

Application Reference Number  
[N.12/09/216 MW](#)



To: Tarmac Aggregates Limited  
c/o Mr Nick Atkins  
Croxden Quarry  
Croxden Common,  
Freehay, Cheadle,  
Stoke-on-Trent,  
ST10 1RH

**TOWN AND COUNTRY PLANNING ACT 1990 and the ENVIRONMENT ACT 1995**

**PROJECTS REQUIRING AN ENVIRONMENTAL ASSESSMENT**

**DECISION NOTICE**

The Secretary of State for the Environment in pursuance of powers under the above mentioned 1990 Act previously permitted:

Scheme of Conditions (appeal decision ref. M23/2/011 dated 14 November 1997), (subject to the Section 106 Legal Agreement signed on 15 July 1998)  
(application ref. [IDO/N/1](#)).

The Staffordshire County Council in pursuance of powers under [Schedule 14](#) of the above mentioned 1995 Act and having taken into consideration the environmental information, hereby approve:

**The Scheme of Conditions, as modified by the County Council, related to the periodic review of mineral planning permission IDO/N/1 on land at Walley's Quarry, Cemetery Road, Silverdale, Newcastle under Lyme  
(application ref. [N.12/09/216 MW](#)).**

The above mentioned permission shall with effect from the date of this Decision Notice be subject to the condition(s), for the reasons specified, hereunder.

**Definition of the Permission/ Decision Notice**

1. The conditions shall only relate to the site edged red on '[Location Plan](#)' (dwg no W31/ROMP/12/01)', hereafter referred to as 'the Site' and the permitted development shall only be carried out in accordance with the approved documents, plans and details listed below:

- Application forms dated 8 November 2012;
- Non-Technical Summary;
- Environmental Statement;

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- Environmental Statement - Appendix 1 – Plans;
- Location Plan W31/ROMP/12/01;
- Working Scheme W31/ROMP/12/03;
- Environmental Statement - Appendix 3 - Noise Assessment;
- Environmental Statement - Appendix 4 – LVIA;
- Environmental Statement - Appendix 5 - Landfill Gas Monitoring Action Plan;
- Plan W31/ROMP/12/02A - Existing Situation;
- Plan W31/ROMP/12/04B - Final Restoration;
- Letter from David L Walker Limited dated 9 July 2013 relating to drawings, vehicle routing, phasing, restoration plant, existing landscaping/screening, updating of previously approved schemes, and flood risk information;
- Letter from David L Walker Limited dated 6 March 2014 relating to comments from the Environmental Health Services, Newcastle under Lyme Borough Council and the County Council’s Environmental Advice Team;
- Letter from David L Walker dated 14 April 2014;
  - Extended Phase 1 Habitat Survey dated April 2014.
- List of relevant approvals under the IDO Scheme of Conditions (ref. IDO/N/1)
  - Approved details (ref. [IDO/N/1 D1](#) dated 19 January 2001) of Scheme of Conditions IDO/N/1 relating to condition 11 (hard surfacing), 14 (noise monitoring), and 17 (dust control);
  - Approved details (ref. [IDO/N/1 D2](#) dated 10 January 2003 of Scheme of Conditions IDO/N/1 relating to condition 26 (landscaping);
  - Approved details (ref. [IDO/N/1 D3](#) dated 25 August 2005) relating to condition 21 (landfilling: further details), 22 (stability), 26 (landscaping), 29 (sheeting of vehicles), 30 (location of lorry routing sign), 31 (drainage) and 34 (skip storage), and;
  - Approved details (ref. [IDO/N/1 216 MW D4](#) dated 5 June 2007) of Scheme of Conditions IDO/N/1 relating to the requirements of the S106 legal agreement and condition 30 (lorry routing).

except in so far as the approved documents, plans and details listed above are amended by the conditions specified below.

