

## Appendix A

### Conditions

#### Scope of Permission

1. This permission shall relate only to the construction and operation of new brickworks with ancillary development (including office, welfare, canteen accommodation, gatehouse, stockyards and clay preparation plant); extension to quarry workings; amendments to the approved working and restoration scheme for the existing quarry workings, at Desford Brickworks, all within the land edged red on Plan titled 'Site Context, referenced DB 2/2 and dated June 2018 submitted with the Environmental Statement.

*Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.*

#### Adherence to Approved Details

2. Unless otherwise required by the conditions attached to this permission the development shall be carried out in accordance with the following details:
  - a) Planning application reference 2018/00669/04 (2018/CM/0110/LCC) and accompanying environmental statement, as amended by planning application reference 2024/10117/04 (2024/EIA/0081/LCC) and accompanying Environmental Statement Addendum:
    - i. The accompanying rephasing plan, drawing ref: DB 3/8R, entitled 'Working Phases Plan', dated October 2024;
    - ii. Drawing ref: DB 3/9 – Rev A, entitled 'Phase 1', dated May 2023;
    - iii. Drawing ref: DB 3/10 – Rev A, entitled 'Phase 2', dated May 2023;
    - iv. Drawing ref: DB 3/11 – Rev A, entitled 'Phase 3', dated May 2023;
    - v. Drawing ref: DB 3/12 – Rev A, entitled 'Phase 4', dated May 2023;
    - vi. Drawing ref: DB 3/13 – Rev A, entitled 'Phase 5', dated May 2023;
    - vii. Drawing ref: DB 3/14 – Rev A, entitled 'Phase 7',

dated May 2023.

- b) The Regulation 25 Further Information submission and drawings: DB 3/3, DB 3/5 and DB 3/6 (submitted under Regulation 25) dated June 2018; DB 3/15, dated December 2018; H001 and H002, dated October 2018; and DB CS 1 and DB CS 2, dated March 2021.

*Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.*

3. A copy of this permission and the accompanying section 106 agreement, the plans and documents referred to in condition no. 2, including any other plans and documents subsequently approved in accordance with any condition of this permission, shall be kept on site and made available for the duration of the development.

*Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.*

### **Commencement**

4. The development hereby permitted shall be deemed to have commenced on the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

### **Notification of Commencement**

5. Written notification of the commencement of:

- a. Mineral extraction from within the area entitled Phase 7/A within drawing ref DB 3/8R, entitled 'Working Phases Plan', dated October 2024
- b. Mineral extraction from within the extension area; and,
- c. Recommencement of mineral extraction within the Heath Farm working area.

shall be provided to the Mineral Planning Authority within seven days from the date of such commencement.

*Reason: To enable the various stages of the development to be monitored to ensure compliance with this permission.*

### **National Forest Planting**

6. At all times, the development hereby approved shall be undertaken in accordance with drawing ref DRAWING NF-1, entitled 'Condition 6 National Forest Planting', dated June 2019 as approved by the Mineral Planning Authority under ref 2018/0669/04/CS/06 on 21/08/19.

*Reason: To provide for the required woodland planting in accordance with the National Forest Strategy. There is an exceptional need here to secure control over the required advanced planting by ensuring appropriate measures are in place prior to works commencing.*

7. The planting referred to in condition no. 6 shall be completed within the first available planting season following the grant of this permission.

*Reason: To ensure that the National Forest Planting is undertaken in a coordinated manner with the new brickworks development.*

### **Duration**

8. All operations for the winning and working of minerals authorised or required by this permission shall be completed no later than 10/09/2059. After which time the development hereby permitted shall have ceased and all buildings and structures removed and the land reinstated in accordance with the restoration details approved under condition no. 49.

*Reason: To provide for the completion and restoration of the site within the approved timescale.*

### **Working and Phasing Details**

9. The development hereby permitted shall be carried out in accordance with drawings referenced DB 3/8R dated October 2024 and DB 3/9 Rev A to DB 3/14 Rev A inclusive, dated May 2023. All mineral extraction and associated operations in Phases 1/B to 3/D inclusive, shall only be accessed via the use of the culverted tunnel.

