

PLANNING DECISION NOTICE

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To: **Glebe Mines Ltd
J D Elkins
Cavendish Mill
Stoney Middleton
Hope Valley
S32 4TH**

MIN.3810

THIS NOTICE RELATES TO PLANNING CONTROL ONLY, ANY OTHER STATUTORY CONSENT MUST BE OBTAINED FROM THE APPROPRIATE AUTHORITY

TOWN & COUNTRY PLANNING ACTS & GENERAL DEVELOPMENT ORDER

In pursuance of the powers vested in the Peak District National Park Authority under the above Acts and Order, and with reference to your application for full planning permission, details of which are as follows:

Office Code No.	NP/DDD/1100/473
Date received:	14 November 2000
Proposal:	Consolidating application for the opencast and underground extraction of vein mineralisation, including crushing and sale of limestone, import of processed mineral waste tailings for restoration, surrender of consented area, variation of conditions and small extension area.
Location:	Longstone Edge
Parish:	Great Longstone

THE DECISION

NOTICE IS HEREBY GIVEN THAT PERMISSION FOR THE PROPOSED DEVELOPMENT in the manner described on the application and shown on the accompanying plans and drawings is

GRANTED subject to the following conditions:

Definition

"the site" – the area hereby permitted and outlined in red on the attached plan LE2 dated November 2000, encompassing the areas referred to as Deep Rake, Bow Rake and High Rake, Arthurton West, Watersaw Rake and Longstone Moor, Watersaw Mine Compound, The Beeches, and Coombs Dale/Sallet Hole Mine.

Commencement

1. This permission and its conditions shall come into effect on its date of issue. After that date the working, restoration and aftercare of the site shall be carried out only in accordance with this permission and its conditions.

Duration

2. This permission shall be limited to a period expiring on 30 November 2015 by which time all winning and working of minerals from the site shall have ceased and restoration to agriculture, amenity and nature conservation afteruses shall be completed, in accordance with the principles for restoration outlined in application NP/DDD/1100/473, and subject to the provision of further detailed schemes for restoration and aftercare as required by the conditions of this consent.

Continued overleaf

Signed _____
Authorised Officer of the Authority

Date **25 MAR 2004** _____

Operating Programme

3. Unless otherwise agreed in writing by the Minerals Planning Authority (MPA) or subsequently amended by the requirements of the conditions of this consent, the working, stockpiling, tipping, restoration and aftercare of the site shall be carried out only in accordance with the working and phasing plans and the accompanying details submitted in application NP/DDD/1100/473.
4. A copy of the decision notice and accompanying approved plans and documents shall be held at the site office (Cavendish Mill) and shall be available for inspection by the MPA throughout the duration of the development hereby approved.

Surface/Opencast Working

5. No surface/opencast working shall take place except in the working areas identified as Bow Rake & High-Rake, Arthurton West and The Beeches on plan LE2, dated November 2000.
6. Except as may otherwise be agreed in writing by the MPA, in January of each year the site operator shall supply the MPA with the following information:
 - (i) a current survey plan of the site, specifying levels and depths of working, the positions and levels of faces, benches, stockpiles, waste heaps and backfilled areas.
 - (ii) volumetric analyses relating to each of the surface/opencast working areas and a statement summarising the implementation and progress of activities at the site, including working, restoration and aftercare carried out in the previous 12 months.
 - (iii) the proportion of limestone and tailings placed for progressive restoration purposes.
7. In January of each year the site operator shall provide the MPA with a summary of the proposed working, tipping, restoration and aftercare for the following 12 month period in each of the surface/opencast working areas.
8. Throughout the life of the surface/opencast mineral workings, landscaping, face treatment, restoration works and aftercare shall be progressively undertaken within each phase of working, as soon as reasonably practicable, after any section is no longer required for operational reasons.

