



NOTICE OF GRANT OF PLANNING PERMISSION
Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
(England) Order 2015

Contact Name and Address:
SLR Consulting Limited
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Sheffield
S35 2PW

Application No: ST/1207/14/FUL
Date of Issue: 20/11/2018

In pursuance of their powers under the above mentioned Acts, South Tyneside Council as Local Planning Authority hereby **GRANT** planning permission for the following:

Proposal: Deepening and lateral extension of existing brick shale quarry with scheme of phased extraction and restoration and extended quarry completion date. Application accompanied by an Environmental Statement. Importation of brick clay for storage and export, to cease when the mineral extraction works at Red Barns is completed
Location: Red Barns Quarry, Leam Lane, West Boldon, NE10 8YD

SUBJECT TO THE FOLLOWING CONDITION(S) AND REASON(S):

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plans as detailed below

Drawing No. RB 4 Rev D received 16.12.16
Drawing No. RB RCS1 Received 16.12.16
Drawing No. RB P2CS Received 23.12.16
Drawing No. RB 3/1 Received 19.12.14
Drawing No. RB 3/2 Received 19.12.14
Drawing No. RB 3/3 Received 19.12.14
Drawing No. RB 3/4 Received 19.12.14

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 Phasing

Within 26 years of the date of this permission, all operations authorised or required by this permission shall be completed and shall cease including the extraction of minerals, importation, storage and export of brick clay, the restoration of all soils and the implementation of landscaping works in accordance with conditions hereinafter appearing and within the same timescale of 26 years, all buildings, plant, machinery, equipment and temporary hard standings and haul routes used in connection with the development hereby authorised shall be removed from the site.

To ensure that the development is commenced and completed within a reasonable period of time from the date of this permission and to enable the position to be reviewed in the event of the development not commencing or continuing in the specified period, and in accordance with South Tyneside Local Development Framework Policy SA11.

4 Prior to the commencement of phases two, three and four of development as identified within the submission on plans RB3/2, RB 3/3 and RB 3/4 , two weeks prior written notification shall be given to the Local Planning Authority of the date of commencement of operations on the site.

To ensure the development is carried out in an orderly manner and that the relevant phasing agreements are in place to commence the time periods for implementation and aftercare of the site in accordance with South Tyneside Local Development Framework Policy DM1.

5 From the date of this permission until the completion of restoration, a copy of this notice of decision, together with copies of the documents referred to in condition no. 2 above, and any subsequent amendments and approvals of planning conditions, shall be available for inspection at the site office during normal working hours.

To ensure that the development is carried out in accordance with the approved plans and that the planning decision is available for reference at the site office, and in accordance with South Tyneside Local Development Framework Policy SA11.

6 The operator shall maintain a notice board at the entrance to the site indicating the name, address and telephone number of: (i) a representative of the operator who would be able to deal promptly with any complaints; and (ii) the telephone number of the local planning authority in respect of any queries regarding the working of the site. The notice board shall be maintained in a sound and legible condition throughout the period of working and restoration.

To assist local people in making contact with the operator and the local planning authority in respect of issues relating to the operation of the site and in accordance with South Tyneside Local Development Framework Policy SA11.

7 Except in emergencies to maintain safe site working (which shall be notified to the local planning authority within 48 hours of any occurrence) or unless the local planning authority has agreed otherwise in writing: (a) no operation, other than water pumping environmental monitoring and essential plant maintenance shall be carried out at the site except between the hours of 0700 hrs and 1900hrs Monday to Friday and 0700 hrs and 1300hrs on Saturdays. No operations other than water pumping and environmental monitoring shall

take place on Sundays or bank or public holidays. All top soil and subsoil handling operations together with the construction and removal of perimeter screening and soil storage mounds shall only take place between 0900hrs and 1700hrs Monday to Friday.

In the interests of the amenity of the area in accordance with South Tyneside Local Development Framework Policy DM1.

- 8 Noise generated by the development of the site shall not exceed 55dB Laeq1h at Cock Crow Inn, West Fellgate Farm and South Wardley Farm, the noise levels being measured at locations within the site boundary as close to each noise-sensitive receptor as possible and at positions where the noise from the quarry is clearly distinguishable. The measured noise levels at these positions shall then be distance-corrected back to each receptor and compared to the limit of 55dB.