*Reason: To define the development and to ensure that the development is carried out in all respects in accordance with the approved documents, plans and details.*

**Cessation of Operations and Expiry of the Permission/ Decision Notice**

2. The landfilling of non-hazardous waste and stable non-reactive hazardous wastes shall cease no later than 31 December 2026 and thereafter landfilling shall continue only with inert waste, such that the Site is restored no later than 21 February 2042 in accordance with the requirements of Conditions 37 to 39 below.

**3. The permission to which this Decision Notice relates shall expire when the Mineral Planning Authority has confirmed in writing that the Site has been restored, and subject to aftercare in accordance with the latest approved Restoration and Aftercare Scheme (Conditions 37 to 39).**

*Reason (2 and 3): To define the cessation dates and final restoration and aftercare dates in accordance with the requirements of [Schedule 5 of the Town and Country Planning Act 1990](#) which requires that every mineral site permission/ Decision Notice to have a condition as to the duration of the development.*

*Note: The Environmental Permit issued by the Environment Agency will define the detailed waste types within these broad categories.*

### **Method of Working**

**4. The Site shall be progressively worked in accordance with the Working Plan (dwg no W31/ROMP/12/03) unless otherwise approved in writing by the Mineral Planning Authority in accordance with the requirements of Conditions 5 and 6 below.**

**5. No later than 12 months from the date of this Decision Notice, a detailed Site Layout Plan(s) to update the approved Working Plan for the Site, at 1:1250 scale (or as otherwise appropriate), shall be submitted for the written approval of the Mineral Planning Authority. The Site Layout Plan(s) shall include but may not be limited to the following details:**

- a) The areas that have been landfilled and restored, including the levels;**
- b) The areas currently being landfilled and restored, including the levels;**
- c) The areas to be landfilled and restored in the next 5 years, including the levels;**
- d) The approved final restoration levels in the restored areas;**
- e) The location of subsoil and topsoil mounds and their profiles and treatment;**
- f) The access, the hard surfaced internal haul road, offices, parking areas, compounds, landfill gas utilisation plant, leachate treatment plant, fuel storage facilities, weighbridge, wheel cleaning facilities and drainage; and,**
- g) The site fencing and security gates.**

**The Site shall operate in accordance with the approved Site Layout Plan(s).**

6. On the 5th anniversary of the date of this Decision Notice, and every 5 years thereafter until the cessation of landfilling operations, a Progress Report, including an update to the Site Layout Plan(s) required by Condition 5 above, shall be submitted for the written approval of the Mineral Planning Authority. The submitted Progress Report shall demonstrate the progress being made relative to the previously approved Site Layout Plan(s), and the progress relative to the approved programme of restoration for the Site. The report shall consider the need to submit revised details for the working and restoration of the Site in the event that insufficient progress has been made relative to the dates for the cessation of the landfilling and final restoration of the Site (ref. Conditions 37 to 39).

The Site shall operate in accordance with the latest approved Site Layout Plan(s).

7. No further winning and working of mineral shall take place on the Site and no waste materials shall be deposited within 15 metres of the boundary of the Site.

### Waste Types

8. No waste shall be imported into the Site for landfill purposes other than inert waste, non-hazardous industrial and commercial wastes and stable non-reactive hazardous wastes.

9. No municipal waste shall be imported into the Site.

*Reasons (4 to 9): To require the working and restoration of the Site in accordance with the approved timescales; to enable easy reference to up to date plans; to enable effective monitoring; to comply with the requirement of the Decision Notice; to ensure the orderly operation of the Site; to monitor the quality of mineral extracted, and, to accord with the [Staffordshire and Stoke-on-Trent Minerals Local Plan](#) (saved policy 9); the [emerging Staffordshire Mineral Local Plan](#) (policy 4); and the [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policies 1.1 and 1.3) and [Newcastle under Lyme and Stoke on Trent Core Spatial Strategy](#) (policy CSP8). Also having regard to the [National Planning Policy Framework](#) (sections 9 and 13).*

*Note: The Environmental Permit issued by the Environment Agency will define the detailed waste types within these broad categories.*

### Hours of Operation

10. No operations except for loading, water pumping, servicing, maintenance and testing of plant shall be carried out other than between the following hours except in the case of emergencies:

- 07:00 to 19:00 Mondays to Fridays and
- 07:00 to 13:00 on Saturdays,

No such operations shall take place on Sundays, Bank and Public Holidays.