Underground Working

9. Except as may otherwise be agreed in writing by the MPA, no underground mineral extraction or any associated activity shall take place except as shown on plans LE3/UG and LE3/UG/V dated June 2000 and February 2001 respectively.
10. Except as may otherwise be agreed in writing by the MPA, in January of each year the site operator shall supply the MPA with the following information:
 - (i) a current survey plan detailing the levels and position of faces and tunnels and a statement summarising the implementation and progress of activities at the site over the previous 12 month period including backfilling, restoration and aftercare.
 - (ii) a scheme outlining the programme of proposed working, including any of the offshoot veins of Watersaw Rake, and restoration and aftercare for the following 12 month period.
11. Except as may otherwise be agreed in writing by the MPA, no shaft or mine entrance shall be used for access or production purposes other than the Watersaw mine entrance. (This condition shall not preclude the retention and use of the Sallet Hole No 1 entrance for ventilation and emergency access).
12. The MPA shall be notified if any old shaft encountered during underground working is to be repaired and used for ventilation purposes. Details of any works at the surface shall be submitted to the MPA for prior written approval.

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13. No additional ventilation fans shall be located other than below the ground surface level within the tunnel or shaft entrance. Details of any ventilation equipment to be used within 100 metres of the entrance shall be submitted to the MPA prior to installation.
14. No mineral stockpiles or waste rock piles shall exceed a height of 3 metres above the Watersaw Mine compound floor at any time.
15. Surface subsidence shall be restored by infilling with mine and quarry waste from the site, supplemented with tailings from Blakedown Hollow, to original surface levels or such profile as may be agreed with the MPA. The surface shall be prepared, soiled and seeded in accordance with a scheme to be submitted to the MPA for approval. Once approved by the MPA the scheme shall be implemented as approved.
16. In the event of surface subsidence occurring in the offshoot veins of Watersaw Rake, within the Longstone Moor Site of Special Scientific Interest (SSSI), underground operations shall cease and the site operator shall notify the MPA of the occurrence as soon as practicably possible after the event. No underground operations shall recommence until a scheme has been submitted to the MPA detailing proposals for remedial work and/or variation to the mining method and working scheme to avoid further subsidence. Once approved in writing by the MPA, in consultation with English Nature, the scheme shall be implemented as approved.
17. If the site operator fails to notify the MPA under condition 16, or to submit remedial proposals within the timescale specified by the MPA, then the MPA may serve a written notice on the site operator specifying such practicable remedial works that shall be taken within a reasonable specified time period to overcome the problem.
18. If the site operator fails to carry out the remedial work within the time period specified in condition 17, then the MPA may serve a written notice on the site operator requiring all underground mineral extraction to cease from a specified date.

Type of Mineral

19. No mineral shall be extracted and removed from the site other than:
 - (a) vein ore containing fluor spar and/or barytes suitable for processing at Cavendish Mill; and
 - (b) associated host limestone from the areas identified on the approved plans, not exceeding a maximum of 150,000 tonnes per annum or a ratio of fluor spar to limestone of 1:1.3 in each year, whichever is the lower.

The total annual mineral output (vein ore, scalplings and limestone) shall not exceed the amounts specified in the volumetric phasing summary information, unless otherwise agreed in writing by the MPA.

20. Within 21 days following the end of each calendar month, and throughout the duration of the development hereby approved, the monthly written assay analyses of all mineral removed from the site in the previous month, specifying average % content of fluor spar and for barytes per tonne, and accompanied by a monthly record of limestone production, shall be supplied on a confidential basis to the MPA.

Output

21. From the date of this permission the site operator shall maintain records of their weekly production which shall be split according to mineral type and relate to each constituent part of the site. All such records and weighbridge tickets shall be made available to the MPA on a confidential basis at any time upon request. All records shall be kept for at least 36 months.

Geological

22. At yearly intervals or such other intervals as may be agreed in writing by the MPA, a statement summarising the quantity and assay of the reserve, together with any additional exploratory information shall be submitted on a confidential basis to the MPA.

Geotechnical

23. At yearly intervals or such other intervals as may be agreed in writing by the MPA, the annual geotechnical assessments and bi-annual geotechnical appraisals undertaken at the site shall be submitted to the MPA.
24. In the event of adverse geotechnical conditions being identified or encountered at the site then working shall cease forthwith in the area affected until the agreed remediation stabilisation measures, which shall not comprise additional landtake or additional limestone extraction, have been undertaken.