Best practicable means shall be used to minimise noise from vehicles and machinery and without prejudice to the foregoing, all vehicles shall be fitted with effective silencers and shall be maintained in accordance with the manufacturers specifications in good working order in order to avoid excessive vibration or other noise nuisances and disturbance at noise sensitive locations around this site.

In the interests of the amenity of the area in accordance with South Tyneside Local Development Framework Policy DM1.

- 9 No blasting shall take place on the land to which this permission relates.

In the interests of the amenity of the area in accordance with South Tyneside Local Development Framework Policy DM1.

- 10 Notwithstanding the provisions of Part 17 of Schedule 2 the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order), no buildings, fixed plant, machinery or structure shall be erected or placed on the site without first obtaining planning permission from the local planning authority.

To enable the local planning authority to assess the effects of further developments which otherwise would be permitted in the interests of public safety, and in accordance with South Tyneside Local Development Framework Policy DM1.

- 11 In the event that mineral working is discontinued (ie winning and working ceases for 3 years) 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 local planning authority for its written approval within 39 months of the date working is discontinued. The scheme shall be fully implemented within 6 months of its approval in writing by the local planning authority.

To avoid unnecessary delay in the restoration of the site in accordance with part 13 of the National Planning Policy Framework and South Tyneside Local Development Framework Policies SA11 and DM8).

- 12 The movement of Heavy Goods Vehicles to the site shall be restricted to 100 two way movements per day as per current working patterns, to ensure the safe and efficient operation of the Strategic Highway Network.

In the interests of highway safety and the amenity of the area in accordance with South Tyneside Local Development Framework Policy DM1.

- 13 No Heavy Goods Vehicles shall leave the site unless its wheels have been cleaned sufficiently to prevent mud or other material being deposited on the public highway.

In the interests of highway safety and the amenity of the area in accordance with South Tyneside Local Development Framework Policy DM1.

- 14 No vehicle loaded with mineral shall leave the site unless the load is effectively sheeted to ensure that dust and other debris are not shed onto the public highway.

In the interests of highway safety and the amenity of the area, and in accordance with South Tyneside Local Development Framework Policy DM1.

- 15 Within three months from the date of this permission, a scheme shall be submitted to and approved in writing by the local planning authority setting out proposals for the management and monitoring of the ground water and surface water outfall to the Bede Burn watercourse (the drainage monitoring plan). As a minimum for the on-site drainage arrangements the quarry operators will need to ensure that:

- the water quality of the discharge to the Bede Burn does not exceed environmental quality standards
- a suitable means of removing silt is in place such as settling ponds or any other suitable means
- on discovery of unsatisfactory results the quarry operator will be expected to cease pumping until an agreed mitigation proposal is accepted.

The monitoring plan shall follow the recommendations made in paragraph 6.2.1 of the Additional Hydrogeological Information dated October 2016 (SLR Ref: 403-04179-00002 version 2) and shall include

- details of the location of monitoring points
- frequency of monitoring
- determinants to be monitored
- levels of determinants that would trigger action
- triggers which would necessitate further remedial or safeguarding action and the procedures to be adopted in the event of triggers being exceeded to mitigate any damage
- proposals for reporting and interpretation of results to the local authority, including trigger events/ unsatisfactory results

The approved scheme, unless agreed otherwise by the local planning authority and confirmed in writing, shall be implemented and adhered to throughout the period of extraction at the quarry.

In order to reduce levels of pollution and environmental risk and minimise and mitigate flood risk in accordance with South Tyneside Local Development Framework Policies EA5 and DM1.

- 16 All water from the site shall be routed through the approved settlement ponds prior to discharge into any ditch, stream, water course or culvert outside the site, details of which are to be submitted to and approved in writing by the local planning authority, prior to any works commencing on site. The discharge to the Bedeburn watercourse shall not exceed 20m³ per hour as agreed with the Lead Local Flood Authority. Therefore suitable storage for surface water will be required on site to ensure that the discharge rate is not exceeded. Upon cessation of mineral extraction, all settlement ponds shall (unless to be retained in accordance with approved restoration plans) be emptied and filled with suitable dry inert material.

To minimise the risk of pollution or disturbance to water courses and aquifers, and in accordance with South Tyneside Local Development Framework Policies EA5 and DM1.

- 17 At the commencement of the hereby approved works, until the completion of the restoration, the settlement ponds shall be cleared of mud and silt to maintain their capacity for intercepting sediment.

In order to minimise and mitigate the risk of pollution or disturbance to water courses and aquifers in accordance with South Tyneside Local Development Framework Policy DM 1.

