

Planning Committee

20 August 2015

Reference:
APP/15/00882

Area Team:
North Team

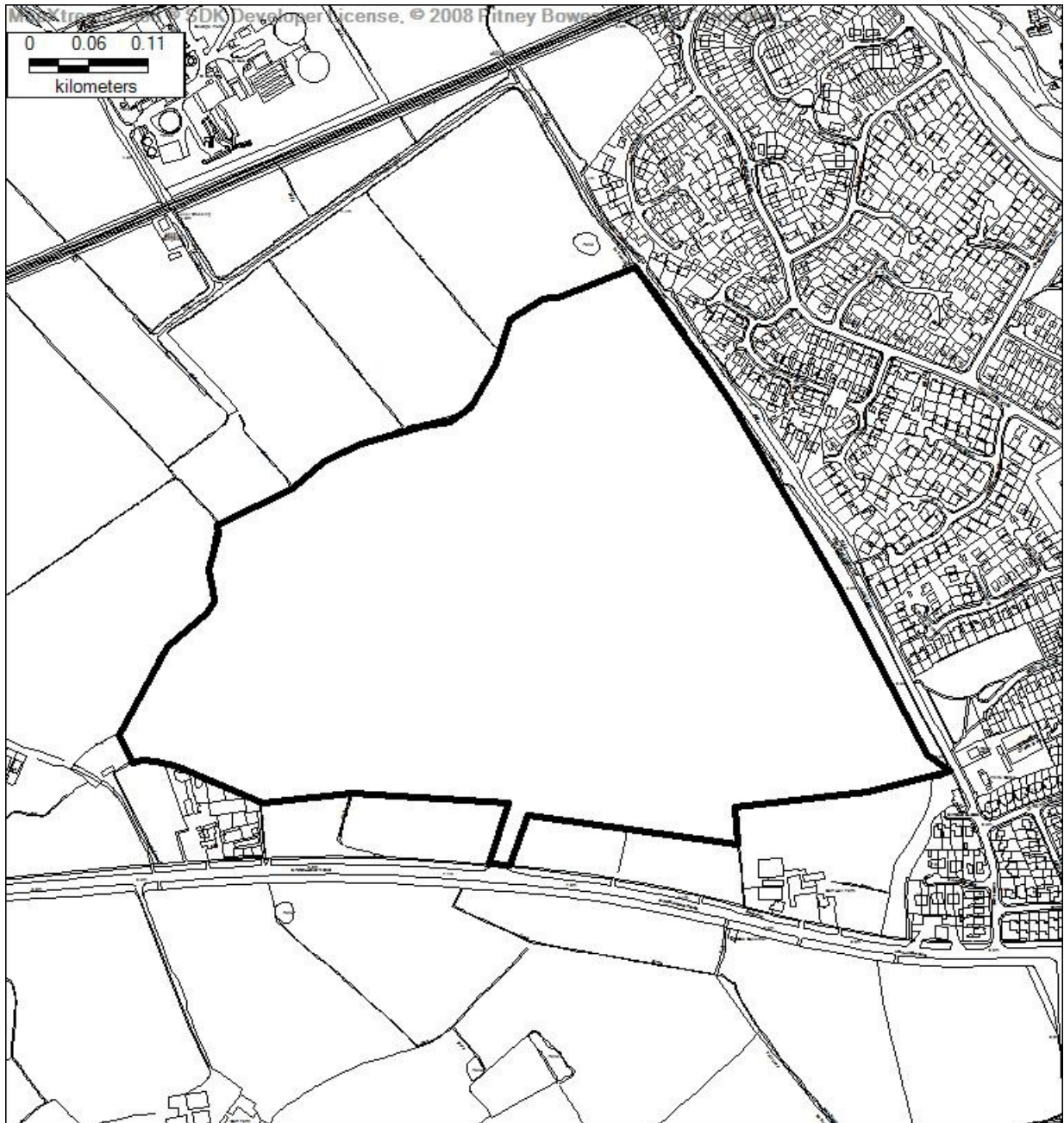
Case Officer:
Ms J Storey

Ward:
Hoylake and Meols

Location: North Wirral Brickworks, Carr Lane, Moreton, Wirral, CH46 5NB
Proposal: Variation of 28 of appeal approval ref APP/W4325/A/12/2177106 in order to submit details of the restoration and after care scheme to be submitted no later than 31st of March 2016

Applicant: Brock PLC
Agent : Peacock and Smith

Site Plan:



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Development Plan designation and policies:

Green Belt
Area Requiring Landscape Renewal
Mineral Reserve

Planning History:

- Location: North Wirral Brickworks, CARR LANE, MORETON, CH46 5NB
Application Type: Reserved Matters
Proposal: Variation of 28 of appeal approval ref APP/W4325/A/12/2177106 in order to submit details of the restoration and after care scheme to be submitted no later than 31st of March 2016
Application No: APP/15/00473
Decision Date: 29/05/2015
Decision Type: Withdrawn by Applicant
- Location: Moreton Brickworks, CARR LANE, MORETON, CH46 5NB
Application Type: Full Planning Permission
Proposal: Variation of condition 28 of planning determination APP/2001/6405/D (for the extraction of clay), to allow an additional 2 years for the submission of restoration and aftercare schemes (extended from 03 January 2012 to 03 January 2014).
Application No: APP/11/01286
Decision Date: 25/04/2012
Decision Type: Refuse
- Location: Barker & Briscoe, Carr Lane, Moreton, Wirral, L46 5NB
Application Type: Full Planning Permission
Proposal: Access road, landscaping and ancillary works.
Application No: APP/83/24070
Decision Date: 17/04/1984
Decision Type: Conditional Approval
- Location: North Wirral Brickworks, Carr Lane, Moreton, Wirral, L46 5NB
Application Type: Full Planning Permission
Proposal: Application for determination of conditions to which permission for clay extraction granted in 1951 and 1961 are to be subject
Application No: APP/97/06665
Decision Date: 20/02/1998
Decision Type: Approve
- Location: North Wirral Brickworks , Carr Lane, Moreton, Wirral, L46 5NB
Application Type: Full Planning Permission
Proposal: Variation of conditions of planning determination no IDDOC/95/6338/D. Conditions 1-47 to be replaced by new conditions 1-62 (set out in Appendix A of this application)
Application No: APP/01/06405
Decision Date: 03/01/2002
Decision Type: Approve
- Location: North of Carr Lane Brickworks, Carr Lane, Moreton, Wirral, CH46 5NB
Application Type: Full Planning Permission
Proposal: Extraction of clay and construction of perimeter mounds and water feature
Application No: APP/00/06514
Decision Date: 04/01/2001
Decision Type: Withdrawn
- Location: North of Carr Lane Brickworks, Carr Lane, Moreton, Wirral, CH46 5NB
Application Type: Full Planning Permission
Proposal: Extraction of clay and construction of perimeter mounds and water feature.

Application No: APP/01/06483
Decision Date: 13/12/2001
Decision Type: Withdrawn

Location: Barker & Brisco Moreton Brickworks Carr Lane
Application Type: Full Planning Permission
Proposal: Clay extraction, waste disposal and restoration to form nature reserve.
Application No: APP/86/06931
Decision Date: 12/03/1987
Decision Type: Refuse

Location: Carr Lane Brickworks, Carr Lane, Moreton, Wirral, CH46 5NB
Application Type: Prior Approval of Telecommunications PD
Proposal: Erection of a 15m. monopole 3 no. antenna and 4 no. dishes within a 10m x 8m compound
Application No: ANT/02/06198
Decision Date: 15/07/2002
Decision Type: Prior approval is not required

Location: North Wirral Brickworks, Carr Lane, Moreton, Wirral, L46 5NB
Application Type: Full Planning Permission
Proposal: Formation of a car park, storage area and fence along boundary.
Application No: APP/80/17013
Decision Date: 08/01/1981
Decision Type: Conditional Approval

Location: Barker & Briscoe Brickworks, Carr Lane, Moreton. L46 5NB
Application Type: Hazardous Substances
Proposal: Deemed Hazardous Substances Consent for the storage of Liquefied Petroleum Gas (Substance 66) in the established quantity of 60 tonnes.
Application No: HSC/92/06145
Decision Date: 31/07/1992
Decision Type: Approve

Location: Barker & Brisco Brickworks, Carr Lane, Meols, L47 4A
Application Type: Advertisement Consent
Proposal: Three illuminated advertisement/identification panels
Application No: ADV/83/24060
Decision Date: 28/06/1984
Decision Type: Refuse

Location: Barker and Briscoe Ltd., Brickworks, Carr Lane, Meols.
Application Type: Advertisement Consent
Proposal: Three non- illuminated advertisement identification panels at Brickworks, Carr Lane Meols.
Application No: ADV/84/25458
Decision Date: 20/09/1984
Decision Type: Conditional Approval

Appeal Details

Application No	APP/86/06931
Appeal Decision	Dismissed
Appeal Decision Date	19/12/1988

Application No	APP/89/07399
Appeal Decision	Dismissed
Appeal Decision Date	31/12/1991

Application No APP/89/07399
Appeal Decision Dismissed
Appeal Decision Date 31/12/1991

Application No APP/97/06665
Appeal Decision Withdrawn
Appeal Decision Date 28/11/2001

Application No APP/11/01286
Appeal Decision Allowed
Appeal Decision Date 03/04/2013

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Councils Guidance on Publicity for Planning Applications, 124 letters of neighbour notification were issued to properties adjoining the development site. A site notice was displayed adjacent to the site. At the time of writing 2 letters of objection have been received. The objections can be summarised as follows:-