Site Access and Routing

25. Vehicular access to the site shall be by way of the existing access points and haul roads marked on plan LE2, dated November 2000, unless otherwise agreed in writing by the MPA.
26. For the duration of the operations no vehicular movements associated with the movement of tailings from Blakedon Hollow to the site shall use the public highway across Longstone Moor, except when the ground and weather conditions prevent the use of the internal haul road (the Strawberry Vein haul road).

Surfacing

27. The surfacing of the site entrances, access roads and haul roads shall be maintained in a good state of repair and kept free of mud and debris at all times until completion of site restoration and aftercare.
28. An area shall be provided within the site curtilage for the parking of operatives' and visitors vehicles and the loading/unloading and manoeuvring of goods vehicles.

Drainage

29. In the event that slurry, water or other extraneous material from the site flows onto any part of the public highway, provision shall be made for the installation and maintenance of a drainage system to ensure that no further drainage problems occur. The drainage system shall be agreed in writing by the MPA prior to its installation.

Vehicle Cleaning

30. No vehicles shall enter the public highway until their wheels and chassis have been cleaned, to prevent material being deposited on the highway.

Number of Vehicles

31. The total number of lorry movements per day shall not exceed a maximum of 154 (77 in/77 out) carrying mineral ore and limestone between Longstone Edge and Cavendish Mill and carrying tailings to the site from Blakedon Hollow, unless otherwise previously agreed in writing by the MPA.
32. No more than 30 lorries per day shall enter the public highway from Cavendish Mill loaded with limestone from Longstone Edge.

Lorry Sheeting

33. No lorries loaded with limestone shall enter the public highway unsheeted.

Restriction of Permitted Development Rights

34. Notwithstanding the provisions of parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order) -
- (i) no fixed plant or machinery, buildings, or structures and erections shall be erected, extended, installed or replaced at the site, without the prior agreement in writing of the MPA.
 - (ii) no waste materials shall be deposited at the site except where identified in application NP/DDD/1100/473 including the approved plans, without the prior agreement in writing of the MPA.

Building and Plant

35. Any site office, amenity cabin or other building, visible from any location outside the site, shall be factory colour-coded to BS5252 Ref 10-A-05 (Goosewing Grey) and maintained in good repair. Thereafter the external faces of the site office, amenity cabin and any other building shall not be repainted or replaced other than that colour without the prior written approval of the MPA.

Hours of Working (surface/opencast)

36. Except in emergencies to maintain safe surface/opencast working (which shall be notified to the MPA as soon as practicable) or unless the MPA has agreed otherwise in writing:
- (i) no operations, other than servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between 0700 hours and 1730 hours Monday to Friday.
 - (ii) no servicing, maintenance and testing of plant shall be carried out at the site between 1900 hours and 0700 hours Monday to Saturday nor after 1300 hours on Saturdays (and at no time Sundays, Bank or Public Holidays).
 - (iii) no lorry movements into and from the site (other than for the movement of plant and machinery) shall take place except between 0700 hours and 1730 hours Monday to Friday.
 - (iv) no operations other than environmental monitoring shall take place at the site on Sundays, Bank or Public Holidays.

Hours of Working (underground)

37. Except in emergencies to maintain safe underground working (which shall be notified to the MPA as soon as practicable) or unless the MPA has agreed in writing:
- (i) no operations shall take place underground at any time except between 0600 hours Monday and 1300 hours on Saturday. No underground working shall take place on Sundays, Bank or Public Holidays.
 - (ii) no servicing, maintenance and testing of plant shall take place within the Watersaw Mine compound except between 0600 hours and 2200 hours Monday to Friday and between 0600 hours and 1200 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

- (iii) no lorries shall enter or leave the Watersaw Mine compound, except between 0700 hours and 1700 hours Monday to Friday and 0800 hours and 1200 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Soil Removal and Storage

38. Prior to mineral extraction on any undisturbed area of the site all vegetation, soils and subsoils shall be stripped separately. Such material shall be used either immediately in progressive restoration work elsewhere on the site or stored separately in mounds within the identified working areas. The location, height and shape of mounds shall be agreed in writing by the MPA prior to mound construction. At least 14 days' written notice shall be given in advance of soil-stripping work.
39. The stripping, loosening or movement of topsoil and subsoil shall only be carried out when the material to be moved is sufficiently dry to prevent structural damage.
40. All soil storage mounds that will remain in situ for more than 3 months shall be vegetated and managed in accordance with a scheme that shall be submitted to the MPA for approval prior to mound construction.
41. No part of the site shall be excavated or traversed by heavy vehicles or machinery (except as necessary to strip that part of the soils) or used for a road, or for siting any plant or buildings, or storage of overburden, waste or mineral deposits until all available soils have been stripped from that part. The exception is that topsoils may be stored on like topsoils and subsoils may be stored on like subsoils.

