

DRAFT

SCHEDULE OF NEW CONDITIONS
CONSEQUENT TO THE PERIODIC REVIEW UNDER THE ENVIRONMENT ACT
1995 AND EXTENSION TO SHIPLEY BANKS QUARRY

APPROVED DOCUMENTS

1. The development shall from the date of these Conditions only be carried out in accordance with the following documents (subject to matters subsequently agreed under Condition 3) unless otherwise agreed in writing with the Mineral Planning Authority:

- (a) Application forms and supporting information dated 30/04/02 and 01/05/02.
(b) Letters from Whitehouse Services to Durham County Council dated 30/04/02, 13/10/02, 12/11/02, 24/09/03, 24/06/04, 11/08/04, 08/09/04 and 06/10/04.

DEPENDING UPON DECISION MADE BY COMMITTEE LIST OF APPROVED DRAWINGS CONDITION MAY BE AMENDED

- (c) Drawings:
- | | |
|-----------|--|
| EXT/02/01 | Location Plan |
| EXT/02/02 | New application area, localised tenure, existing consents (revised June 2004) |
| EXT/02/03 | Tenure and access, footpaths (revised June 2004) |
| EXT/02/04 | Proposed extension area Working scheme stage I |
| EXT/02/05 | Proposed extension area Working scheme end of stage II |
| EXT/02/06 | Proposed extension area Working scheme end of stage II – storage and turning areas bunded. |
| EXT/02/06 | Proposed extension area Working scheme final landform |

Plan No. 227/REV/01 Permission areas, adjacent ownership and access

Plan No. 227/REV/02 Situation at 30/04/02

Plan No. 227/REV/03 Establishment of working strip and progressive reinstatement

Plan No. 227/REV/04 Dispersal of subsoil and topsoil

Plan No. 227/REV/05 final landform of 6/86/227CM & MRA/6/4 North-west ownership boundary (revised June 2004)

(Reason No 1)

2. From the date of issue of these Conditions to the completion of the development, a copy of this Schedule, including all documents hereby approved and any other documents subsequently approved during the lifetime of the permission, shall always be available on site for inspection and reference by whomsoever has day to day responsibility for the site and a copy held at the operator's head office. (1)

3. The permission area referred to in this schedule of conditions is shown edged red on Plan no. DCC/01. The permission area is a consolidation of planning permission no. MRA/6/4 (edged yellow on Plan no. DCC/01), permission no. 6/86/227CM (edged green on Plan no. DCC/01) and the two extension areas (edged blue on Plan no. DCC/01). (1)

DEPENDING UPON DECISION MADE BY COMMITTEE CONDITION MAY BE AMENDED

MATTERS REQUIRING SUBSEQUENT APPROVAL

4. The development and operations shall only be carried out in accordance with a scheme or schemes to be agreed in writing with the Mineral Planning Authority as follows:

DEPENDING UPON DECISION MADE BY COMMITTEE CONDITION MAY BE AMENDED

Prior to the commencement of working in the northern extension area as edged blue on plan no. DCC/01, details of the following shall have been agreed in advance and in writing, with the Mineral Planning Authority.

- (a) a detailed scheme of working to include the following details, shown on 1:1250 scale plans:
- (i) details of a scheme for the removal, movement, handling and replacement of all soil resources, soil making materials and overburden within the site; (2, 3)
 - (ii) details of the location within the site of existing and any intended stockpiles of soil, overburden, soil making materials, stone and waste materials and their heights; (2, 3)
 - (iii) a detailed working method for the site, including extraction limits, proposed depth of working and phasing of operations. (2, 3)
- (b) details of the restoration of the site based upon approved Plan No.** , which shall include:
- (i) the final contours for the site (at 2 metre intervals), indicating how such contours tie in with the existing contours on adjacent land; (3)
 - (ii) the drainage of the restored site, if appropriate; (3, 7, 8)
 - (iii) the erection of any fences if appropriate; (3)
 - (iv) details of any planting and landscaping; (3, 6)
- (c) a detailed programme and specification for the after-care of the restored land for five years, to bring the land to a condition fit for the approved after-use shall include details, if appropriate, of:
- (i) drainage proposals; (14)
 - (ii) weed control measures; (14)

- (iii) provision of any surface features. (14)

By 2010, or earlier date specified in writing by the Mineral Planning Authority, final details of the reinstatement of the land that is to be restored shall be submitted to and approved by the Mineral Planning Authority. DEPENDING UPON DECISION MADE BY COMMITTEE DATE MAY BE AMENDED