1. Increased volume of heavy goods that will come and go from the site at peak times
2. gaining access to Hoylake road is impossible already
3. believe the tip is to be used for commercial building products which would create a dust hazard - dangerous to lungs
4. concerned that residents will suffer from smell and fires if it is to be a tip and will not be able to open windows
5. noise and dust created by Morgan's
6. heavy plant and machinery clattering and banging

CONSULTATIONS

Head of Environment and Regulations (Traffic and Transport Division)-No objections

Head of Environment and Regulations (Pollution Control)- No Objections

Merseyside Environmental Advisory Service - No objection

Wirral Wildlife - No objection

Natural England - No objections

Director's Comments:

Councillor Blakely has requested that this application be removed from delegation and considered by the Planning Committee on behalf of local residents, given concerns that the application may have a detrimental impact on the amenity of residents who live in the ward may otherwise enjoy.

The application also seeks variations to a Major Development and is therefore required to be considered by the Planning Committee under the Councils adopted Scheme of Delegation for Determining Planning Applications.

INTRODUCTION

The application site is subject to four planning permissions and determinations issued between 1984 and 2013, with the most recent appeal decision dated April 2013 which required the submission of quarry and aftercare schemes for the majority of the quarry areas by no later than 31st March 2015. Illegal tipping has been subject to enforcement proceedings in the past.(Nov 1989) It is important to note the extant planning permission for the excavation of clay enables mineral extraction until 21st February 2042 and makes provision for an approved restoration scheme to be completed by 2044.

This is not an application to extract clay or provide extra time for mineral working. This application is to vary condition no 28 imposed by the Planning Inspector for appeal decision - ref

APP/W4325/A/12/2177106 to extend the time to submit a detailed restoration aftercare scheme by a further 12 months from 31st March 2015 to 31st March 2016.

The existing wording for condition 28 allowed in the previous appeal is as follows:

“By no later than 31st March 2015 restoration and aftercare schemes shall be submitted to the mineral planning authority for its approval in writing, such schemes to be accompanied by sufficient information to demonstrate that the restoration and aftercare would be carried out to high environmental standards.

If schemes have not been submitted by this specific date the winning and working of mineral from the site shall cease until such times as schemes have been submitted. If schemes have not been approved by the mineral planning authority within six months of them having been submitted the winning and working of minerals shall cease unless and until an appeal against failure to approve has been made to the Secretary of State and unless that appeal is still current and undecided. In such an eventuality the winning and working of minerals shall cease if the appeal is dismissed and it shall not recommence until schemes have been approved, except of the date of 31st March 2015 has not passed, in which circumstances, the mineral extraction activity may continue until that date.”

The variation of condition would allow the applicant to continue mineral extraction at the site in accordance with the conditions of the existing planning permission.

PRINCIPLE OF DEVELOPMENT

The principle use of the land is established by the previous grants of planning permission, detailed in the introduction to this report. The proposal seeks a variation of planning condition imposed through a previous and recent appeal decision.

SITE AND SURROUNDINGS

The application site is the majority of the site known as North Wirral Brickworks, although other parts of the quarry subject to later conditions are not included. The land within the application site has been worked for clay and includes a number of un-restored clay workings supported by large waterbodies and raised areas. A series of buildings formerly used for brickworks, a large former brick storage building, and a large former brick storage area are within the boundaries of the application site. Any proposals for the former brickworks buildings and land may need to be dealt with through a separate planning application or applications at a future date. The site lies in the Green Belt, in close proximity to residential properties and the Birkenhead to West Kirby rail line. Meols Meadow SSSI is in close proximity to the north.

POLICY CONTEXT

The site at Carr Lane is identified as Green Belt, an Area Requiring Landscape Renewal and as a Mineral Reserve (for illustrative purposes only) on the Unitary Development Plan Proposals Map (UDP).

Strategic UDP Policy MIN3 ‘Restoration And Aftercare Of Mineral Extraction Sites’ indicates that the Local Planning Authority will enforce an agreed set of restoration and aftercare conditions for mineral extraction sites in accordance with an agreed afteruse which is compatible with the environment surrounding the site.

UDP Policy MI1 ‘The Control of Clay Extraction’ also indicates that the Local Planning Authority will control and monitor the extraction of clay within the Borough to ensure that any adverse environmental impact is minimised.

UDP Policy LA3 ‘Priorities for Areas Requiring Landscape Renewal’ permits proposals which will secure appropriate and positive improvements to the visual appearance of the area especially where they contribute to the achievement of the following objectives:

- (i) the screening, removal or enhancement of existing intrusive features;
- (ii) the re-establishment of appropriate landscape features and boundary treatment; and
- (iii) the beneficial use of under-used open land, appropriate with other designations within the area.

Proposals which would introduce additional intrusive development or lead to a further loss of landscape features will not be permitted.

The National Planning Policy Framework requires Minerals Planning Authorities in preparing Local Plans and determining planning applications to ensure that worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of the minerals site takes place to high environmental standards.