Waste

42. Following turf and soil stripping, any overburden and other mineral waste excavated from the site shall be either used immediately elsewhere within the site for progressive restoration or stored in mounds with a graded and vegetated profile. The location, height, shape and seeding specification of the mounds shall be agreed in writing by the MPA prior to mound construction.
43. No waste materials other than tailings arising from the mineral processing operations at Cavendish Mill shall be taken to and deposited at the site. In the event of a shortfall of soils and soil-forming materials additional topsoils, subsoils and soil amendments shall, where necessary, be transported to the site from elsewhere for the purpose of final surface restoration over the identified working areas, in accordance with a scheme to be submitted to the MPA for prior approval in writing, as required under condition 77(iii) of this permission.
44. All rubbish, scrap and waste materials generated on site shall be kept in a tidy manner within a screened area in locations to be agreed with the MPA until such time as they may be properly removed to a licensed facility.

Processing

45. No crushing or screening of limestone for sale shall take place at the site after 31 December 2010.
46. No minerals shall be taken onto the site from elsewhere for crushing, screening, processing, manufacture or onward transport.

Retailing

47. No retail sales shall take place from the site.

Floodlighting

48. No permanent floodlighting towers shall be erected without the prior written approval of the MPA.

Fencing

49. Prior to mineral extraction taking place in any phasing areas identified, all livestock shall be removed from the working area and stockproof fencing shall be erected on the limits of the working area, and this shall be maintained so as to exclude livestock from the site for the entire period of working, restoration and aftercare.

Dust

50. Within two months of the date of these conditions, a scheme and programme of the measures for the monitoring of dust emissions from the site shall be submitted for the written approval of the MPA. Such scheme shall be devised in consultation with Derbyshire Dales District Council Environmental Health Officer and English Nature and shall include details of the following:
- (i) the number and location of dust-gauge monitoring points;
 - (ii) the frequency of monitoring and presentation of results;
 - (iii) mitigation measures to be adopted to reduce dust generation at the site if dust deposition levels exceed defined trigger levels.

Such scheme shall be implemented upon approval and shall be complied with at all times.

51. Facilities, including water bowsers, shall be provided and maintained in operation during all permitted working hours to enable haulroads to be dampened as required in order to minimise airborne dust emissions from the site.
52. All blast hole drilling equipment used within the site shall be fitted with dust arrestment equipment in accordance with the manufacturer's recommendations and be so operated at all times to minimise airborne dust emissions from the site.

Noise

53. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use effective silencers in order to minimise noise emissions. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.
54. The corrected noise level from site operations, including maintenance of machinery and vehicular movements within the site, shall not exceed 45 dBA L_{eq} (1hour) as measured outside any living room or bedroom window of any nearby dwelling in accordance with the British Standard method of measurement.
55. The noise level arising from the removal of topsoil, subsoil and overburden and the formation and removal of storage mounds shall not exceed 70 dBA L_{eq} (1 hour) at any residential property. Such operations shall be limited to a maximum of 8 weeks in any period of 12 months, or as may be subsequently approved in writing by the MPA, and subject to at least three days prior notification to the MPA.

Blasting

56. Unless otherwise agreed in writing by the MPA, no blasting shall be carried out on the site except between 1000 hours and 1700 hours Monday to Friday. No blasting operations shall take place on Saturdays, Sundays, Bank or Public Holidays without prior written approval. These times may only be varied for safety reasons in exceptional circumstances (which shall be notified to the MPA as soon as practical).
57. Audible warnings shall be given prior to the commencement of any blasting operations.