**Any emergency operations shall be recorded and reported to the Mineral Planning Authority within 7 days of such an emergency event occurring.**

*Reasons: To accord with the provisions made within the application and to safeguard the amenities of local residents in accordance with the [Staffordshire and Stoke-on-Trent Minerals Local Plan](#) (saved Policy 12); the [emerging Staffordshire Mineral Local Plan](#) (policy 4); the [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policy 4.2); and, the [National Planning Policy Framework](#) (section 11).*

### **Development Restrictions**

**11. Notwithstanding provisions of the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) (as amended or re-enacted), no additional buildings, fixed plant or machinery other than as previously approved in writing by the Mineral Planning Authority shall be erected or otherwise brought onto the Site without the prior written approval of the Mineral Planning Authority.**

*Reasons: To ensure the orderly operation of the Site, to protect visual amenity and in accordance with [Staffordshire and Stoke-on-Trent Minerals Local Plan](#) (saved policy 21); the [emerging Staffordshire Mineral Local Plan](#) (policy 4); the [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policy 4.2); and, the [National Planning Policy Framework](#) (sections 9 and 13).*

### **Knowledge of the Decision Notice**

**12. The terms of this Decision Notice and any documents, plans and details subsequently approved in accordance with this Decision Notice shall be made known and be accessible to any person(s) given responsibility for the management or control of the activities/operations on the Site.**

*Reasons: To enable easy reference and to encourage compliance with the requirement of the Decision Notice so as to ensure the orderly operation of the Site.*

### **Highway Safety and Access**

**13. All vehicle traffic shall use the site entrance as marked 'Site Access' on the Existing Situation plan (dwg no W321/ROMP/12/02A).**

**14. All accesses on to the public highway shall have hard surfaces maintained for the duration of the permitted uses in accordance with approved details (ref. [IDO/N/1 D1](#) dated 19 January 2001).**

**15. The number of HGVs entering or leaving the Site shall not exceed 880 per full working week (440 in and 440 out).\***

16. Weighbridge and wheel washing facilities shall be retained and maintained in working order until such time as they are programmed to be removed from the Site as part of the approved Restoration and Aftercare Scheme.
17. No vehicle associated with the permitted development shall leave the Site in a condition whereby mud, dirt or deleterious material is deposited on to the public highway.
18. No waste carrying vehicle shall leave the Site unless its load has first been securely contained or sheeted.
19. The sign erected giving details of the vehicle routes shall continue to be located adjacent to the wheelwash (shown on Figure 1, ref. [IDO/N/1 D3](#) dated 25 August 2005) in accordance with the approved details and maintained in good condition until such time as the sign is programmed to be removed in accordance with the approved Restoration and Aftercare Scheme.

*Reasons (13 to 19): In the interest of highway safety and to accord with the [Staffordshire and Stoke-on-Trent Minerals Local Plan](#) (saved policy 12); the [emerging Staffordshire Mineral Local Plan](#) (policy 4); the [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policy 4.2); and, the [National Planning Policy Framework](#) (section 4).*

*\* Explanatory note: The report to Planning Committee on 4 June 2015 recommended that the number of HGV movements be limited to 220. This was an error as it was not intended to reduce the permitted 440 movements in and out of the Site per week (condition 12 of the extant permission ref. IDO/N/1). A correction was recommended to and approved by the Planning Committee on 12 May 2016. Condition 15 now repeats the proposed condition 12, subject to a minor update to aid understanding.*

### **Appearance of the Site**

20. All buildings, structures, perimeter security fencing, gates and hard-surfaces on Site shall be maintained in place and in good condition and fit for purpose until such time as they are programmed to be removed in accordance with the approved Restoration and Aftercare Scheme.
21. Any unauthorised waste disposal in the woodland located in the south-eastern corner of the Site shall be removed and taken to an authorised waste management facility.
22. A maximum of 6 skips shall be stored on Site at any one time for the duration of the permitted development in accordance with the approved details (ref. [IDO/N/1 D3](#) dated 25 August 2005).