Draft Policy CS38 'Minerals' in the emerging Core Strategy, approved by the Council as a material consideration for the purpose of development control, would in line with NPPF, also expect sensitive environmental restoration and aftercare to be secured at the earliest opportunity.

The clay extraction at the appeal site is a temporary use of land for which restoration and aftercare schemes could facilitate the beneficial use of the land if mineral workings are no longer to take place.

Additional Information which is not subject to this application

A briefing note was submitted by the agent to the Local Authority in December 2014 which provides a basis for further pre-application meetings to discuss and consider potential restoration and aftercare schemes including the potential for a water based solution, and separately possible future uses of the remainder of the site which may, depending on any finalised proposal, require the submission of a new planning application.

The applicant has been advised that further work would be needed to address a series of issues for which additional information is necessary before a more detailed scheme could be submitted and agreed by the Local Planning Authority, and to enable appropriate local consultation to be undertaken in accordance with the Council's Statement of Community Involvement if any future planning application is needed.

The extension of time sought in the current application could allow the applicant to prepare and submit restoration and aftercare schemes for the clay voids with sufficient and relevant information that could enable the Council to approve the schemes in a timely manner.

It is considered that the grant of planning permission for the variation of condition 28 would assist negotiations with the applicant to ensure that restoration and aftercare of the clay voids is carried out to high environmental standards.

It is therefore recommended that condition 28 should be amended to read:-

By no later than the 31st March 2016 restoration and aftercare schemes shall be submitted to the mineral planning authority for its approval in writing.

If schemes have not been submitted by this specified date the winning and working of mineral from the site shall cease until such time as schemes have been submitted. If schemes have not been approved by the mineral planning authority within six months of them having been submitted the winning and working of minerals shall cease unless and until an appeal against such failure to approve has been made to the Secretary of State and unless that appeal is still current and undecided. In such an eventuality the winning and working of minerals shall cease if the appeal is dismissed and it shall not recommence until schemes have been approved, except if the date of 31st March 2016 has not passed in which circumstance, the mineral extraction activity may continue until that date.

Reason: in the interests of proper site restoration and afteruse.

APPEARANCE AND AMENITY ISSUES

It is not considered that there are amenity or appearance issues presented by the variation of condition sought.

SEPARATION DISTANCES

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues directly relating to the application.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposed variation does not conflict with the provisions of the Unitary Development Plan Policies MIN3 and MI1 or the National Planning Policy Framework, and it is not considered that there are reasonable grounds to refuse permission to extend the date for submission of a restoration and aftercare scheme to 31 March 2016.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed variation does not conflict with the provisions of Unitary Development Plan Policies MIN3 and MI1 or the National Planning Policy Framework, and it is not considered that there are reasonable grounds to refuse permission to extend the date for submission of a restoration and aftercare scheme to 31 March 2016.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The winning and working of mineral shall cease not later than 21st February 2042.

 Reason: In accordance with the planning and compensation Act 1991.

2. No vehicles, plant or equipment shall be parked or stored on the site except those belonging to member of staff or associated with brick making, clay excavation, restoration operations or aftercare operations on the site.

 Reason: To prevent inappropriate development in the Green Belt

3. All vehicles used for the transportation of clay from any part of the site to the on the brick manufacturing factory shall use internal site roads only and clay intended for that factory shall not be transported outside the site.

 Reason: In the interest of highway safety and residential amenities

4. Access to and from the site for all purposes connected with the winning and working of minerals, including restoration and operations and the removal of clay from the site shall be directly from Birkenhead Road only.

 Reason: In the interest of highway safety and residential amenities.

5. Within six months of the date on which the new conditions are finally determined in accordance with the provisions in Section 22 and Schedule 2 of the Planning and

Compensation Act 1991, a notice board shall be erected at the site entrance with Birkenhead Road, indicating the name and telephone number of the operating company and representative of the operators. The notice board shall be maintained in sound and legible condition throughout the period of working, restoration and aftercare.

Reason: In the interest of site safety and restoration

6. Water from the site shall be discharged into approved settlement ponds before discharging into any ditch, stream, watercourse or culvert outside the site. From the commencement of the development until restoration of the site, mud and silt must be removed from the settlement ponds to avoid reducing their capacity for retaining water. Facilities shall be made available in order to provide extra treatment where necessary (e.g. addition of coagulant) and shall be used so that any discolouring effect of the discharges is controlled to a level acceptable to the mineral planning authority. Upon cessation of mineral extraction, all settlement ponds shall be emptied and filled with dry, inert material of a type to be agreed beforehand in writing by the mineral planning authority unless ponds are to be retained as part of the approved restoration scheme for the site.

Reason: To prevent pollution of watercourses and ground water.