58. Ground vibration from blasting shall not exceed a peak particle velocity of 8mm/second in 95% of all blasts measured over any period of 12 months and no individual blast shall exceed a peak particle velocity of 12mm/second at, or near, the foundations of any vibration sensitive building or residential premises. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
59. Within two months of the date of these conditions a scheme for the monitoring of blasting operations shall be submitted to the MPA for approval. The scheme shall include:
- (i) blast monitoring locations and frequency of monitoring;
 - (ii) the monitoring equipment to be used;
 - (iii) procedures to be adopted if vibration exceeds a peak particle velocity of 8mm/second in 95% of all blasts measured over any period of 12 months.

Such scheme shall be implemented upon approval and shall be complied with at all times. The results of blast monitoring shall be retained by the site operator and made available at all reasonable times, with copies being supplied to the MPA on request.

Water

60. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.
61. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
62. Vehicle maintenance shall only be carried out on impermeable areas constructed so that resulting drainage can be intercepted prior to discharge and to allow representative samples to be taken.
63. Throughout the period of working, restoration and aftercare the rate of surface water emanating from the site shall not exceed that presently emanating from the site.

Visual Impact

64. All mobile plant shall be parked in a screened location within the site when not in use, except during the working of the uppermost benches of the site, when the drilling rig may remain overnight near the surface level.
65. If operations cease temporarily for a period in excess of one month, all mobile plant, mobile machinery and ancillary equipment associated with quarry operations shall be moved to screened locations not visible from outside the site.

Archaeology

66. The MPA shall be notified in writing prior to each annual phase of underground working at Watersaw Rake and any side veins subsequently identified for mineral extraction. No development shall take place within the areas identified until the site operator has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the site operator and approved by the MPA.

67. No development shall take place within 30 metres of the Scheduled Ancient Monument (SAM No. 13357) on Longstone Moor. Prior to development taking place within the vicinity of the Scheduled Ancient Monument the site operator shall provide a survey plan detailing the proposed location of the underground workings in relation to the Scheduled Ancient Monument and a method statement detailing any protective measures to ensure the integrity of the Scheduled Ancient Monument is maintained, for the approval of the MPA in consultation with English Heritage.
68. Prior to each phase of underground working at Watersaw Rake, and any side veins subsequently identified for mineral extraction, fencing shall be erected, in a manner and position to be approved by the Authority's Archaeologist. The fencing shall be maintained throughout the duration of working, restoration and aftercare.
69. No development shall take place at the Beeches until fencing has been erected, in a manner and position to be approved by the Authority's Archaeologist, to exclude identified areas of cultural heritage interest from the working area. The fencing shall be maintained throughout the duration of working, restoration and aftercare.
70. Any shaft encountered during working shall be made safe and capped in a manner to be agreed by the MPA.

Geology/Speleological

71. The MPA shall be notified as soon as practicable of any natural cave passages, old mine workings or other features of special geological or speleological interest encountered during the operations. Reasonable access shall be afforded to the MPA or its representatives to survey and/or record these features.

Ecology and Wildlife

72. No mineral extraction or associated activity, including vehicular movements, shall take place in, on, over, or under the Longstone Moor SSSI or the Coombs Dale SSSI/ candidate Special Area of Conservation (cSAC) without the prior written approval of the MPA following consultation with English Nature.
73. No stripping of turves or soils shall take place at the site until the site operator, in consultation with the Authority's Ecologist, has identified any areas of ecological interest and a scheme for the translocation of turves and associated soils has been submitted to and approved by the MPA. The scheme shall include:
 - (i) plans showing the location of turves/soils to be moved;
 - (ii) plans showing the location of the reception area;
 - (iii) identification of the vegetation types to be provided or translocated;
 - (iv) a programme of implementation to include details of working methods, monitoring and aftercare.

Following agreement the scheme shall be implemented as approved with the translocation operations taking place under the supervision and guidance of a competent Ecologist.

74. The MPA shall be notified in writing prior to each annual phase of underground working at Watersaw Rake and any side veins subsequently identified for mineral extraction. Once notified, the Authority's Ecologist and English Nature shall be afforded reasonable access to survey and/or record any features of ecological and wildlife interest and to advise on an appropriate scheme of mitigation and/or recovery.

