

Item No. 20**SCHEDULE D**

APPLICATION NUMBER	BC/CM/2009/5
LOCATION PROPOSAL	BROOM QUARRY, GYPSY LANE, BROOM VARIATION OF CONDITION 12 OF PLANNING PERMISSION 21/2006 TO ALLOW THE IMPORTATION OF CEMENT
PARISH	Old Warden and Southill
WARD & COUNCILLORS	Houghton Conquest, Haynes, Southill & Old Warden – Cllr Baines / Cllr Barker
CASE OFFICER	Anita Taylor
DATE REGISTERED	29 th January 2009
EXPIRY DATE	30 th April 2009
APPLICANT	Tarmac Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	SIGNIFICANT OBJECTION RECEIVED FROM LOCAL RESIDENT APPROVE SUBJECT TO CONDITIONS

That planning permission be granted subject to the following conditions:

1. Planning permission shall extend to the areas edged with a thick black line on the attached plan no. BC/CM/2005/6-1 and development shall be carried out in accordance with the planning application dated 18 February 2005, and accompanying supporting information, as amended by letter dated 21 June 2005 and revised drawing number B92/148a, and clarified by letter dated 14 September 2005, e-mail dated 18 October 2005 and letters dated 19 October 2005 and 8 November 2005, and subsequent application dated 23 January 2009, except for minor amendments which may be approved in writing by the Minerals Planning Authority.

Reason: To define the permission.

Time Limits

2. Upon the use of the access for the delivery of cement and / or admixtures to the quarry for use in the concrete batching plant, written notification shall be sent to the Mineral Planning Authority within 7 days of commencement. Thereafter this permission shall be deemed to be implemented.

Reason: To comply with section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall cease and the restoration of the site including the closure of the Gypsy Lane underpass, but excluding the aftercare requirements, shall be completed within five

years from the commencement of mineral extraction, which date shall be notified to the Council within one week of commencement.

Reason: To ensure that the development is completed within an acceptable timescale. (Policy GE 24 of the Bedfordshire and Luton Minerals and Waste Local Plan 2005 (MWLP)).

Phasing

4. Except for such modifications as may be approved in writing by the Minerals Planning Authority, the site shall be worked in three phases as shown on drawing no. B92/144, and extraction in phases 12 and 13 shall not proceed without the written consent of the Minerals Planning Authority, which shall be dependent on satisfactory progress in the restoration of the previous phases, in accordance with the approved scheme.

Reason: To ensure a satisfactory restoration of the site and to provide for the eventual restoration of the site. (Policy GE 26 of the MWLP)

Access

5. Unless otherwise agreed in writing by the Minerals Planning Authority, the conveyor tunnel under Gypsy Lane shall be maintained and restored in accordance with details approved under scheme reference BC/CS/2007/8 approved on the 14th March 2007.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.

6. Unless otherwise approved in writing by the Minerals Planning Authority, no mineral shall be exported from the site to the east of Gypsy Lane except via the conveyor.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.

7. The temporary access shall be closed and with the conveyor tunnel under Gypsy Lane shall be restored in accordance with the approved restoration scheme and the details approved under condition 5.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.

Soils, Overburden and Materials

8. Unless otherwise approved in writing by the Minerals Planning Authority, no stripping of topsoil, subsoil or overburden shall take place except in accordance with the MAFF (2000) 'Good Practice Guide for Handling Soils' and practices set out in scheme reference BC/CS/2006/68 approved on 19th March 2009.

Reason: To provide for the satisfactory restoration of the site. (Policy GE 6 of the MWLP)

9. Soils and overburden shall only be removed when the materials can be handled without damage to their structure.

Reason: To safeguard the soil resource and provide for the satisfactory restoration of the site. (Policy GE 6 of the MWLP)

10. Except as may otherwise be agreed in writing by the Minerals Planning Authority, the storage of minerals shall be confined to the plant site area and the height of the stock piles shall not exceed the height of the surrounding screen bunds.