7. Before any further winning and working of minerals takes place, the signs shown on submitted drawing 000/003/A2C concerning directions for vehicular traffic shall be erected and shall be retained until the completion of restoration of the site. Details of the size of the signs shall be submitted to and approved in writing by the mineral planning authority before they are erected. Letters in the sign shall have a minimum height of 50mm and the signs shall contain a border around the outside of the works of 75mm minimum width. Sign shall be erected less than 1m above ground level and shall not exceed a total height of 2.5m above ground level.

Reason: In the interest of highway safety

8. A minimum of 8m of unexcavated land shall be left undisturbed around the perimeter of the site where it adjoins:
 - (a) Carr Lane and
 - (b) Any areas of land that have not been the subject of mineral extraction

Reason: To provide space for remedial works and gas monitoring boreholes and to protect existing hedges

9. A minimum distance of 50m shall be maintained between any dwelling and the nearest mineral extraction area.

Reason: To protect residential amenities

10. The minimum depth of extraction shall be 12m bellow ordnance datum, as indicated on the applicant submitted plan No 333/109.

Reason: For the avoidance of doubt and in accordance with the proposals made by the applicant

11. Parking, loading and unloading shall only take place in the areas referred to in the submitted drawing no. 000/003/A2C.

Reason: In the interest of amenity and proper site operation.

12. Notwithstanding Part 19 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking that Order), planning permission shall be required under Part III of the Town and Country Planning Act 1990 for the erection or re-siting of any building, plant or machinery or structure or erection of the nature of plant and machinery.

Reason: To enable the mineral planning authority to retain control over potentially intrusive development in the green belt.

13. Stockpiles of minerals shall not be located within areas 10,11 and 12 as shown in submitted plan 000/003/A2C and any stockpiles shall be no higher than the nearest unexcavated land or perimeter screen mounds if the stockpiles are closer to such mounds. For the avoidance of doubt, the term mineral in the context of this condition excludes top soil or subsoil.

Reason: In the interest of visual amenity.

14. No top soil or sub soil shall be removed from the site.

Reason: To preserve any suitable remaining on site material for site restoration.

15. Save for pumping operations which may be necessary in connection with operations required by condition 6 operations authorised by the planning permission and this determination, including the movement of heavy vehicles and plant entering and leaving the site shall be restricted to the following periods:-
07.00 to 19.00 hours Monday to Fridays
07.00 to 17.30 hours Saturdays
No operations or maintenance, servicing and testing of plant and vehicles shall take place outside these hours or on Sundays or Public Holidays except with the prior written approval of the mineral planning authority.

Reason: To protect nearby residents from excessive noise.

16. No landscape earthwork's authorised by this determination within 8m of the site perimeter shall be carried out except between the hours of 08.30 and 17.00 Mondays to Fridays inclusive, unless otherwise agreed in writing with the mineral planning authority. No landscape, earthwork's shall take place on Saturdays, Sundays, Bank or Public Holidays.

Reason: To protect nearby residents from excessive noise

17. The base of all storage mounds shall be located a minimum distance of four metres away from any existing hedge or tree on the perimeter of the site.

Reason: To protect existing hedges and trees.

18. Existing wheel cleaning equipment shall be maintained and shall remain positioned in its existing location shown on Working Plan No 000/003/A2C.

Reason: In the interest of highway safety.

19. All heavy goods vehicles leaving the site shall have their wheels cleaned by the equipment

referred to in condition 18 or such other equipment as may be approved by the mineral planning authority.

Reason: In the interest of highway safety.

20. At all times when the site is operational, a water bowser or similar for the suppression of dust on all internal roads and areas crossed by heavy goods vehicles and plant shall be available within the site and shall be kept in full working order. The equipment shall be used as may be necessary to water areas within the site, so as to prevent the raising of dust.

Reason: To minimise the nuisance from dust.

21. Any existing internal roads shall be maintained and kept suitably hard surfaced with quarried limestone, brick hardcore, furnace slag, crushed concrete, tarmac or other materials agreed beforehand in writing with the mineral planning Authority. Any new internal roads shall be similarly treated before they are brought into use.

Reason: To minimise the nuisance from dust.

22. Noise levels from soil replacement or baffle mound formation, shall not exceed 70 dBL Aeq (1 hour) (freefield) measured at 1 metre from the facade of any house. Such operations shall not exceed a total of 8 weeks in any 12 month period and shall only take place between 08.30 and 17.00 hours Monday to Friday.

Reason: To protect nearby residents from excessive noise.

23. Other than those operations and restrictions referred to in condition 22 noise from the operations and any associated activities shall not exceed the following level when measured at 1 metre from the facade of any house:-
55 dBL Aeq (1 hour) (freefield) between
08.00 and 19.00 hours Mondays to Fridays and
08.00 and 13.00 hours Saturday

Reason: To protect nearby residents from excessive noise.

