



TOWN AND COUNTRY PLANNING ACT 1971

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS 1977 TO 1983

LOCAL GOVERNMENT PLANNING & LAND ACT 1980

NOTIFICATION OF DECISION UPON AN APPLICATION FOR PLANNING PERMISSION

The County Council of the West Midlands in pursuance of powers under the above mentioned Acts and Orders, hereby give you notice that planning permission has been granted for the extension to tip at Rattlechain Tip and land east of Rose Lane, West Midlands in accordance with D/A/18601.

Such planning consent has been granted subject to the following conditions:-

SCHEDULE OF CONDITIONS (PLANNING APPLICATION NO. DA18601)

1. The development to which this permission relates must be begun not later than 3 years beginning with the date of the grant of this permission.
2. The development hereby permitted must conform with the terms of and plans accompanying the application for permission and must remain in conformity with such terms and plans except as may be otherwise required by any of the following conditions or approved amendments.
3. No operations or activities authorised or required by this permission shall be carried out, unless otherwise previously agreed in writing by the Planning Authority, except between the following times:

0700 hours to 1800 hours - Mondays to Fridays
0700 hours to 1200 hours - Saturdays

and no such operations or activities shall be carried out on Sundays and Bank Holidays.
4. Final tipping levels shall be a minimum of 2 metres below the final levels shown on Drawing No. LR/RT/102A dated July 1985. Final levels shall then be achieved only in the following manner:
 - (a) By the spreading of a clay cover over the whole of the tipped area having a minimum thickness of 1 metre and an in situ permeability of not greater than 1×10^{-7} cm/sec.

- (b) By the subsequent spreading, on top of the clay cover, of 0.5 metre thickness of inert, free-draining material.
- (c) By the subsequent spreading, on top of the inert, free-draining layer, of separate 0.25m thickness layers of subsoil and topsoil, the topsoil being the uppermost layer.

The operations for achievement of final levels as referred to in this Condition shall be commenced immediately final tipping levels have been achieved over 50% of the surface area of Phase 1 and, thereafter, carried out and completed in all respects over the whole site within three years of the first act of spreading of the clay cover. Any area within Phases 1, 2 and 3 required to be reserved free from tipping operations by virtue of Condition 10 below shall be exempt from the requirements of this Condition until the requirements of Condition 10 in each particular phase have been complied with, at which time such areas no longer required to be protected shall be infilled, and final levels achieved in accordance with the method and timescale described by this Condition, unless otherwise previously agreed in writing by the Planning Authority.

- 5. Tipping operations shall not commence in Phase 2 until final tipping levels have been achieved over the whole of Phase 1, and tipping operations shall not commence in Phase 3 until final tipping levels have been achieved over the whole of Phase 2. Any area within Phases 1, 2 and 3 required to be reserved free from tipping operations by virtue of Condition 10 below shall be exempt from the requirements of this Condition until the requirements of Condition 10 in each particular phase have been complied with, at which time such areas no longer required to be protected shall be immediately infilled, final levels achieved and the area landscaped in accordance with the requirements of this permission.
- 6. No running of loaded earthscrappers or other heavy-wheeled or tracked plant may take place over topsoil or subsoil after final spreading, except for the purpose of final spreading.
- 7. Before the commencement of operations in Phase 2, as referred to in Drawing No. LR/RT/102A dated July 1985, a landscaping scheme for the whole site shall be submitted to and approved by the Planning Authority which shall include, amongst other things, proposals for the reinstatement of the footpaths crossing the site, and details of proposed planting of the embankment down to the River Tame floodplain designed so as to enhance Nature Conservation interests and reflect the habitat of the opposite embankment to the River Tame. The said scheme shall, thereafter, be implemented in accordance with the following programme:
 - (a) In the area referred to as Phase 1 in Drawing No. LR/RT/102A dated July 1985 within 9 months of achievement of the final levels in this phase.
 - (b) In the area referred to as Phase 2 in Drawing No. LR/RT/102A, within 9 months of achievement of final levels in this phase, and
 - (c) In the area referred to as Phase 3 in Drawing No. LR/RT/102A, within 9 months of achievement of final levels in this phase.

Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting in each phase shall be replaced with trees or shrubs of similar size and species to those originally required to be planted. Any area within Phases 1, 2 and 3 required to be reserved free from tipping operations by virtue of Condition 10 below shall not be landscaped until the requirements of that Condition in each particular phase have been complied with, and the final levels subsequently achieved in accordance with the requirements of Condition 4 above, at which time such areas shall be landscaped in accordance with this Condition.

8. (i) Before the commencement of operations in Phase 2, as referred to in Drawing No. LR/RT/102A dated July 1985, a drainage scheme for the whole site shall be submitted to and approved by the Planning Authority.