- 18 The quarry operator is required to sign up to Meteorological Office weather warnings. In the event of a Yellow Warning for Rainfall the operator shall be prepared to go to site to turn off the discharge water pump or respond to request from South Tyneside Council to turn off the discharge water pump. In the event of an Amber or Red Warning for rainfall, the operator will turn off the discharge water pump for duration of the warning or respond to a request from South Tyneside Council to turn off discharge water pump for a longer period in event of flooding being recorded locally. Site contacts shall be provided to South Tyneside Council Environmental Health and Resilience Team.

In order to minimise and mitigate risk of flooding in accordance with South Tyneside Local Development Framework Policy DM1.

- 19 Archaeological Building Recording Condition

No demolition/development shall take place at The Poultry Farm, including the buildings nos.4 to 8 and associated land shown on figure 2 in the Archaeological Services report 3598 dated September 2015 submitted in support of the application, until a programme of archaeological building recording has been completed of the wartime buildings (former gun store, NAAFI, motor transport workshop and shower block). The archaeological recording shall be carried out in accordance with a specification provided by the local planning authority. A report of the results shall be submitted to and approved in writing by the local planning authority prior to any development or demolition work taking place.

To provide an archive record of the historic buildings and to accord with paragraph 141 of the National Planning Policy Framework and South Tyneside Local Development Framework Policy DM6.

- 20 Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of site clearance and groundworks on the south-east side of the poultry farm, to record subterranean air raid shelters, the power houses and radar installation, in accordance with a specification provided by the

local planning authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the local planning authority prior to groundworks commencing.

The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be recorded in accordance with paragraph 141 of the National Planning Policy Framework and South Tyneside Local Development Framework Policy DM6.

21 Archaeological Watching Brief Report Condition

Within six months of the completion of the archaeological watching brief, a report on the observations of the groundworks pursuant to condition 19 will be submitted to and approved in writing by the local planning authority.

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be recorded, to accord with paragraph 141 of the National Planning Policy Framework and South Tyneside Local Development Framework Policy DM6.

22 Prior to the commencement of phases two, three and four of extraction (shown on drawing nos. RB 3/2, RB 3/3 and RB 3/4), details of the management of the quarry slope along the northern boundary with the Network Rail line including comprehensive geotechnical investigation and stabilisation shall be submitted to and approved in writing by the local planning authority. The management of the slope shall be carried out in accordance with these approved details.

In order to calculate the factors of safety against ground instability in consultation with Network Rail, so that these can be incorporated into the detailed quarry design in accordance with South Tyneside Local Development Framework Policy DM1.

23 Once formed, all mounds in which soils are to be stored for more than 6 months shall be grass seeded in accordance with details and specifications, including a maintenance schedule, to be submitted within 6 months from the date of this permission and agreed in writing by the Local Planning Authority. These areas shall be managed to minimise erosion and weed infestation.

To ensure that soils are conserved in the interests of achieving satisfactory restoration of the site, and in accordance with South Tyneside Local Development Framework Policy DM1.

24 Prior to the formation of the stockpiles along the eastern boundary of the site next to Mill Lane, details of an additional screening mound, tree planting and tree protection measures for the existing tree belt shall be submitted to and approved in writing by the local planning authority, and implemented.

In order to reduce dust emissions from the relocated haul road and the proposed stockpiles and reduce any detrimental visual impact to protect the amenity of the area in accordance with South Tyneside Local Development Framework DM1.

- 25 Prior to the commencement of phase 4 of the development hereby approved, a detailed phased restoration plan (the "restoration scheme") and five year aftercare plan (the "aftercare scheme") shall be submitted to and approved in writing by the local planning authority. The restoration and aftercare schemes shall accord with the principles of the Restoration Management Plan dated October 2016, SLR Consulting Limited Ref: 403.04179.00002 and final restoration drawing RB4 Rev D received as part of the planning application submission on 16th December 2016 for the purpose of securing the site's future use for amenity and shall include plans of the proposals showing original site levels and final restoration levels, all areas of restoration planting and seeding, soil strategy, planting and maintenance specifications relating to all planting and seeding proposed on the site, details of proposed drainage arrangements, details of proposed fencing stiles and gates, and details of the network of public footpaths/bridleways proposed on the land.

In the interests of achieving the satisfactory restoration of the site and enhancing biodiversity, and in accordance with South Tyneside Local Development Framework Policies SA11, DM7 and DM1.