24. Between 06.30 and 08.00hrs and between 19.00 and 19.30 hours Monday to Friday and on Saturday between 06.30 and 08.00 hrs and between 13.00 and 17.30 hrs noise from the operations and any associated activities shall not exceed the following(measured as 1 hour Leq):-
a) 47 dBA at the nearest house in Cardus Close.
b) 53 dBA at any point 30 metres to the east of the site boundary to the north of the brickwork buildings.
c) 48 dBA at the nearest house in Barn Hey Crescent.

Reason: To protect nearby residents from excessive noise

25. All hedges and trees on the perimeter of the site shall be retained.

Reason: To protect trees and hedges.

26. Stockpiles consisting solely of subsoil shall not exceed 4 metres in height.

Reason: To prevent damage and degradation of restoration materials.

27. Top soil and subsoil shall not be stored in the same stockpile except in the following circumstances:-
- a) the stockpile shall be no more than 4 metres in height.
 - b) only subsoil shall occupy the bottom 2 metres of any such stockpile.
 - c) any topsoil shall be stored separately from and above the subsoil.
 - d) before the placement of any topsoil on the subsoil comprising any stockpile the mineral planning authority shall be given at least 14 days' notice in writing to enable it to inspect the stockpile.

Reason: To prevent damage and degradation of restoration materials

28. By no later than the 31st March 2016 restoration and aftercare schemes shall be submitted to the mineral planning authority for its approval in writing.
- If schemes have not been submitted by this specified date the winning and working of mineral from the site shall cease until such time as schemes have been submitted. If schemes have not been approved by the mineral planning authority within six months of them having been submitted the winning and working of minerals shall cease unless and until an appeal against such failure to approve has been made to the Secretary of State and unless that appeal is still current and undecided. In such an eventuality the winning and working of minerals shall cease if the appeal is dismissed and it shall not recommence until schemes have been approved, except if the date of 31st March 2016 has not passed in which circumstance, the mineral extraction activity may continue until that date.

Reason: in the interests of proper site restoration and after use.

29. The restoration scheme referred to in condition 28 shall be carried out and completed within 2 years of the cessation of working or such other period as may be approved in writing by the mineral planning authority during consideration of the restoration scheme referred to in condition 28.

Reason: In the interests of proper site restoration and after use.

30. The restoration scheme referred to in condition 28 shall provide for the restoration of the whole of the area subject to the scheme and shall include the following:-
- (a) final levels and gradients in the form of contour lines on which the final restoration and after use shall take place.
 - (b) locations and depths of any water areas which may form part of the final restored site.
 - (c) details of the use of soils and soil making materials, depth and nature of topsoil and subsoil and handling methods for soil movement.
 - (d) details of the type of vegetation including numbers of species of trees, shrubs and other plants and grass and hedgerow seed mixes) over all areas not to be permanent water features
 - (e) details of the after use of all parts of the site.
 - (f) the location and composition of any hedges and the location and type of any fences,
 - (g) the soiling of alt areas which are not designed to be permanent water areas,
 - (h) preparation of the land for cultivation.
 - (i) details of the measures to be taken to protect any water areas designed to form part of the restored site from pollution by any existing waste material that has previously been deposited on the site of this application.

Reason: In the interests of proper site restoration and after use.

31. Except in the circumstances set out in condition 28 topsoil shall be stored in a stockpile separate from any other material and stockpiles shall not exceed 2 metres in height.

Reason: To prevent damage and degradation of restoration materials

32. The surface of any subsoil, topsoil or subsoil/topsoil stockpiles shall be seeded with a leguminous seed mixture, details of which shall be submitted to and agreed in writing by the Mineral Planning Authority before the formation of any stockpiles. Seeding shall take place within six months of deposition of the stockpile to the satisfaction of the Mineral Planning Authority.

Reason: To prevent damage and degradation of restoration materials

33. The soil stockpiles shall only be located in the areas indicated on drawing no. 000/003/A2C and shall have side slopes no steeper than 1 in 1.

Reason; To prevent damage and degradation of restoration materials.

34. Plant and vehicles shall not cross or rest on areas of deposited topsoil or subsoil except for the purpose of working the soil in accordance with the aftercare plan.

Reason: To prevent damage and degradation of restoration materials

35. The movement of topsoil and subsoil shall only be carried out when the material to be moved is sufficiently dry to minimise structural damage and only in dry weather conditions and in any event only between April and September.

Reason: To prevent damage and degradation of restoration materials.

36. For the purposes of this determination the permanent cessation of the winning and working of minerals shall mean not carrying out any mineral extraction for a period of 10 years from any location within the areas subject to the determination of conditions in applications IDDOC/95/6338/D and EADOC/97/6665/D.

Reason. In the interests of proper site restoration and after use.