75. No development shall take place within the vicinity of any species or their habitats protected under the Wildlife and Countryside Act 1981 or the Protection of Badgers Act 1992, until a scheme and programme of measures for the reduction in disturbance to the species/habitats has been submitted, on a confidential basis, to the MPA. Once approved by the MPA, following consultation with English Nature, the scheme shall be implemented as approved.

Landscaping

76. The existing trees, shrubs, hedgerows and walls within the site shall be retained and shall not be felled/lopped/topped and/or removed, in areas outside the current or succeeding phase of mineral working or tipping, without the prior written consent of the MPA. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations permitted by the determination of these conditions shall be replaced with trees or bushes in such size and species as may be specified by the MPA, in the planting season immediately following any such occurrences.

Restoration, Aftercare and Afteruse

77. The site shall be reclaimed and managed for agriculture/amenity/nature conservation purposes in accordance with restoration schemes to be submitted for the written approval of the MPA within the following timescales:

- (a) Deep Rake within 6 months of the date of these conditions;
- (b) The Beeches and Watersaw Rake/Longstone Moor within 12 months of the date of these conditions; and
- (c) Arthurton West, Bow Rake/High Rake, and the Strawberry Vein haul road within 24 months of the date of these conditions.

Each restoration scheme shall incorporate the general principles set out in application NP/DDD/1100/473 and the approved plans and supplementary details, except where these might be modified by subsequent agreement. Where appropriate, each scheme shall include details of:

- (i) the sequence and phasing of reclamation showing clearly their relationship to the working scheme and the nature of the intended afteruse of each area;
- (ii) the placement within the worked areas of overburden and quarry waste excavated from the site, supplemented with tailings from Blakedon Hollow;
- (iii) the respreading of subsoil and topsoil previously stripped from the site, supplemented where necessary with other suitable soil-forming materials capable of supporting plant life, over the surface of the reclaimed areas including details of the quantities to be used, their source and composition, the areas to be treated and the depth of material to be spread;
- (iv) the final levels of the reclaimed land and the gradient of restored slopes around the margins of the excavation;
- (v) drainage of the reclaimed land including formation of suitable graded contours to promote natural drainage and the installation of artificial drainage;
- (vi) the reinstatement of the processing areas and access roads by clearing plant, buildings, machinery and concrete or brickwork and the replacing of subsoil and topsoil previously stripped from the site;
- (vii) the treatment of faces, benches, rollover slopes and the safeguarding and/or provision of geological features. The provision and details of walls, fences, gates and stiles. The repair and maintenance of existing drystone walls;
- (viii) the translocation of ecologically interesting vegetation and the re-creation of habitats;

- (ix) provision for grass and/or wildflower seeding and the location, numbers, sizes and protective measures for tree and shrub planting;
- (x) a programme of implementation and maintenance, including fertiliser application or other treatment, drainage and agricultural or ecological management during a five year aftercare period;

Upon approval each scheme shall be implemented as approved unless a variation has been agreed in writing by the MPA.

78. Within two months of the date of these conditions a scheme shall be submitted for the written approval of the MPA for the reinstatement and aftercare of Coombs Dale and the Sallet Hole Adit area identified on plan LE3/SH, dated June 2000. Once approved by the MPA, following consultation with English Nature, the scheme shall be implemented as approved.
79. No later than 30 November 2014 a scheme shall be submitted for the written approval of the MPA for the reinstatement of the Watersaw Mine Compound. The scheme shall include details of the removal of all plant, buildings, and machinery, the sealing of the access to the underground workings, the restoration of the compound to its original contours, soiling and seeding, unless otherwise agreed in writing with the MPA. Once approved by the MPA, following consultation with English Nature, the scheme shall be implemented as approved.
80. Trees and shrubs planted in accordance with the approved schemes shall be maintained and any plants which within 5 years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the MPA.
81. Prior to re-spreading of subsoil or topsoil the upper layers of the prepared surface shall be ripped to remove compacted layers capable of impeding normal agricultural and land drainage operations including mole ploughing or subsoiling. Any stones, materials and objects which exceed 200 mm in any dimension shall be removed from the site or buried at a depth of not less than 0.5 metres below the final pre-settlement contours.
82. Unless otherwise agreed in writing by the MPA no movement, re-spreading, levelling, ripping or loosening of soils shall occur when it is raining, except light drizzle, when there are pools of water on the surface of the storage mound or receiving areas or when the material to be moved is insufficiently dry to prevent structural damage.
83. Plant and vehicles shall not cross any area of loosened ground or replaced soils except where essential and unavoidable for purposes of spreading soils or beneficially treating such areas.
84. All plant, machinery, structures, hardstandings, buildings and foundations shall be removed from the site on completion of restoration or by 30 November 2015, whichever is the sooner.
85. An aftercare scheme requiring that such steps as may be necessary to bring each phase of the land reclaimed under conditions 77, 78 and 79 to the required standard for use for agriculture, nature conservation and amenity shall be submitted for the written approval of the MPA not later than the completion of each phase of restoration and thereafter be implemented as approved.