*Reason: To ensure the working of the site and the follow-on restoration works are undertaken in a phased manner and large areas of the site do not remain unrestored.*

10. No excavation of clays shall be carried out within the following limits:

- a. within 30 metres of Heath Road within the existing quarry area;
- b. within 20 metres of Heath Road within the Heath Farm Extension Area;
- c. within 30 metres of the eastern boundary with Merry Lees Industrial estate;
- d. within 20 metres of the north eastern boundary;

*Reason: To protect the land uses and users adjacent to the site boundary.*

11. No materials shall be brought onto the site for the purposes of infilling the excavated area or restoring the site. Infilling and restoration shall be carried out using only materials derived from within the application site.

*Reason: To provide for the creation of an acceptable landform in the interests of biodiversity enhancement.*

12. Clay stockpiles shall not exceed a height of 10 metres when measured from adjacent ground levels.

*Reason: To limit the visual impact of the stocking area in the interests of local amenity.*

### **Restriction of Permitted Development Rights**

13. Notwithstanding the provisions of Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modification:

- No fixed plant or machinery, building, structures and erections, or private ways, sewers, mains, pipes, cables or other similar apparatus, shall be erected, extended, installed, or replaced within the site without the prior written approval of the Mineral Planning Authority following the submission of relevant details and plans.

*Reason: To limit the impact of the development in the interests of local amenity.*

### **Hours of Operation**

14. Site preparation and external construction works for the new brickworks building shall take place between the following hours:

- Monday – Saturday 07:30 – 18:00; and,
- No working on any Sunday, Public or Bank Holiday.

*Reason: To limit the impact of the construction and quarrying activities in the interests of local amenity.*

15. Quarrying operations (including soil stripping, overburden removal, mineral extraction, and clay haulage to the stocking area) shall take place between the following hours:

- Monday – Friday 07:00 - 19:00;
- Saturday 07:00 - 13:00hrs; and
- No working on any Sunday, Public or Bank Holiday.

*Reason: To limit the impact of the construction and quarrying activities in the interests of local amenity.*

### **Lighting**

16. Any lights required for the construction of the development hereby permitted shall be sited, angled and shielded such that they do not illuminate residential properties adjacent to the development. Such lights shall only be turned on during the hours of construction as specified in condition no. 14.

*Reason: To safeguard residential amenity from light pollution during construction activities.*

## **Risks and Contamination**

17. At all times, the development hereby approved shall be undertaken in accordance with the remediation strategy as set out in the following documents: Preliminary Land Quality Assessment (Report ref: 402.05921.00050), entitled 'Proposed Re-Development of a new brickworks and associated infrastructure', dated June 2019 and associated appendices; Site Investigation – Land Quality Risk Assessment (Report ref: 402.05921.00050), dated June 2019 as approved by the Mineral Planning Authority (code ref: 2018/0669/04/CS/17) on 21/08/19.

*Reason: To minimise the effects of any contamination present on site and prevent the pollution of controlled waters.*

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Mineral Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Mineral Planning Authority. The remediation strategy shall be implemented as approved.

*Reason: To minimise the effects of any contamination present on site and prevent the pollution of controlled waters.*

## **Highways**

19. At all times, the development hereby approved shall be implemented in accordance with the following: Highways Safety Scheme (Report ref: 403.05921.00038 version R1), dated August 2019 and Drawing ref 403.05921.00038.14.H003.1, entitled 'Health Road Safety Scheme', dated May 2019 as approved by the Mineral Planning Authority (code reference: 2018/0669/04/CS/20) on 21/08/24.

*Reason: To mitigate the impact of the development in the interests of highway safety. There is an exceptional need here to safeguard highway safety by ensuring appropriate measures are in place prior to works commencing.*

20. Prior to the extraction of any mineral from the extension area the off-site

highway works as shown on drawing numbers H001 and H002, (including any amendment and revision as required by a Road Safety Audit or the detailed design process) shall be implemented in full.

*Reason: To mitigate the impact of the development in the interests of highway safety. There is an exceptional need here to safeguard highway safety by ensuring appropriate measures are in place prior to works commencing.*

21. The tunnel structure under Heath Road shall be removed upon completion of the restoration of Phases 1/B to 3/D inclusive (as shown on plan DB 3/8R dated October 2024) in accordance with a scheme submitted to, and approved in writing by, the Mineral Planning Authority.

*Reason: In the interests of highway and pedestrian safety.*

22. Prior to the new brickworks becoming operational the parking and turning facilities shall be provided in accordance with the submitted details. Thereafter the onsite parking provision shall be so maintained and kept available for use throughout the operation of the brickworks.

*Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction.*

### **Public Rights of Way**

23. In the event that alterations are proposed to a boundary between the application site and public rights of way R70 or S14, full details of the works shall be submitted to, and approved in writing by, the Mineral Planning Authority before installation. Details shall include any new links from permissive paths, and construction of the culverted underpass beneath Heath Road where it affects Footpath R70, and a programme of implementation. The development shall then be implemented as approved.

*Reason: To protect users of the adjacent Public Rights of Way.*

### **Protection of Existing Vegetation**

24. The existing field boundary hedgerows and trees bounding the perimeter of

the site shall be retained and adequately protected during the duration of the development in accordance with BS 5837, 2012: 'Trees in Relation to Design, Demolition and Construction - Recommendations'.

*Reason: To protect the existing vegetation bounding the site.*

## **Air Quality**

25. All operations shall be carried out in a manner to minimise the emission of dust from the site. In order to control dust from internal traffic movements all haul roads within the site shall be maintained in a good condition and shall be kept moist in dry and windy conditions as necessary. Any dry exposed area/material shall be watered as necessary in dry and windy conditions to prevent dust becoming airborne. Dust filters shall be fitted where appropriate on all plant and machinery.

*Reason: To minimise the adverse effects of dust from the development on local amenity and the environment.*

## **Noise**

### Construction

26. At all times, the development hereby approved shall be implemented in accordance with the Construction Environmental Management Plan (Report ref: 403.05921.00038, version 'Final'), dated June 2019 as approved by the Mineral Planning Authority (code reference: 2018/0669/04/CS/27) on 21/08/19.

*Reason: To minimise the adverse environmental effects from the construction activities associated erection of the new brickworks. There is an exceptional need here to secure control over environmental impacts by ensuring appropriate measures are in place prior to works commencing.*

27. Throughout the construction of the brickworks the noise limits will not exceed a daytime noise limit of 65dB LAeq as defined in BS 5228-1:2009+A1:2014 at any of the identified noise sensitive receptors set out in condition no. 29 below.

*Reason: To limit the noise emissions associated with the construction activities.*



### Brickworks

28. At all times, the development hereby approved shall be implemented in accordance with the Noise Management Plan (Report ref: 403.064472.000001, version 'Final'), dated October 2022 as approved by the Mineral Planning Authority (reference: 2018/0669/04/CS/29) on 09/01/23.

*Reason: To protect residential amenity from noise emissions associated with the operation of the new brickworks.*

### Quarry

29. During the permitted working hours set out in condition no. 15 above, noise levels (LAeq,1h free field) at the site shall not exceed an upper limit of 55 dB LAeq,1h free field as recorded at any inhabited property, subject to the limits detailed below, and with the exception of Heath House Farm, where the existing LAeq,1h is above this proposed level

- Oakwood Close 48dB  
LAeq,1h
- Linton Farm 52dB LAeq,1h
- The Swallows 55dB LAeq,1h
- The Lodge 49dB LAeq,1h
- Chater Farm 41dB,
- Heath House 52dB,
- Woodside Farm 52dB

*Reason: To limit the noise emissions associated with the various quarrying activities.*

30. Noise levels arising from soil stripping and replacement and the construction and removal of soil and subsoil mounds (temporary operations) shall be minimized as far as is reasonably practicable and shall not exceed 70 dB (LAeq, 1hr) freefield at any noise sensitive property. Temporary operations which exceed the normal day to day criterion set out in condition no. 29 above shall not be carried out except between the hours of 08:00

and 18:00 Monday to Friday and 08:00 to 12:00 on Saturdays and shall not take place on more than 48 days in any 12 month period. Advance notice of each temporary operation shall be given to the Mineral Planning Authority and the operator shall record the duration of each temporary operation, with such record being made available to the Mineral Planning Authority within 48 hours of a request for the information being made.

*Reason: To limit the noise emissions associated with the various quarrying activities.*

31. Noise levels arising from night-time operations (between the hours of 1900 and 0700) shall be minimised as far as is reasonably practicable and in any event shall not exceed 42 dB (LAeq, 1hr) freefield at any noise sensitive dwelling.

*Reason: To limit the noise emissions associated with the various quarrying activities.*

32. Throughout the development, control measures shall be employed on site in accordance with BS 5228-1: 2009, such as:

- a. Avoid unnecessary revving of engines and switch off equipment when not required;
- b. Keep internal haul routes well maintained;
- c. Minimise drop heights of materials;
- d. Ensure machinery is regularly well maintained;
- e. Ensure perimeter bunds are to the required height, with no gaps or inconsistencies.