*Reason (20 to 22): To protect visual amenity in accordance with the [Staffordshire and Stoke-on-Trent Minerals Local Plan](#) (saved policies 12 and 35); the [emerging Staffordshire Mineral Local Plan](#) (policy 4); the [Staffordshire and Stoke-on-Trent Waste Local Plan](#)*

(policy 4.2); the [Newcastle under Lyme and Stoke on Trent Core Spatial Strategy](#) (policy CSP1) and, the [National Planning Policy Framework](#) (sections 11 and 13).

### **Landscape Scheme**

**23. The landscaping of the perimeter of the Site shall be carried out and continue to be maintained for the duration of the permitted development in accordance with the approved details (ref. [IDO/N/1 D2](#) dated 10 January 2003 and [IDO/N/1 D3](#) dated 25 August 2005).**

*Reasons: To ensure that on-site operations do not have a significant adverse visual impact upon the surrounding environment, to safeguard habitats and to protect and enhance the landscape in accordance with the [Staffordshire and Stoke-on-Trent Minerals Local Plan](#) (saved policies 20 and 21); the [emerging Staffordshire Mineral Local Plan](#) (policy 4); the [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policy 4.2), the [Newcastle under Lyme and Stoke on Trent Core Spatial Strategy](#) (policy CSP1); [Newcastle under Lyme Borough Local Plan](#) (saved policy N17) and, the [National Planning Policy Framework](#) (section 11).*

### **Record Keeping**

**24. The following records shall be kept and provided to the Mineral Planning Authority within 7 days of a request made in writing:**

- a) **Records of the total number of HGV vehicles importing waste to the Site per day;**
- b) **Records of the total quantity of waste imported to the Site;**
- c) **Results of noise monitoring (ref. Conditions 28);**
- d) **Results of dust monitoring (ref. Condition 29); and,**
- e) **Records of complaints received and remedial action taken.**

**In making a request, the Mineral Planning Authority shall specify the dates between which the records shall be provided.**

*Reason: To ensure the Decision Notice is implemented in accordance with the submitted details and in the interests of the highway safety and protection of the environment in accordance with the [Staffordshire and Stoke-on-Trent Minerals Local Plan](#) (saved policy 12); the [emerging Staffordshire Mineral Local Plan](#) (policy 4) and the [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policy 4.2).*

**Control of Noise**

25. All vehicles, plant and machinery used on the Site shall be operated with engine covers closed, with effective silencers and maintained in accordance with the manufacturer’s recommendations in order to prevent excessive noise emissions.

26. No mobile plant shall be used on the Site unless fitted with broadband “white” noise reversing alarms or other suitable non-audible reversing aids and these shall be maintained in accordance with the manufacturer’s recommendations and specification.

27. Site attributable noise from the Site (excluding the temporary operations referred to below) when measured at the nearest noise sensitive properties at the following locations shall not exceed the limits as detailed below:

Location	Proposed Noise Limits dB(LAeq) (1 hour) (free-field)	
	Early Morning (0700 – 0800)	Daytime (0800 – 1900)
Halfway Place/ Silverdale Road	55	55
Caravan Site	55	55
Galingale View	48	55
Garden Centre	N/A	55
Offices on Cemetery Road	N/A	55
Gadwall Croft	48	55

Site attributable noise arising from the temporary operations including the construction and removal of soil screening bunds on the Site shall not exceed 70 dB(LAeq) (1 hour) (free-field) when measured at the nearest noise sensitive properties / noise sensitive properties referred to above. Such temporary operations shall take place for no more than 8 weeks in any 12 month period.