Reason: To protect the amenities of the area. (Policy GE 9 of the MWLP)

11. Except as may otherwise be agreed in writing by the Minerals Planning Authority, no materials shall be brought onto the site for processing or storage other than;
 - a. Type 1 and single sized aggregates for storage and sale in accordance with the details set out in the application dated 24 October 2000.
 - b. Cement and admixtures for processing and sale in accordance with the details set out in the application dated 23 January 2009.

Reason: To protect the amenities of the area.

Erection of Buildings, Plant and Machinery

12. Notwithstanding the provisions of the Town and Country Planning General Development Orders, detailed proposals of any new or replacement buildings, fixed plant and machinery to be erected shall be submitted to the Minerals Planning Authority for approval in writing and the and the details shall be implemented as approved.

Reason: To enable the Minerals Planning Authority to exercise control over any development within the site which could be detrimental to the amenities of the area. (Policy GE 9 of the MWLP)

13. All building, plant, machinery and foundations shall be removed from the site when they are no longer required for the purposes for which they were installed or erected or within six months from the date of cessation of mineral extraction, whichever is the sooner, and all land covered by such buildings, plant, machinery and foundations shall be restored in accordance with the scheme required under condition 26 of this permission and the scheme approved under planning permission 7/1995 for the land to the west of Gypsy Lane.

Reason: To provide for the satisfactory restoration of the site. (Policy GE 26 of the MWLP)

14. No external lighting shall be installed except in accordance with the lighting scheme approved on 7th April 2008 and the lighting attached to the concrete batching plant as set out within the planning application dated 23rd January 2009.

Reason: To protect the amenities of the area. (Policy GE 18 of the MWLP)

Protection of Water Resources

15. Except as may otherwise be agreed in writing by the Minerals Planning Authority the monitoring, control and maintenance of groundwater levels shall be carried out in accordance with the scheme referenced BC/CS/2006/72 approved on 20th February 2007. Monitoring results shall be reported monthly to the Minerals Planning Authority.

Reason: To safeguard groundwater levels. (Policy GE 20 of the MWLP)

16. Discharge from the dewatering shall only take place at points downstream of the extraction areas.

Reason: To ensure satisfactory drainage of the site. (Policy GE 20 of the MWLP)

17. Sand washing effluent shall not be discharged to a watercourse but retained on site and all reasonable precautions shall be taken to ensure that water courses are not polluted.

Reason: To prevent water pollution. (Policy GE 17 of the MWLP)

18. All oil, fuel and or chemical storage tanks, buildings and ancillary handling facilities such as pumps and valves shall be contained within an impervious bunded area of at least 110% of the tank capacity.

Reason: to prevent contamination of the groundwater. (Policy GE 17 of the MWLP)

Dust

19. Except as may be otherwise agreed in writing by the Minerals Planning Authority the monitoring and control of dust shall be carried out in accordance with scheme reference BC/CS/2007/11 approved on 14th March 2007. Monitoring results shall be reported to the Authority in accordance with the scheme.

Reason: to minimise any nuisance to nearby residents by reason of dust. (Policy GE 18 of the MWLP)

20. The wheel cleaning facility shall be maintained at all times in accordance with the approved scheme, referenced BC/CS/2006/73.

Reason: In the interests of amenity and to prevent the deposit of mud or other extraneous material on the highway. (Policy GE 18 of the MWLP)

Noise

21. Except as may be otherwise agreed in writing by the Minerals Planning Authority noise monitoring shall be undertaken in accordance with the details set out in scheme reference BC/CS/2006/71 approved on 20th February 2007. The scheme includes:

- (a) Except for temporary operations, the free-field equivalent continuous noise level LAeq (1 hour), attributable to the operations subject to this permission, shall not exceed the limit specified as follows:

Brookland Farm

55 dB LAeq, 1 hour free field

High Road, Broom	50 dB L _{Aeq} , 1 hour free field
Black Horse Cottage	55 dB L _{Aeq} , 1 hour free field
Hill Lane Cottage	55 dB L _{Aeq} , 1 hour free field
Moat Cottage	50 dB L _{Aeq} , 1 hour free field
Hill Barn	50 dB L _{Aeq} , 1 hour free field

- (b) 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 70 dB L_{Aeq}, 1 hour free field for a total of eight weeks in any calendar year, except as may be agreed in writing by the Minerals Planning Authority.
- (c) Noise monitoring and recording procedures.
- (d) Presentation of results.
- (e) Noise suppression measures.
- (f) Procedures to be adopted in the event of the maximum permitted noise levels being exceeded.