- 26 Following the cessation of operations authorised or required by this permission, the site shall be fully restored in accordance with the restoration scheme.

In the interests of achieving the satisfactory restoration of the site and enhancing biodiversity, and in accordance with South Tyneside Local Development Framework Policies SA11, DM7 and DM1.

- 27 Following restoration of the site in accordance with condition 26, the site shall be maintained for a period of five years in all respects and in full accordance with the aftercare scheme.

In the interests of achieving the satisfactory restoration of the site and enhancing biodiversity, and in accordance with South Tyneside Local Development Framework Policies SA11, DM7 and DM1.

- 28 So as to take account of any changes which may be necessary as a result of working experience on this site a review of the detailed phased works and the Restoration Management Plan dated October 2016, SLR Consulting Limited Ref: 403.04179.00002, incorporating revisions as appropriate, shall be submitted for approval in writing by the local planning authority at intervals of not less than 5 years from the date of this permission through to the final restoration of this site.

In the interest of the proper restoration of the site in accordance with South Tyneside Local Development Framework Policy SA11.

- 29 Within three months of the date of this permission, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall detail the working practices to be adopted to reduce and mitigate any impacts that would otherwise have a harmful impact on sensitive ecological habitats.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

In order to protect and enhance the environmental assets of the borough in accordance with South Tyneside Local Development Framework Policies SA11 and DM7.

NOTES TO APPLICANT:

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible.
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority



George Mansbridge
Head of Development Services

Your attention is drawn to the attached schedule of notes which form part of this notice

NOTES

- 1 This certificate is issued under the Town and Country Planning Acts, Regulations and Orders and does not constitute a permission, approval or consent by South Tyneside Council for any other purpose whatsoever. Applications must therefore be made to the appropriate Departments of the Council for any other permission, approval or consent (including Building Regulations approval or approval of South Tyneside Council as ground landlord where appropriate) which may be necessary in connection with the proposed development or anything incidental thereto, or the use to be made of the premises which form the subject of such development.
- 2 You may also require permissions, approvals or consents under other legislation, or from bodies other than South Tyneside Council. This could include works affecting a public sewer, gas main, or electricity line, works within the adopted highway, works affecting a public right of way, property covenants, legislation relating to disabled persons, land drainage consent, waste management consent, scheduled monument consent or works affecting protected habitats or species.
3. Any non-material change to the approved plan(s) that form part of this permission would require the submission of an application for a non-material change under section 96A of the Town and Country Planning Act 1990. Whether changes to a proposed development are considered non-material is a matter for Planning Authority discretion.
- 4 The approved development should be implemented in strict compliance with all of the planning conditions, and in particular any which require details to be approved prior to the commencement of the development. Failure to do so may result in any commencement of development being unauthorised, which could be liable to enforcement action.
- 5 If you wish to change, or not comply with, any of the planning conditions attached to the permission, then you will need to submit a new application for planning permission under section 73 of the Town and Country Planning Act 1990. This does not affect your statutory rights of appeal against any of the planning conditions. This includes if you wish to not comply with a condition attached to a permission which details the approved plan(s), so as to make a minor material change to the approved plan(s). A minor material change is defined as one whose scale and nature results in a development that is not substantially different from that which has been approved.
- 6 Your attention is drawn to your responsibilities under the Chronically Sick and Disabled Persons Act 1970 and the Disability Discrimination Act 1995 relating to disabled persons, to ensure that adequate attention has been paid to their needs. If the proposed development involves new or existing buildings to which the public are to be admitted, or offices, shops, railway premises, factories or educational buildings, provision should be made for the means of access, parking and sanitary conveniences to meet the needs of disabled people. In addition, appropriate signposting of the facilities should be provided. In carrying out these statutory obligations your attention is drawn to the "Code of Practice for Access for the Disabled to Buildings" (BS5810:1979). You are advised to seek professional advice to ensure that you meet your legal obligations under the Disability Discrimination Act 1995, especially with regard to Part III thereof.

APPEALS TO THE SECRETARY OF STATE

7 Only the applicant possesses the right of appeal

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

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 unless:

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference no. if applicable], 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 this notice; or
- 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.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

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.

PURCHASE NOTICES

- 8 If permission to develop land is granted subject to conditions, whether by South Tyneside Council as local planning authority or by the Secretary of State for Communities and Local Government, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council, requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.