(ii) The approved drainage shall be implemented in all respects within 9 months of achievement of final levels in Phase 3 in Drawing No. LR/RT/102A. Any area within Phases 1, 2 and 3 required to be reserved free from tipping operations by virtue of Condition 10 below shall be exempted from the requirements of part (ii) of this Condition until the requirements of Condition 10 have been complied with, at which time such areas shall be drained in accordance with the provisions of the scheme to be agreed by virtue of this Condition.
9. Adequate facilities shall be maintained and utilised on the site for the cleaning of wheels of vehicles prior to leaving the site.
10. (i) There shall be no tipping of materials within the area shown hatched on the attached plan until such time as a new sewer outfall has been constructed by the Severn-Trent Water Authority, or until the 31st December, 1987, whichever is sooner. This does not preclude the treatment of the mineshaft within Phase 1 or the construction of the clay bund along the riverside boundary of Phase 1.

(ii) There shall be no tipping of materials within the area shown cross hatched on the attached plan until 1 March 1986.

(iii) There shall be no tipping of materials within the shaded area on the attached plan until 1st July 1987 unless as a result of site investigations carried out in February 1986 this area is no longer required to be protected, for the installation of a sewer outfall pipe in open cut, in which instance tipping may commence within the shaded area on or after 1st April 1986, subject to the prior written agreement of the Planning Authority.

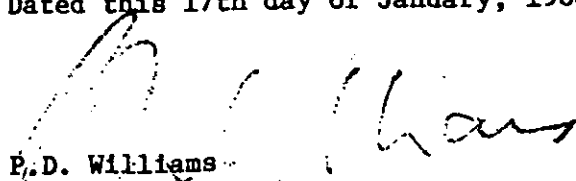
The reason(s) for the stated condition(s) is/are as follows:-

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REASONS FOR IMPOSITION OF CONDITIONS (PA. REF. NO.DA.18601)

1. To comply with Section 41 of the Town & Country Planning Act 1971 and to preclude unnecessary delay in the restoration of this site, which would be detrimental to the amenities of adjoining land uses (Condition 1).
2. To ensure that the proposed development will be carried out and completed as approved and so avoid any detriment to the amenities of the area by works remaining uncompleted (Condition 2).
3. To ensure that the proposed workings do not prejudice the amenities which the occupants of nearby properties may reasonably expect to continue to enjoy (Condition 3).
4. To ensure the site is restored in a manner conducive to the beneficial after-use of the site and ensure the continued integrity of the clay cap (Conditions 4, 5 and 6).
5. To ensure the early restoration of the land and minimise the visual impact of the working when viewed from surrounding land, and in the interests of the visual amenity, character and environmental quality of the area, which lies within the area of the Birmingham to Wolverhampton Corridor Initiative (Conditions 1, 2, 3 and 7).
6. To ensure satisfactory surface drainage of the site and so avoid possible flooding of adjoining land, in particular, along the southern and western site boundaries (Condition 8).
7. To avoid the deposition of extraneous materials on the public highway (Condition 9).
8. In order to protect the integrity of the existing sewer outfall crossing the site pending its abandonment and to permit the carrying out of site investigation works to enable a choice of route to be made for the installation of a new sewer outfall across the site and thereafter facilitate the installation of the said sewer outfall prior to the existing sewer outfall being abandoned. (Condition 10).

Dated this 17th day of January, 1986


P.D. Williams
County Secretary/Solicitor

Attention is drawn to the notes attached to this document.

1. If the Applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because of the decision of the local planning authority was based on a direction given by him.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.
4. In accordance with Section 29A and 29B of the Town and Country Planning Act, 1971, and pursuant to Section 3 of the Disabled Persons Act, 1981, in respect of development relating to:-
 - i. Buildings to which the public are to be admitted, whether on payment or not.
 - ii. Offices, shops, and railway premises.
 - iii. Factories.
 - iv. Universities, colleges, schools or university halls.

ATTENTION IS HEREBY DRAWN to the provision of Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act, 1970; to the 'Code of Practice for Access for the Disabled to Buildings' (British Standards Institution BS 5810:79); and to Design Note 18 'Access for the Physically Disabled to Educational Buildings' published on behalf of the Secretary of State, which provide guidelines for the adequate provision of means of access for the disabled to such premises.

ATTENTION IS HEREBY DRAWN to the fact that unless this consent specifically refers to the use of a building or other land for any purpose which involves the manufacture, processing, keeping or use of a hazardous substance in a notifiable quantity as defined by the "Notification of Installations Handling Hazardous Substances Regulations, 1982", this consent does not purport to grant permission for any such purpose.

Note This decision notice relates only to the powers of the Council under the Town and Country Planning Acts and does not constitute a decision under other legislation (e.g. Building Regulations Acts, Control of Pollution Act) for which consents must be obtained from the appropriate Authority.