28. Noise monitoring shall be carried out in general accordance with the approved details (ref. [IDO/N/1 D1](#) dated 19 January 2001) as amended by the arrangements set out in the in the Environmental Statement (Appendix 3 Noise Impact Assessment, Appendix A - Noise Management Plan, Appendix A).

**Control of Dust Emissions**

29. Within 6 months of the date of this Decision Notice, details of a revised Dust Management Scheme (‘the Scheme’) shall be submitted for the written approval of the Mineral Planning Authority. The Scheme shall be based on the approved management details (ref. [IDO/N/1 D1](#) dated 19 January 2001) and the Environmental Statement (Section 4.3). The updated scheme shall include but may not be limited to the following details:



- a) The precise arrangements for the monitoring of wind speed on the Site;
- b) The dust monitoring points around the boundary of the Site;
- c) The equipment to be used to monitor dust which shall be both directional and non-directional gauges;
- d) The monitoring frequency and periods;
- e) The steps to be taken to establish the background / baseline dust levels;
- f) The steps to be taken in the event that the measured dust exceeds the permitted limits; and,
- g) The steps to review the dust monitoring scheme from time to time.

Dust monitoring and management shall thereafter be carried out in accordance with the approved updated scheme.

*Reasons (25 to 29): To minimise the potential noise and dust nuisances and environmental impacts of the development on the local community and surrounding area in accordance with the [Staffordshire and Stoke-on-Trent Minerals Local Plan](#) (saved policy 12); the [emerging Staffordshire Mineral Local Plan](#) (policy 4); the [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policy 4.2); and the [National Planning Policy Framework](#) (sections 9 and 13).*

### **Soil Resources**

**30. Within 6 months of the date of this Decision Notice, details of soil handling and storage arrangements shall be submitted for the written approval of the Mineral Planning Authority. All available soil resources required for the final restoration shall be retained in storage mounds on the Site for subsequent re-use. Topsoil mounds shall be limited to 3 metres in height and subsoil mounds shall be limited to 5 metres in height. The soil handling and storage arrangements shall be carried out in accordance with the approved details (refer to Informative 2).**

**31. No movement of soil or soil-making material shall take place unless the soil or soil-making material is in a dry and friable condition.**

*Reasons (30 and 31): To protect the soil resources in accordance with the [Staffordshire and Stoke-on-Trent Minerals Local Plan](#) (saved policy 21); the [emerging Staffordshire Mineral Local Plan](#) (policy 4); the [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policy 4.2); and the [National Planning Policy Framework](#) (sections 9 and 13).*

## **Ecology**

32. Within 6 months of the date of this Decision Notice, a Habitat Management Plan for the Non-operational Land within the Site (including any woodland and ditches) shall be submitted for the written approval of the Mineral Planning Authority. The non-operational land shall thereafter be managed in accordance with the approved details until such time as the Site has been restored and the non-operational land is being managed as part of the approved Restoration and Aftercare Scheme for the Site as a whole.

33. In the event that the works affect any woodland and any ditches within the Site, a protected species survey shall be carried out by a suitably experienced and qualified ecologist to appropriate published guidelines for protected species including, but not limited to:

- Breeding Birds;
- Bats; and,
- Water Voles

Protected species survey details and results shall be submitted to the Mineral Planning Authority and in the event that the surveys indicate the presence of protected species or their use of the Site measures to avoid and mitigate the impacts of the development shall be submitted for the written approval of the Mineral Planning Authority. Operations on the Site shall thereafter be carried out in accordance with the approved measures.