- (d) details of the restoration of the site based upon approved Plan No.** , which shall include:
 - (i) the final contours for the site (at 2 metre intervals), indicating how such contours tie in with the existing contours on adjacent land; (3)
 - (ii) the drainage of the restored site, if appropriate; (3, 7, 8)
 - (iii) the erection of any fences if appropriate; (3)
 - (iv) details of any planting and landscaping; (3, 6)
- (e) a detailed programme and specification for the after-care of the restored land for five years, to bring the land to a condition fit for the approved after-use shall include details, if appropriate, of:
 - (i) drainage proposals; (14)
 - (ii) weed control measures; (14)
 - (iii) provision of any surface features. (14)

COMPLETION

- 5. Mineral extraction shall cease no later than 30 years from the date of this schedule of conditions. (4) **DEPENDING UPON DECISION MADE BY COMMITTEE CONDITION MAY BE AMENDED**
- 6. The site subject to these conditions shall be restored in accordance with the approved schemes referred to in Condition 4 within 12 months of the completion of mineral extraction, or earlier, in accordance with Condition 21. (4)

WORKING PERIOD

- 7. Authorised operations within the permission area shall be restricted to the following times:

07:00 to 19:00 hours Mondays to Fridays
07:00 to 14:00 hours Saturdays

No operations including maintenance of vehicles and plant or working shall take place outside these hours or at any time on Sundays, Bank, or other public holidays, save in cases of emergency when life, limb, or property are in danger. The Mineral Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working. (5)

ACCESS AND PROTECTION OF THE PUBLIC HIGHWAY

8. Vehicular access to and from the site shall only be via the approved site access shown on Drawing No.***. (9) **PLAN NUMBER DEPENDS UPON DECISION MADE BY COMMITTEE**
9. Measures shall be taken to ensure all vehicles leaving the site are thoroughly cleansed of mud or dirt before entering the public highway. At such time when such measures are not sufficient to prevent the transfer of mud or dirt onto the public highway, vehicle movements shall cease until adequate cleaning measures are employed which prove effective, or weather and/or ground conditions improve with the effect of stopping the transfer, to the satisfaction of the Mineral Planning Authority. (9)
10. The total number of laden heavy goods vehicles leaving the site shall average no more than 20 per week or exceed a maximum of 1000 per year with a maximum of 60 per week in any four week working period, unless otherwise agreed in advance in writing with the Mineral Planning Authority. There shall be a proportional reduction in the number of laden heavy goods vehicles leaving the site on Saturdays (five-elevenths of the total for Mondays to Fridays). A record of all laden heavy goods vehicles leaving the site each day shall be maintained by the operator and a certified copy of this record shall be afforded to the Mineral Planning Authority without delay on request. (5, 9)
11. The loads of all open vehicles leaving and entering the site shall be fully covered by sheeting if loaded with medium to small sized quarried material (i.e. less than approximately 50 mm in diameter). (5, 9)

SOIL STRIPPING

12. The Mineral Planning Authority shall be given at least 48 hours advance notice (excluding weekends), in writing, of any intended phase of topsoil or subsoil stripping. (2)
13. No plant or vehicles shall cross any areas of unstripped topsoil except for the purpose of stripping operations. (3)
14. Soils or similar material shall be stripped from areas which are to be excavated, used for the stationing of any plant, the storage of overburden, haul roads, and other areas to be traversed by heavy machinery. This soil or similar material shall be separately stored until required for restoration in accordance with the approved restoration scheme. (3)
15. The stripping and movement of all soils shall only be carried out under sufficiently dry conditions to avoid soil smearing and compaction, and to ensure that all available soil resources are recovered. (3)
16. Topsoils, subsoils, and other soil making materials to be used in the restoration process shall be stored according to their quality in separate heaps which do not overlap, unless otherwise agreed by the Mineral Planning Authority. (3)
17. All stripped topsoil and subsoil shall be retained on site for restoration. (3)

