

Item No. 11 & 12

SCHEDULE

APPLICATION NUMBERS	CB/09/06556/MW & CB/09/06566/MW
LOCATION	Reach Lane Quarry, Heath & Reach
PROPOSALS	(i) Revisions to phasing of extraction and restoration proposals (variation of conditions 1, 13, 14 and 22 of planning permission no. 9/2003 (application no. CB/09/06556/MW) (ii) Importation of inert waste for the purpose of restoration of Reach Lane Quarry (application no. CB/09/06566/MW)
PARISH	Heath & Reach
WARD & COUNCILLORS	Plantation – Cllr. Alan Shadbolt & Cllr. Peter Rawcliffe
CASE OFFICER	David Peachey
DATE REGISTERED	11 November 2009
EXPIRY DATE	10 February 2010
APPLICANT	L.B Silica Sand Ltd
AGENT	Atkins Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	SIGNIFICANT OBJECTIONS & DEVELOPMENT IN THE GREEN BELT Approval of both applications subject to a Section 106 Agreement and planning conditions

Delegated Application – See Minute No. DM/09/30

That the Director of Sustainable Communities be delegated authority to refuse application CB/09/06556/MW on the grounds that the prolonged extraction time would make an unacceptable, detrimental impact on residents and the Greenbelt.

CB/09/06566/MW (Importation of inert waste for the purposes of restoration of Reach Lane Quarry) –

It is recommended that planning permission be granted subject to the conditions set out below and subject to the applicant / landowner entering into a Section 106 Agreement in respect of:

- the creation of a dedicated right of way (bridleway) upon restoration of the site as a whole and, as an interim arrangement, provision of that route as a permissive bridleway in two stages upon restoration of the appropriate phases in accordance with the submitted application details.

Draft Conditions

1. Planning permission shall extend to the area edged with a bold black line on the attached plan ref. no. CB/0906566/MW-2 and the development shall be carried out in accordance with the planning application dated 10th November 2009 as supported and amended by Atkins' letters dated 23rd December 2009 and 5th January 2010 and enclosures referred to therein, except where modified by other conditions of this permission, and except for any minor amendments which may be approved in writing by the Local Planning Authority.

(Reason: To define the permission and allow for minor amendments)

Time Limits

2. The development hereby permitted shall be begun not later than the expiration of 1 year from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

(Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004)

3. The waste importation and tipping operations hereby permitted shall cease on or before 4 years of the date of commencement of the development. The reinstatement, restoration and landscaping of the site (excluding the aftercare requirements) as required by this permission shall be completed within a further 12 months of this cessation date.

(Reason: To ensure that the development hereby permitted is completed within an acceptable timescale – Policy GE26 of the MWLP)

Levels and Phasing

4. The final landform and surface restoration levels shall accord with the finished pre-settlement restoration contours shown on Drawing No. 4092431/407 Rev. A, except for such modifications as may be approved in writing by the Local Planning Authority.

(Reason: To restrict development not authorised by this permission – Policy GE26 of the MWLP)

5. Upon completion of reinstatement of the site by importation of inert waste, but prior to commencement of landscaping, a topographical survey shall be carried out and submitted to the Local Planning Authority. The survey shall demonstrate that the site has been reinstated in accordance with the pre-settlement restoration contours shown on Drawing No. 4092431/407.

(Reason: To provide for a satisfactory restoration of the site – Policy GE26 of the MWLP)

Hours of operation

5. Unless otherwise approved in writing by the Local Planning Authority, no operations or activities authorised or required by this permission, including HGV movements into and out of the site, but excluding essential plant maintenance, shall take place except between the following hours:

0700 hours to 1700 hours Mondays to Fridays

0700 hours to 1300 hours Saturdays

and at no time on Sundays and Public / Bank Holidays

(Reason: To protect the amenities of neighbouring properties – Policy GE18 of the MWLP)

Access

7. Except as permitted by condition 8 of this permission, there shall be no vehicular access to the waste importation site other than via the existing entrance to Bryants Lane Quarry and unless otherwise approved in writing by the Local Planning Authority all vehicles shall use the internal haul road, as shown on plan ref. no. CB/09/06566/MW-2, in order to access the landfilling area.

(Reason: In the interests of highway safety and to restrict development to that applied for – Policy GE23 of the MWLP)

8. The former Reach Lane Quarry entrance shall only be used for purposes of aftercare and maintenance of the site.

(Reason: To safeguard the amenities of the surrounding area and in the interests of highway safety – Policies GE18 and GE23 of the MWLP)

9. No development shall take place unless and until a scheme for the installation and use of a fixed wheel wash facility at the Bryants Lane Quarry entrance has been submitted to and approved by the Local Planning Authority. The scheme as may be approved shall be implemented prior to the importation of waste to the site and thereafter complied with at all times.

