefore considered that, whilst a Departure from the Development Plan, the development can be supported and therefore planning permission should be granted.

## **Summary of the Development Plan Policies Relevant to the Decision**

### **Minerals Local Plan for Warwickshire – February 1995**

- (i) Policy M1 – Preferred Areas. This policy identifies preferred areas and areas of search for future mineral extraction.
- (ii) Policy M6 states that applications for the extraction of minerals whether within or outside the identified areas of search and preferred areas will be considered on the basis of the provisions of the development plan and their likely overall impact.
- (iii) Policy M7 seeks to ensure that any adverse environmental effects for residents quality of life are mitigated at all mineral workings.
- (iv) Policy M9 relates to restoration and requires mineral workings to be restored to a high standard and beneficial after use.

### **Local Plan for North Warwickshire – adopted Core Strategy.**

Policy NW1 – Sustainable Development of the Local Plan Core Strategy.

Policy NW3 – Green Belt.

Core Policy NW10 – Development Considerations.

Core Policy NW12 requires all development proposals to demonstrate high quality sustainable design.

Core Policy NW13 seeks to protect and enhance the quality, character, diversity and local distinctiveness of the natural environment.

NW14 seeks to protect and enhance the quality, character, diversity and local distinctiveness of the historic environment.

NW15 seeks to protect sites of local importance for nature conservation.

**North Warwickshire Borough Local Plan 2006 (saved policies)**

Policy ENV 4 seeks to retain features which make a positive contribution to the quality of the local environment.

ENV6 seeks to protect land resources, including in minerals developments ensuring the early establishment of after-uses and protect the best and most versatile agricultural land.

ENV9 seeks to safeguard and enhance the air quality of the Borough and prevent significant noise disturbance to nearby housing, schools and other noise-sensitive uses.

TPT1 seeks to minimise the transport and highway impacts of development proposals.