*Reasons (32 and 33): To enable easy reference and to encourage compliance with the requirement of the Decision Notice so as to ensure the orderly operation of the Site and to safeguard protected species and to minimise the impact in accordance with the [Staffordshire and Stoke-on-Trent Minerals Local Plan](#) (saved policy 12); the [emerging Staffordshire Mineral Local Plan](#) (policy 4); the [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policy 4.2); and, the [National Planning Policy Framework](#) (section 11).*

## **Drainage**

34. There shall be no discharge of foul or contaminated surface water from the Site into either the groundwater system or any surface waters other than in compliance with an Environmental Permit or other licence issued by the Environment Agency or other Competent Authority. Foul water shall be directed into the main sewage system.

## **Fuel Storage**

35. Any oil or chemical storage tank located within the site shall be surrounded by a bund capable of retaining 110% of the capacity of the tank, or shall be a tank having the benefit of a double skin. The floor and wall of the bund must be impervious to both water and the materials being stored in the tank. All filling points, vents and sight glasses shall be located within the bund. Drainage valves in

the bund shall be of a lockable type and shall be kept closed and locked when not in use.

*Reasons (34 and 35): To protect surface and ground water, in accordance with [Staffordshire and Stoke-on-Trent Minerals Local Plan](#) (saved policy 12); the [emerging Staffordshire Mineral Local Plan](#) (policy 4); the [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policy 4.2); and, the [National Planning Policy Framework](#) (section 10).*

### **Settlement**

36. The operator shall ensure that as tipping approaches the approved pre-settlement levels and in any case prior to the spreading of subsoil, the surface levels of the Site shall be surveyed and markers erected and maintained over the Site to indicate the approved pre-settlement tipping levels. Any material tipped in excess of final pre-settlement tipping levels shall be re-graded or removed from the Site within 30 days.

### **Final Restoration and Aftercare**

37. The Site shall be progressively restored to agriculture, conservation grassland and woodland in accordance with the approved Final Restoration Plan (dwg no. W31/ROMP/12/04B) as modified by the approved detailed Restoration and Aftercare Scheme required by Conditions 38 to 40 below.

38. Every 5 years from the date of this Decision Notice a review of the approved Final Restoration Plan shall be submitted for the written approval of the Mineral Planning Authority until such time as the Mineral Planning Authority confirms in writing that no further review is necessary.

39. No later than 12 months from the date of this Decision Notice, a detailed Restoration and 5 year Aftercare Scheme based on the approved Restoration Plan for the Site shall be submitted for the written approval of the Mineral Planning Authority (the 'Scheme').

The Scheme shall include but may not be limited to the following details:

- a) the proposed final pre-settlement and post settlement restoration contours, gradients and levels;
- b) the programme for the progressive restoration of the Site to the approved final restoration contours and for the management and aftercare of the restored Site for a period of five years from the completion of final restoration which shall include details of the depth and nature of topsoil and subsoil, and arrangements for regrading or resoiling to achieve the final post settlement restoration contours;
- c) programme for the retention or removal of any hard surfaced internal haul road, offices, parking areas, compounds, fuel storage facilities, weighbridge,

- wheel cleaning facilities and drainage during the restoration and aftercare phase;
- d) programme for the temporary retention of the landfill gas utilisation plant, leachate control and monitoring equipment, and the groundwater monitoring equipment during the restoration and aftercare phase;
  - e) the method of soil and soil-making materials replacement and treatment;
  - f) the cultivation and management of the agricultural land, wet woodland, woodland, hedgerow and acid grassland;
  - g) weed control;
  - h) the measures to minimise damage in the event of drought or fire;
  - i) management techniques during the aftercare period;
  - j) including provision for replacement of failures of individual trees, shrubs and plant species to secure an 85% survival rate at the end of the aftercare period;
  - k) the arrangements for the drainage of the restored Site including details of the balancing ponds, their profiles, habitat enhancement and maintenance thereof; on the Site;
  - l) arrangements for annual meetings and annual reports describing the previous year's aftercare measures, including comments on the successes and failures and plans for the next year's aftercare;
  - m) The programme for the implementation of the Scheme.