SITE WORKING

18. No development (including soil stripping and mineral extraction) shall commence in the extension area edged blue on Plan No. DCC/01 unless and until the access track shown on Plan No. * has been repaired to the satisfaction of the Mineral Planning Authority with type 1 granular sub base material. (2, 5) **DEPENDING UPON DECISION MADE BY COMMITTEE CONDITION MAY BE AMENDED**
19. No development (including soil stripping and mineral extraction) shall take place in the northern extension area edged blue on Plan No. DCC/01 unless and until a scheme of working and restoration as required by Condition 4 has been submitted to and agreed in writing by the Mineral Planning Authority. (2, 5) **DEPENDING UPON DECISION MADE BY COMMITTEE CONDITION MAY BE AMENDED**
20. If current operations or reactivated mineral extraction operations are to be suspended for a period of 12 months or more, then the operator shall within 3 months of the suspension, give written notification to the Mineral Planning Authority together with proposals for an interim restoration for consideration by the Mineral Planning Authority, the interim restoration scheme to be carried out within 3 months of acceptance by the Mineral Planning Authority. Written notification shall be given to the Mineral Planning Authority prior to the resumption of authorised operations following a temporary suspension. (2, 4)
21. In the event that current operations or reactivated mineral extraction operations are discontinued (i.e. winning and working or depositing ceases for a continuous 2 year period) prior to the full implementation of the development, a full reclamation scheme to include details of the reinstatement, aftercare and timescale for quarry restoration works shall be submitted to the Mineral Planning Authority within 27 months of the date working is discontinued. Such a revised restoration scheme shall be fully implemented within 6 months of its approval in writing unless otherwise agreed in writing by the Mineral Planning Authority. (3, 4)
22. Stone storage and finished products shall only be stockpiled in the area edged yellow on Plan No. DCC/01 to heights not exceeding 2m above the worked out quarry floor. (2, 6)
23. Stockpiles of soils and soil forming materials shall only be stockpiled in the areas shown on Drawing No. 227/REV/02, Drawing No. 227/REV/03, Drawing No. 227/REV/04 and to the heights specified in a letter to the Mineral Planning Authority from Whitehouse Services dated 13 October 2002. (2, 6)
24. All waste materials generated on the site shall be used for progressive restoration of the site as described in the document entitled 'Proposed working and progressive restoration scheme for areas covered by 6/86/227CM & MRA/6/4 to 2030' dated 30th April 2002 or in accordance with the scheme approved under Condition 4. (6) **DEPENDING UPON DECISION MADE BY COMMITTEE CONDITION MAY BE AMENDED**
25. No mineral or waste materials shall be imported onto the site and no materials shall be imported onto the site for infilling or to aid restoration unless prior approval has been given by the Mineral Planning Authority. (5, 11)

SITE MAINTENANCE

26. From the date of these Conditions until completion of final restoration of the site, the following shall be carried out:
- (a) the maintenance of fences and the access gate in a sound condition; (12, 13)
 - (b) the maintenance of the access track in the ownership of the applicant, as shown on Plan No. EXT/02/03, in a standard of repair satisfactory to the Minerals Planning Authority and free of potholes using type 1 granular sub base material, initial repair to take place within six months of the date of this schedule of conditions; (5, 9)
 - (c) the maintenance of all haul roads and areas within the site over which licensed road vehicles operate, with a firm surface, clean from mud; (5, 9)
 - (d) the maintenance of any drainage ditches; (7, 8)
 - (e) all areas to be kept free of weeds, and necessary steps taken to destroy weeds at an early stage of growth to prevent seeding. (3, 6)

BUILDINGS, FIXED PLANT AND MACHINERY

27. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no buildings, fixed plant, or machinery, other than that previously approved, shall be erected or placed on the site without the prior written agreement of the Mineral Planning Authority. (11)
28. Plant and machinery on the site shall not be used to process, treat, or otherwise refine materials other than those extracted from the permission area. (5)

ENVIRONMENTAL PROTECTION

Noise

29. All plant, machinery and vehicles used on site shall be effectively silenced at all times in accordance with the manufacturers recommendations. (5)

Blasting

30. No blasting operations shall take place on site at any time without a full blasting scheme having been first submitted to and approved in writing by the Mineral Planning Authority. (1, 11)

Dust

31. All reasonable measures shall be taken to control dust emissions arising from site operations. At such times when the measures employed are not sufficient to suppress fugitive dust emissions to the satisfaction of the Mineral

Planning Authority, operations shall cease until additional measures are provided and found to be adequate. (5)

Dust suppression measures employed can include any or all of the following:

- (i) the provision of mobile water bowsers;
- (ii) the use of dust filters on all fixed plant and machinery;
- (iii) a speed limit of 15 mph on all internal haul roads, with plant provided with upturned exhausts;
- (iv) all haul roads and areas used for the storage of soils and overburden shall be watered during dry, windy weather conditions.

SURFACE WATER DRAINAGE AND POLLUTION CONTROL

- 32. No extraction or other engineering operations shall take place at any time below the water table unless otherwise agreed in writing with the Mineral Planning Authority. (7, 8)
- 33. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. (7, 8)
- 34. Oil, petrol, diesel oil, lubricant, or paint shall only be stored within the site within an impervious bund or enclosure able to contain a minimum of at least 110% total volume of liquid stored. The discharge of such material to any settlement pond, ditch, stream, watercourse, or other culvert is not permitted. All filling and distribution valves, vents, and sight glasses associated with the storage tanks shall be located within the bunded area. (7, 8)
- 35. Throughout the period of working and reclamation, all necessary measures shall be taken to the satisfaction of the Mineral Planning Authority to ensure that the flow of surface water run off onto and off the site is not impeded nor the quality of water affected to the detriment of adjoining land and that no silting, pollution or erosion of any water course or adjoining land takes place. (7, 8)