Reason: To minimise disturbance to nearby residents by reason of noise. (Policy GE 18 of the MWLP)

Hours of Operation

22. Except as may otherwise be approved in writing by the Minerals Planning Authority, and except as set out in (a) below no operations authorised or required under this permission shall be carried out except between the following times:

0700 to 1800 hours Mondays to Fridays
0700 to 1300 hours Saturdays

No operations shall be carried out on Public or Bank Holidays or Sundays unless otherwise agreed in writing by the Minerals Planning Authority.

- (a) Up to two employees may be permitted to enter the site between 0630 and 0700 hours Monday to Saturday to remove security measures at the site.

Reason: To safeguard the amenities of the area. (Policy GE 18 of the MWLP)

Archaeology

23. Archaeological investigations and management shall take place in accordance with the Archaeological Resource Management scheme, referenced BC/CS/2006/74, approved on 19th February 2007.

Reason: To enable the preservation, protection, management and recording of hitherto hidden archaeological features. (Policy GE 14 of the MWLP)

Landscaping, Restoration and Aftercare

24. Unless a survey by a competent ornithologist, which shall be submitted to the Minerals Planning Authority, prove that no breeding birds are present, no ground clearance works or removal of trees shall take place in the bird breeding season from March to August.

Reason: To avoid disturbance to nesting birds on site. (Policy GE 13 of the MWLP)

25. Advanced tree and hedgerow planting undertaken during the 2006-07 planting season, in accordance with scheme reference BC/CS/2006/70, shall be maintained throughout the duration of the mineral working and any trees or shrubs which die or are damaged during this period shall be replaced with others of a similar size and species and maintained until satisfactorily established.

Reason: To enhance the appearance of the area and provide for the satisfactory restoration of the site. (Policies GE 9 and 10 of the MWLP)

26. The site shall be restored in accordance with the concept shown on submitted drawing no. B92/148a, dated June 2005. Development shall take place in accordance with the detailed restoration scheme approved on 20th March 2007 under scheme reference number BC/CS/2006/67. Except as may be agreed in writing by the Minerals Planning Authority, the approved scheme shall be implemented in accordance with the timetable and completed within one year of the cessation of mineral extraction at the site or of the working being otherwise discontinued.

Reason: To enhance the appearance of the area and provide for the satisfactory restoration of the site. (Policies GE 21 and 26 of the MWLP)

27. Aftercare and management of the restored land shall be undertaken in accordance with details approved under scheme reference BC/CS/2006/69 approved on 19th March 2007.

Reason: To provide for the satisfactory restoration of the site. (Policy GE 27 of the MWLP).

28. Details of annual sales and remaining reserves of minerals from the site shall be submitted to the Minerals Planning Authority. These details shall include the following

- a) Category of mineral (building sand/concreting sand/gravel)
- b) Quantity of each category in tonnes.

The period provided for shall be from 1 January to 31 December each year and the information shall be provided by 31 March for the preceding period.

Reason: To enable monitoring and assist the Minerals Planning Authority in the forward planning of mineral resources. (Policy M2 of the MWLP)

29. An Annual Environmental Report shall be submitted to the Minerals Planning Authority by 31 March each year for the previous period from 1 January to 31 December. The report shall contain the following:
- i) A statement of operations over the past year, to include progress on mineral extraction and restoration, and a summary of monitoring of noise, dust and groundwater.
 - iii) Identification of any problems caused by the operations and action taken to address these.
 - iv) A statement of future planned operations over the next year,
 - v) Identification of any potential problems which could be caused by future operations and the action to be taken to address these.

Reason: To enable monitoring and assist the Minerals Planning Authority in the forward planning of mineral resources. (Policy M2 of the MWLP)

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