37. Without prejudice to the requirements of conditions 28 and 229 in the event that the winning and working of minerals permanently ceases before the date specified in condition 1 without the full depth of mineral having been excavated, schemes of restoration and aftercare, which shall include the matters referred to in conditions 28 and 38, shall be submitted within 12 months of permanent cessation for the written approval of the mineral planning authority. Within 2 years of the written approval of the schemes by the mineral planning authority or any schemes which are approved on appeal by the Secretary of State or imposed by the mineral planning authority (or such other period as may be approved in writing by the mineral planning authority) the whole site shall be restored in accordance with the approved or imposed scheme. In the event of schemes being submitted to but not approved by the mineral planning authority and where no appeal is made against such non-approval the mineral planning authority shall impose schemes. After use of the site in accordance with the approved or imposed scheme shall take place immediately following completion of restoration.

Reason: In the interests of proper site restoration and after use.

38. The restoration and aftercare schemes referred to in conditions 28 and 37 shall include details of the management of restored soils; (including fertiliser type, rates, method and timing of application); planting and maintenance of vegetation and drainage patterns for a five year aftercare period; provision of a proper means of surface water and soil drainage; a programme of work.

Reason: In the interests of proper site restoration and after use.

39. Restoration of the site shall not involve the use of any imported controlled waste other than that which is already on the site and not the subject of the enforcement notice issued on 2nd November 1989 nor shall it involve the filling of any existing or future voids with controlled waste already on the site, unless a separate planning permission is granted for such operations. For the avoidance of doubt, in this context 'the site' means the area subject of this application - i.e. the areas subject of Interim Development Order permission no. 6663.

Reason: In the interests of proper site restoration and after use.

40. Details of the type and amount of any imported materials to be used in the restoration of the site shall be provided as part of any restoration scheme. For the avoidance of doubt, (i) such materials cannot include any controlled waste (see condition 39) and (ii) "restoration" has the meaning given to the word in Minerals Planning Guidance (MPG) 14 paragraph 115

Reason: In the interests of proper site restoration and after use.

41. All soil materials used for restoration shall be free of stones greater than 150mm diameter and other deleterious materials.

Reason: In the interests of proper site restoration and after use.

42. No further work shall take place nor shall any vehicle, plant or equipment enter or be placed or allowed to remain on an area after it has been restored without the prior written agreement of the Mineral Planning Authority unless it is needed in connection with the maintenance of the area or the approved after use.

Reason; In the interests of proper site restoration and after use.

43. All plant associated with the excavation of clay shall be removed from the site on completion of day extraction, unless it is required for the restoration of the site.

Reason: In the interests of proper site restoration and after use.

44. The approved aftercare scheme(s) shall be implemented immediately following the completion of the relevant restoration scheme.

Reason: In the interests of proper site restoration and after use.

45. Unless previously agreed in writing by the Mineral Planning Authority, upon permanent cessation of mineral extraction all haul roads/access roads/areas of hard standing created in connection with the development subject of Interim Development Order permission no. 6663 and this determination shall be broken up and removed from the site and the land restored in accordance with the approved scheme(s).

Reason: In the interests of proper site restoration and after use.

46. For the avoidance of doubt with the exception of the extraction depth referred to in Condition 10 none of the proposals contained in the submitted plans 333/101 to 125 or the submitted reports entitled 'Quality Assessment of Land Use, Restoration and After use Proposals', 'Carr Lane Wildlife Reserve and Community Woodland Management Plan1 or the document attached to Cass Associates letters of 27th January 1995 are approved for the purposes of this determination.

Reason: In the interests of proper site restoration and after use.

47. All mobile fuel tanks shall incorporate an inner fuel holding tank and an outer bund tank of capacity at least equal to 110% of the inner tank. All filling points, vents, gauges and sight glasses shall be located within the bund. Oils, chemicals and greases shall be placed in a secure store and kept within the manufacturer's container.

Reason: To prevent pollution of watercourses and groundwater.

48. This determination relates to the area granted permission under the interim development order permission no. 6663 on 8th July 1947, this area being edged red on the plan endorsed 'approved' with Hoylake Urban District Council's stamp. In so far as it refers to the area subject of the interim development order permission, plan no. 000/003/A2C shall form part of this determination.

Reason: For the avoidance of doubt

49. Within six months of the date of this determination, or within six months of the recommencement of mineral extraction operations whichever is later a scheme for the disposal of all surface, ground and foul water arising within the site shall be submitted to, and for the approval of, the Mineral Planning Authority. Such a scheme shall be designed so as to avoid the contamination of surface and ground waters outside the site, and shall include details of the design and capacity of all settling ponds, drains, outfalls and sluices.

Reason: To ensure that drainage and settlement provision is adequate to avoid contamination of surface and ground waters, and in particular that the nearby Meols Meadows SSSI is not affected.

50. Within six months of the date of this determination, or within six months of the recommencement of mineral extraction operations whichever is later a scheme for the monitoring of surface water flow and quality from the site shall be submitted to, and for the approval of, the Mineral Planning Authority. Such a scheme shall include details of the measurements to be taken, and the frequency of monitoring.