ITEMS OF ARCHAEOLOGICAL OR SCIENTIFIC INTEREST

- 36. The Minerals Planning Authority shall be notified as soon as immediately practicable, but within 2 working days, of any features or artifacts of archaeological interest encountered during the extraction of minerals or during the stripping, movement, placement and removal of peat, soils and/or overburden materials. Reasonable access shall be afforded to the Minerals Planning Authority or its representatives to arrange and survey and record or recover such features and artifacts. (10)
- 37. Should any item of archaeological interest be discovered, no further development shall take place in the area of that discovery until the operator has secured and implemented a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to, and approved in writing by the Minerals Planning Authority. (10)

PROGRESS REPORT

38. Unless otherwise agreed with the Mineral Planning Authority, the operator shall provide the Mineral Planning Authority with a biennial written report detailing operations taking place at the site during the preceding 24 month period. The report shall identify any difficulties with operations and/or of complying with the planning requirements which may have been encountered at the site during the relevant period. The report shall also include details of any problems or difficulties encountered with the access track in terms of maintenance and increased use. (2, 4)

REINSTATEMENT AND RESTORATION

39. Unless otherwise approved in writing by the Mineral Planning Authority, reclamation of the site shall be in complete accordance with the approved documents listed in Condition 1, or such other scheme as may be agreed in accordance with Condition 4. (1)
40. In accordance with the reclamation requirements, all equipment, machinery, and buildings shall be removed from the site, unless otherwise agreed in writing by the Mineral Planning Authority. (3)
41. In accordance with the reclamation requirements, all areas of hardstanding, including site compounds, access road (other than may be required for the appropriate after-use with agreement in writing by the Mineral Planning Authority) and haul roads, shall be broken up and removed from the site or buried at sufficient depth not to affect the final restoration of the site. (3)

REPLACEMENT OF SOIL

42. The material stripped and stored in accordance with Condition 14 shall only be respread when it, and the ground on which it is to be placed, are in a sufficiently dry condition and in accordance with the details approved under Condition 4. (3)
43. The Mineral Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Condition 42 prior to further restoration being carried out, and should be kept informed as to the progress and stage of all works. (2, 3)

AFTERCARE

Preamble

The aftercare period referred to in the following conditions is a period of five years after compliance with Condition 42.

44. An aftercare scheme shall be submitted to the Mineral Planning Authority prior to the restoration and aftercare of any part of the site, and shall include those matters listed in Condition 4. (14)

ANNUAL REVIEW

45. Unless otherwise agreed with the Mineral Planning Authority, the operator shall provide the Mineral Planning Authority with a biennial written report, to be submitted before 31st July, during the relevant aftercare period, recording the operations carried out on the land during the previous 24 months, and setting out the intended operations for the next 24 months. (14)
46. Every year during the aftercare period the developer shall arrange a site meeting to be held on a date to be agreed with the Mineral Planning Authority, to discuss the report prepared in accordance with Condition 45, to which the following parties shall be invited: (14)
- (a) the Mineral Planning Authority;
 - (b) the Department for Environment, Food and Rural Affairs or successor Department;
 - (c) all owners of land within the site;
 - (d) all occupiers of land within the site;
 - (e) representatives of other statutory bodies as appropriate.
- (20)

REASONS FOR CONDITIONS

1. To ensure the development is carried out in accordance with the approved documents.
2. To ensure the development is carried out in an orderly manner. (County Durham Minerals Local Plan Policy M36 Protecting local amenity.)
3. To ensure the site is satisfactorily restored. (County Durham Minerals Local Plan Policy M46 Restoration conditions.)
4. To avoid unnecessary delay in the restoration of the site. (County Durham Minerals Local Plan Policy M46 Restoration conditions.)
5. In the interests of residential amenity. (County Durham Minerals Local Plan Policy M36 Protecting local amenity & M43 Road traffic.)
6. In the interests of visual amenity. (County Durham Minerals Local Plan Policy M36 Protecting local amenity.)
7. To protect land outside the site. (County Durham Minerals Local Plan Policy M36 Protecting local amenity.)
8. To prevent adversely affecting watercourses passing through or outside the site. (County Durham Minerals Local Plan Policy M38 Water resources.)
9. In the interests of highway safety. (County Durham Minerals Local Plan Policy M35 Recreational areas & PROW & M43 Road traffic.)
10. In the interests of archaeology. (County Durham Minerals Local Plan Policy M33 Archaeology.)
11. To enable the local planning authority to consider the implications of any proposal to expand the activities which take place within the site. (County Durham Minerals Local Plan Policy M36 Protecting local amenity.)
12. In the interests of agriculture. (County Durham Minerals Local Plan Policy M36 Protecting local amenity & M46 Restoration conditions.)
13. In the interests of public safety. (County Durham Minerals Local Plan Policy M36 Protecting local amenity & M35 Recreational areas & PROW.)
14. To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