(Reason: To prevent the transport of mud and debris onto the highway and in the interests of highway safety – Policies GE18 and GE23 of the MWLP)

Vehicle Movements

10. Unless otherwise approved in writing by the Local Planning Authority, there shall not be more than a combined total of 160 HGV movements³ on Mondays to Fridays and a combined total of 80 HGV movements on Saturdays using the approved Bryants Lane Quarry access in connection with mineral operations and the import of materials for blending operations at Bryants Lane Quarry and mineral operations and the disposal of inert waste at Reach Lane Quarry.

(Reason: To ensure that the combined total number of HGVs permitted to use the Bryants Lane entrance does not exceed the existing limit as imposed by condition 4 of ROMP approval no. 10/1997 and condition 8 of appeal decision no. T/APP/X0225/A/97/289193/P2 in the interests of highway safety – Policy GE23 of the MWLP)

11. A record of all daily waste HGV movements using the Bryants Lane Quarry access shall be maintained at all times and shall be submitted to the Local Planning Authority at the end of every 6 month period from the beginning to the conclusion of waste importation operations.

(Reason: To allow monitoring of other relevant planning conditions)

12. There shall be no importation of waste shall unless and until a CCTV camera has been installed which monitors the entrance to the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (a) the columns and cameras to be used;
- (b) the area covered; and
- (c) the capability for remote access viewing by officers of the Local Planning Authority.

The CCTV system as may be approved in writing shall thereafter be implemented only in accordance with the approved scheme.

(Reason: To allow monitoring of traffic movements, operating times and the condition of the site entrance and public highway – Policies GE18 and GE23 of the MWLP)

Environmental Protection

13. No waste other than dry solid inert waste material shall be deposited on the site.

(Reason: To prevent the possible contamination of the groundwater and to protect the amenities of neighbouring properties – Policy GE17 of the MWLP)

³ A vehicle entering the site and then exiting the site is classed as 2 movements for the purposes of this permission.

14. The suppression and monitoring of dust shall take place in accordance with the submitted scheme, referenced BC/CS/2003/17, as approved by letter dated 29th May 2003, except where modified by other conditions of this permission.

(Reason: To minimise any nuisance to nearby properties by reason of dust – Policy GE18 of the MWLP)

15. No vehicle shall move around the site or along internal haul roads at a speed greater than 10 mph and speed limit signs shall be erected and maintained in prominent positions on site internal routes throughout the period of sand extraction and restoration.

(Reason: To minimise any nuisance to nearby properties by reason of dust – Policy GE18 of the MWLP)

16. No development shall take place unless and until a scheme for the monitoring and control of noise has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in accordance with the approved scheme. The scheme shall include:

- (a) Noise monitoring locations;
- (b) Except for temporary operations, the free-field Equivalent Continuous Noise Level L_{Aeq} (1 hour), attributable to the operations subject to this determination of scheme of conditions, shall not exceed 55dB $L_{Aeq, 1 \text{ hour free-field}}$ for a total of eight weeks or 10dB(A) above the existing background noise level L_{90} whichever is the lower;
- (c) For temporary operations including site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free-field noise level at the points in (a) shall not exceed 70dB $L_{Aeq, 1 \text{ hour}}$ for a total of eight weeks in any calendar year, except as may be agreed in writing by the Local Planning Authority;
- (d) Noise monitoring and recording procedures;
- (e) Presentation of results;
- (f) Noise suppression measures; and
- (g) Procedures to be adopted in the event of the maximum permitted noise levels being exceeded

(Reason: To minimise disturbance to nearby sensitive receptors by reason of noise – Policy GE18 of the MWLP)

17. No floodlighting shall be used on site except in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, no floodlighting shall be used on site unless in accordance with the approved scheme.

(Reason: To minimise disturbance to the local environment – Policy GE18 of the MWLP)

18. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

(Reason: To prevent the possible contamination of groundwater – Policy GE17 of the MWLP)

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bunded walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sightglasses 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 and all filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund

(Reason: To prevent the possible contamination of groundwater – Policy GE17 of the MWLP)

Restoration

20. Except for such modifications as may be agreed in writing by the Local Planning Authority, and except where modified by condition 25 of this determination, formation of the final restoration profile and landscaping of the landfill site shall take place in accordance with the Planning Supporting Statement entitled '*Application for the Importation of Inert Waste for the Purposes of Restoration at Reach Quarry, Heath and Reach*' dated November 2009, the Planning Supporting Statement entitled '*Application for the Alterations to the Phasing of Extraction of Material at Reach Lane Quarry, Heath and Reach*' dated November 2009 and more particularly in accordance with restoration phasing Drawing no. 4092431/415 Rev B. The site, which comprises phase 5 of the restoration plan for the wider quarry, shall be reinstated and landscaped in accordance with the relevant completion dates set out in Tables 3.2 and 4.4 of the aforementioned Planning Supporting Statements.