Reason: To monitor the levels and quality of surface and ground waters

51. Within six months of the date of this determination, or within six months of the recommencement of mineral extraction operations whichever is later a scheme for the monitoring of ground water levels and quality shall be submitted to, for the approval of, the Mineral Planning Authority. Such a scheme shall include:
- a. the locations of monitoring boreholes along the northern margins of Areas 2 and 10, and within Area 1, as shown on Drawing 000/003/A2C;
 - b the measurements to be taken and the frequency of monitoring.

Reason: To monitor the levels and quality of surface and ground waters.

52. The drainage scheme approved under Condition 49 above shall be implemented within one month of its approval, and maintained throughout the operation of the site, unless revised proposals are approved in writing by the Mineral Planning Authority under condition 55 below.

Reason: To ensure that the approved drainage, surface water and ground water drainage and monitoring schemes are implemented and amended as appropriate.

53. Notwithstanding the generality of Condition 52 above, the details of final restoration of any part of the site required by Conditions 28 and 29 shall include provision for any necessary amendments to the drainage scheme which arise as the site is restored.

Reason: To ensure that the approved drainage, surface water and ground water drainage and monitoring schemes are implemented and amended as appropriate

54. The surface and ground water monitoring schemes approved under Condition 50 and 51 above shall be implemented throughout the operation of the site, unless otherwise agreed in writing beforehand by the Mineral Planning Authority. The results of the monitoring schemes shall be submitted to the Mineral Planning Authority within twenty eight days of each measurement being carried out

Reason: To ensure that the approved drainage, surface water and ground water drainage and monitoring schemes are implemented and amended as appropriate.

55. In the event that the results of the ground water and surface water monitoring schemes approved under Conditions 50 and 51 above indicate that the operation of the site is likely to harm the nature conservation interests of the nearby Meols Meadow SSSI due to the quantity of water disposed of, then:
- a. a revised drainage scheme shall be submitted to the Mineral Planning Authority to replace the scheme approved under Condition 49 above; and
 - b. the revised drainage scheme shall be implemented within one month of its approval in writing by the Mineral Planning Authority.

Reason: Surrounding the site in order that potential impacts on Meols Meadow SSSI arising from the development can be identified, assessed and where appropriate incorporated into the design of the final restoration scheme for the site

56. Within six months of the date of this determination, or before excavation proceeds below Om. Ordnance Datum (whichever the sooner) the applicant shall submit records of boreholes constructed and logged in accordance with BS5930, at not more than 150metres spacing around the periphery of the proposed clay extraction area (unless revised proposals are approved in writing by the Mineral Planning Authority) in order to prove the nature of the ground and the groundwater conditions therein.

The depth of these boreholes shall be adequate to provide the information necessary to carry out geotechnical analysis demonstrating stability of the base and sides of the proposed excavation.

Piezometers shall be installed in all individual sand and gravel or sandstone layers encountered in such boreholes, and the sections of open borehole between the piezometers shall be sealed to prevent leakage of water between geological layers unless revised proposals are approved in writing by the Mineral Planning Authority.

Reason: To prove the existence of the clay mineral to the depths proposed to be worked (mineral cannot be worked where it does not exist).

57. Once installed, the piezometers shall be protected against damage or interference and subject to monthly water level monitoring to be submitted to the Mineral Planning Authority within 15 weeks of each set of readings, unless revised proposals are approved in writing by the Mineral Planning Authority.

If any of the monitoring piezometers is lost or damaged rendering it inoperable, it must be replaced within ten weeks of the damage or loss.

Reason: To prove the existence of the clay mineral to the depths proposed to be worked. (Mineral cannot be worked where it does not exist).

To provide ground water and geological information fundamentally required to assess the practical geotechnical stability of the site, in particular the stability of the excavation sides and the ability of residual superficial deposits to resist basal heave caused by groundwater pressure in the underlying strata.

This information will also provide essential information required for the planning and assessment of the feasibility of restoration proposals (see conditions 59 and 60),

58. No waste or restoration materials other than topsoil or subsoil in accordance with the Interdepartmental Committee on the Redevelopment of Contaminated Land Guidelines 59/83 for Parks, Playing Fields and Open Space shall be imported to the site until a restoration scheme has been agreed with the Mineral Planning Authority.

Reason: To protect water resources.

59. No restoration scheme shall incorporate a water body with a top water level above the base of the existing waste deposits in or beneath the adjoining land affected by the Enforcement Notice referred to on drawing 333/109 unless hydraulic isolation from those wastes can be demonstrated to the written satisfaction of the mineral planning authority as advised by the Environment Agency.

Reason: To protect water resources

60. There shall be no deposit of waste or restoration materials direct into Controlled Waters and controlled waste or leachate from it must not come into contact with groundwater, unless hydraulic isolation from those waters can be demonstrated to the written satisfaction of the Mineral Planning Authority as advised by the Environment Agency.

Reason: To protect water resources.

Further Notes for Committee:

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Expiry Date: 17/09/2015