The approved detailed Restoration and Aftercare Scheme shall be carried out in full accordance with the approved programme of implementation (Condition 39 (m)) following written notification to the Mineral Planning Authority of the completion of the final restoration of the Site.

In the event that the approved Final Restoration Plan is revised following the regular review in accordance with Condition 38, then no later than 6 months after the approval of the Revised Final Restoration Plan, a detailed Revised Restoration and Aftercare Scheme, taking into account the approved revisions to the Final Restoration Plan, shall be submitted for the written approval of the Mineral Planning Authority.

The Site shall be restored and subject to aftercare in accordance with the latest approved Final Restoration Plan and detailed Restoration and Aftercare Scheme.

### **Premature cessation of operations**

40. In the event of the cessation of permitted operations, prior to the completion of the approved Restoration and Aftercare Scheme, a Revised Final Restoration Plan shall be submitted for the written approval to the Mineral Planning Authority, no later than 24 months after the cessation of the permitted operations. No later than 6 months after the approval of the Revised Final Restoration Plan a detailed Revised Final Restoration and Aftercare Scheme, taking into account the approved revisions, shall be submitted for the written approval to the Mineral Planning Authority.

In these circumstances, the Site shall be restored and subject to aftercare in accordance with the approved Revised Final Restoration Plan and Revised Final Restoration and Aftercare Scheme.

*Reasons (36 and 40): To secure the restoration and aftercare of the Site at the earliest opportunity to high environmental standards in accordance with the [Staffordshire and Stoke-on-Trent Minerals Local Plan](#) (saved policy 21); the [emerging Staffordshire Mineral Local Plan](#) (policies 4 and 6); the [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policy 4.2); [Newcastle under Lyme and Stoke on Trent Core Spatial Strategy](#) (policy CSP1); the [Newcastle under Lyme Borough Local Plan](#) (saved policy N17); and the [National Planning Policy Framework](#) (sections 11 and 13). Also to comply with the requirements of [Schedule 5 of the Town and Country Planning Act 1990](#) which requires that every permission/ Decision Notice for the winning and working of minerals shall have a 'restoration condition' as to steps necessary to bring the land back to the required standard and shall have an 'aftercare condition' as to steps necessary over a 5 year period to bring the land back to the required standard.*

*Note: The Unilateral Undertaking includes an undertaking to carry out an additional 10 year period of aftercare (see Informative 5 below).*

## **INFORMATIVES**

### **1. Bird control of vermin and pests**

The measures to control vermin and birds should continue as part of the on-going operations at the Site.

### **2. Staffordshire County Council's Environmental Advice Team**

The County Council's Environmental Advice Team has advised that consideration should be given to the following:

- a) Soil Handling which should be in accordance with the MAFF '[Code of Good Agricultural Practice for the Protection of Soil](#)', the DoE Guidance on Good Practice for the Reclamation of Mineral Workings to Agriculture, published in 1996, [DEFRA](#)

[‘Guidance for Successful Reclamation of Mineral & Waste Sites’](#) 2004, the Forestry Commission Bulletin 110 ‘Reclaiming Land for Forestry’, DETR book ‘Soil Forming Materials: Their Use in Land Reclamation’ and the [‘Good Practice Guide for Handling Soils’](#) (MAFF 2000).

- b) To arrange meetings to discuss the landscape and ecological implications with the County Council’s Environmental Advice Team prior to the submission of the updated ecological assessments and prior to the submission of the detailed Restoration and Aftercare Scheme(s) or reviews of the Restoration Plan required by the Decision Notice.
- c) To contact the County Council Rights of Way Team to discuss the future of the right of way running across the Site which does not appear to have been diverted or closed.