(Reason: To secure a satisfactory programme of progressive reinstatement and landscaping of the site – Policy GE26 of the MWLP)

21. Engineering clays and overburden shall be sourced from Bryants Lane Quarry to supplement the imported inert waste material so as to make up the shortfall of on-site restoration materials, in accordance with details contained in paragraph 4.12 and Table 4.3 of the Planning Supporting Statement entitled '*Application for the Importation of Inert*

Waste for the Purposes of Restoration at Reach Quarry, Heath and Reach' dated November 2009.

(Reason: To restrict development not authorised by this permission)

22. The final landform and surface restoration levels of the site shall accord with the finished pre-settlement restoration contours shown on Drawing No. 4092431/407 Rev. A, except for such modifications as may be approved in writing by the Local Planning Authority.

(Reason: To ensure compliance with approved restoration contours – Policy GE26 of the MWLP)

23. Prior to commencing landscaping of the site, a topographical survey shall be carried out and submitted to the Local Planning Authority. The survey shall demonstrate that the site has been reinstated in accordance with the pre-settlement restoration contours shown on Drawing No. 4092431/407 Rev. A.

(Reason: To provide for a satisfactory restoration of the site – Policy GE26 of the MWLP)

24. No development shall take place unless and until a detailed scheme for the surface water drainage of the restored site, accompanied by a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall develop the outline proposals shown on Drawing no. 4092431/410 and shall include details of the location and design of a soakaway. Thereafter, the scheme shall be implemented in full in accordance with the details as may be approved.

(Reason: To provide for the satisfactory drainage of the restored site – Policies GE17 and GE19 of the MWLP)

25. The final site landscape restoration, including provision of a Public Right of Way (bridleway), shall be in accordance with the indicative details shown on Drawing no. 4092431/412 Rev. B, as clarified and amended by Atkins' letters dated 23rd December 2009 and 5th January 2010, and except where modified by other conditions of this permission. No development shall take place unless and until a detailed restoration scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for:

- (a) localised re-grading to achieve more undulating finished slopes, within the parameters set by Drawing no. 4092431/407 Rev. A, and variation in the width and profile of the swales;

- (b) identification of areas for placement of indigenous topsoils and specification of soil depths to ensure optimal use of limited soil resource;
- (c) retention of the existing screen bund at the south west corner of the site, approved pursuant to scheme no. BC/CS/2003/15, until at least the conclusion of landfilling operations and restoration in phase 5;
- (d) treatment of the restored surfaces prior to seeding and planting;
- (e) a survey of, and management / conservation plan for, the existing boundary hedgerows on Gig Lane and Overend Green Lane, accompanied by a timetable;
- (f) a programme for management of the conifer screen alongside Reach Lane during the operational life of the Reach Lane Quarry site;
- (g) extent, alignment and specification of fencing, gates, paths and tracks;
- (h) removal of plant and all buildings (including the site manager's accommodation / office building), foundations, machinery, equipment and hard surfaces and satisfactory restoration of those areas where such demolition has taken place;
- (i) open grassland, grazing and wildflower seeding mixes;
- (j) species, sizes and spacing of tree, shrub and hedgerow planting;
- (k) infilling of gaps on the Gig Lane boundary hedgerow;
- (l) measures for protection and maintenance of planting and replacement of failed, missing or dying trees, shrubs and hedgerow plants over a 5-year period from date of planting; and
- (m) creation of a permissive bridleway route followed by a dedicated public right of way (bridleway), to include details of precise alignment, width, surfacing, fencing and maintenance; and
- (n) monitoring regime to assess developing ecological interest.

The scheme as may be approved shall be implemented in full.

(Reason: To provide for the satisfactory restoration of the site – Policies GE21 and GE26 of the MWLP)

Aftercare

26. No development shall take place unless and until a scheme for the aftercare and management of the restored site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- (a) Provide an outline strategy, in accordance with Annex 5 of MPG 7, for the 5-year aftercare period, specifying the steps to be taken and the period during which they are to be taken, and including provision for chemical analysis and treatment of the surface, any remedial drainage / underdrainage, filling of any depressions and an annual progress meeting.
- (b) Provide for a detailed annual programme, in accordance with Annex 5 of MPG7, to be submitted to the Local Planning Authority not later than 1 month prior tot the annual aftercare meeting.

The implementation of the aftercare and management scheme shall be carried out progressively upon final restoration of each phase in accordance with the approved details and completed within 5 years, unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To ensure that over time the land is brought to a good standard – Policy GE27 of the MWLP)

Miscellaneous

- 27. Throughout the period of inert landfilling and restoration operations, a copy of this planning permission, including relevant documents and plans and schemes subsequently approved pursuant to it, shall be displayed on site during working hours in a location which is readily accessible to any person undertaking the development.

(Reason: For the avoidance of doubt)

N.B. Where conditions include the phrase “Except for such modifications as may be agreed in writing / unless otherwise agreed in writing by the Local Planning Authority.....”, this is to allow for exemptions to be approved for temporary periods for special circumstances or minor amendments to be made.

[Note: In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.]