Early Cessation of Working

86. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme which constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme to include details of reclamation and aftercare shall be submitted in writing to the MPA for approval within 12 months of the confirmation of cessation of winning and working. The approved revised scheme shall be fully implemented within 12 months of the written approval unless otherwise agreed in writing by the MPA.

Reasons for Conditions:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To minimise the duration of disturbance from the development hereby permitted and to ensure the site is restored within an appropriate timescale.
- 3, 4, 6-18, 86. To enable the MPA to adequately control the development, to minimise its impact on the amenities of the area, and to ensure that the land is restored to a condition suitable of beneficial use.
5. For the avoidance of doubt.
19. To restrict mineral extraction to those minerals applied for and to ensure sufficient rock and overburden is retained on site for backfilling and restoration.
- 20-22. In order that the MPA can monitor the output of the site.
- 23, 24. So that the development is contained within its permitted boundaries, to avoid effects on surrounding land and to avoid affecting the restoration or subsequent afteruse of the site.
- 25-33, 45-47. In the interests of highway safety and safeguarding the local environment.
- 34, 35, 48, 64, 85. To minimise the visual impact of the development.
- 36, 37. To protect the amenities of local residents, nearby landowners and visitors to the area.
- 38-41. To ensure that soils are stripped and stored correctly so that the land is capable of being restored to a beneficial afteruse.
42. To ensure that waste rock and overburden is retained on site for backfilling and restoration.
43. To ensure that inappropriate materials are not used in the restoration of the site.
44. To minimise the environmental impact of the development.
49. To protect stock.
- 50-59. To protect the amenities of the locality, including designated and ecologically sensitive areas, and to minimise disturbance and nuisance from operations.
- 60-62. To minimise the risk of and prevent pollution of the water environment.
63. To ensure that existing flooding problems in the area are not exacerbated.
- 66-69. To protect the archaeological interest of the area.
70. To ensure the site is left in a safe condition.
71. To enable sites of geological/speleological interest to be adequately investigated and recorded.
- 72-75. To protect the ecological and wildlife interests of the area.
76. In the interests of amenity and wildlife conservation.
- 77-84. To ensure the site is reclaimed to a condition capable of beneficial afteruse and in the interests of the amenity of local residents and visitors to the area.
85. To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990, and to ensure that the reclaimed land is correctly husbanded to bring the land to the standard required for agricultural/nature conservation/amenity use.

It was considered that exceptional circumstances exist whereby approval, with associated legal agreements, would result in an overall environmental improvement which would be in the public interest and be of net benefit to the National Park.

Officers recommended approval of the application. The Planning Control Committee resolved to approve the application subject to the prior conclusion of a legal agreement and the conditions and footnotes on the decision notice. It was also recommended that the existing planning permissions and ancillary permissions be formally revoked.

STATEMENT OF APPLICANT'S RIGHTS ARISING FROM THE REFUSAL OF PLANNING PERMISSION OR FROM THE GRANT OF PERMISSION SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- 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 for the Environment under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, telephone No. 0117 372 8428.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, 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 a 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 (District Council, London Borough Council or Common Council of the City of London) or, where the land is situated in a National Park, the National Park Authority for that Park in whose area the land is situated. This notice will require the Council or Authority to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