### **3. The Coal Authority**

The Coal Authority has advised that consideration should be given to the following matters:

- a) The location and stability of abandoned mine entries present on site;
- b) The extent and stability of shallow mine workings present on site;
- c) The potential for unrecorded mine workings;
- d) The potential for hydrogeology, mine water and mine gas;
- e) The potential for the prior extraction/co-extraction of the surface coal resources where practicable and viable; and,
- f) Whether Coal Authority permission is required to intersect, enter, or disturb any coal or coal workings.

### **4. Monitoring Visits - fees payable**

Regulations that came into effect on 6 April 2006 provide for the payment of fees to Mineral and Waste Planning Authorities in England when they carry out monitoring visits to sites with mineral extraction and / or landfill permissions to help in ensuring that those permissions are monitored in accordance with good practice.

For more information and contact details visit the Regulation page on the Staffordshire Planning web site at [www.staffordshire.gov.uk/planning](http://www.staffordshire.gov.uk/planning)

## **5. Terms of the Section 106 Legal Agreement and Unilateral Undertaking**

You are reminded of about the terms of the Section 106 Legal Agreement and Unilateral Undertaking, which include the following obligations:

- a) The [Section 106 Legal Agreement](#) signed on 15 July 1998:
  - i) The obligation to use prescribed lorry routes; all drivers of HGVs are issued with instructions detailing the approved 'lorry route'; to require a condition being included in contracts concerning the use of the an approved route to transport materials to the site; sign be erected forbidding the use of routes not approved; the operator disciplines any driver not using the approved 'lorry route'
  - ii) The obligation that the County Council do not to use the site for any waste management purposes.
- b) The [Unilateral Undertaking](#) signed on 25 May 2016:
  - i) Require drivers to use the wheelwash facility and to arrive at the site with sheeted / contained loads;
  - ii) Formalise the liaison committee arrangements which shall define the frequency of meetings; the membership; administration of the meetings; and, define the terms of reference;
  - iii) Require a review of the approved Final Restoration Plan every 5 years in consultation with interested parties; and,
  - iv) Provide for an extended 10 year period of aftercare following the statutory minimum 5 years aftercare period;

### **IMPORTANT NOTICES THAT AFFECTS YOUR PLANNING PERMISSION**

This Decision Notice does not purport to convey any approval or consent which may be required under any enactment other than [Section 57 of the Town and Country Planning Act, 1990](#) (as amended).

## **BACKGROUND TO THE DECISION**

On 4 June 2015, the Planning Committee accepted the recommendation in a report to APPROVE the application by Staffordshire County Council for a Scheme of Conditions, as modified by the County Council, related to the periodic review of mineral planning permission IDO/N/1 on land at Walley's Quarry, Cemetery Road, Silverdale, Newcastle under Lyme. For details refer to the 4 June 2015 [Planning Committee report/minutes](#) and 12 May 2016 [Planning Committee report/minutes](#).

## **NOTIFICATION FOR APPLICANTS**

### **THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(ENGLAND) ORDER 2015 ([PART 6, ARTICLE 35\(3\)](#) AND [SCHEDULE 5](#)):**

#### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority s, then you can appeal to the Secretary of State under [Section 96](#) and [Schedule 14](#) (paragraph 9) of the [Environment Act 1995](#).

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:

- 28 days of the date of service of the enforcement notice, or,
- within 6 months of the date of this notice, whichever period expires earlier.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which is available from [Planning Practice Guidance](#) and sent to the Planning Inspectorate at Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Please note, only the applicant possesses the right of appeal.



Application Reference Number  
[N.12/09/216 MW](#)

**APPROVED APPLICATION DOCUMENTS AND PLANS**

Please note that we no longer return stamped approved copies of the submitted application documents and plans with the decision notice. Instead we will specify the approved documents and plans in the decision notice. We will also publish copies of the approved documents and plans on our Staffordshire Planning web site [www.staffordshire.gov.uk/planning](http://www.staffordshire.gov.uk/planning) ('Applications Register').

**Dated this 26th day of May 2016**

*[Electronic Copy: Signature Removed]*-----  
**On behalf of Staffordshire County Council**