*Reason: To ensure the plant and equipment associated with the quarrying activities do not become a source of noise nuisance.*

33. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.

*Reason: To ensure the plant and equipment associated with the quarrying activities do not become a source of noise nuisance.*

34. All audible warning devices fitted to vehicles, plant and machinery operating within the site whilst affording suitable safety should be of a design that does not cause unreasonable noise intrusion to residential properties.

*Reason: To ensure the plant and equipment associated with the quarrying activities do not become a source of noise nuisance.*

### **Surface Water Drainage**

35. At all times, the development hereby approved shall be implemented in accordance with the Drainage Strategy (Report ref: 403.05921.00038, version 'Final'), dated June 2019 as approved by the Mineral Planning Authority (reference: 2018/0669/04/CS/36,37,38) on 21/08/19.

*Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.*

### **Groundwater Monitoring**

36. Prior to the commencement of quarrying activities in Phase 7/A on plan referenced DB 3/8R dated October 2024 hereby permitted, a scheme for groundwater monitoring shall be submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall, where necessary, be supported by detailed calculations and include a programme for future maintenance, a mechanism for review and a programme of implementation. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

*Reason: To protect the water environment and specifically groundwater resources.*

## Archaeology

37.No development shall take place in the extraction Phases 1/B to 3/D, as illustrated on plan DB 3/8R, dated October 2024, until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to, and approved in writing by, the Mineral Planning Authority.

*Reason: To protect the archaeological interests of the site and ensure adequate investigation and recording of buried heritage assets.*

38.No development shall take place in the extraction Phases 4/E to 5/F, on plan DB 3/8R, dated October 2024, until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to, and approved in writing by, the Mineral Planning Authority.

*Reason: To protect the archaeological interests of the site and ensure adequate investigation and recording of buried heritage assets.*

39.At all times, development taking place in the extraction Phases 6/G to 8/H, on plan DB 3/8R, dated October 2024, shall be undertaken in accordance with the following documents which were approved by the Mineral Planning Authority (reference: 2018/0669/04/CS/41) on 21/08/19:

- Document entitled 'Schemes required under Planning Permission 2018/0669/04' (Report ref: 403.05921.00038, version 'FINAL', dated June 2019;
- Written Scheme of Investigation for Archaeological Strip, Map and Sample Investigation Areas A – D for Phases 6, 7 and 8 (Report ref: 403.05921.00038), dated June 2019

*Reason: To protect the archaeological interests of the site and ensure adequate investigation and recording of buried heritage assets.*

40.No works shall be undertaken in Zone D on plan reference HBk32-144, dated May 2013, until an archaeological investigation as outlined in the Archaeological Scheme of Treatment (TPAT ref.: 2365\HDB'SOT.002), (secured under Condition 34 of planning permission 97/0569/4 and as amended by Condition 31 of planning permission 2013/0599/04) has been submitted to, and approved in writing by, the Mineral Planning Authority. The development shall then be implemented as approved.

*Reason: To protect the archaeological interests of the site and ensure adequate investigation and recording of buried heritage assets.*

41. In the event that the trenching required under condition nos. 37-40 above demonstrates the presence of significant archaeological remains, a further Scheme of Treatment shall be submitted to the Mineral Planning Authority for its prior written approval. Thereafter, the scheme shall be implemented in accordance with the approved details.

*Reason: To protect the archaeological interests of the site and ensure adequate investigation and recording of buried heritage assets.*

## **Ecology**

42. The development hereby permitted shall be subject to an annual ecological re-survey in respect of badger presence within the site during the working and restoration phases of development. The survey (including appropriate mitigation measures) shall be submitted annually to the Mineral Planning Authority for its written approval. The badger surveys will be completed in the optimal period and where practicable no more than 6 months in advance of:

- a) The working of any new phase;
- b) Any working within 30 metres of a retained hedgerow and woodland habitat.

*Reason: To monitor and protect badgers.*

43. The removal of buildings, vegetation and soil stripping will be undertaken outside of the bird nesting season (March – August inclusive) or within 24 hours of the approval from a suitably qualified ecologist following a negative bird-nesting survey during this period.

*Reason: To protect nesting birds and their habitats.*

44. At all times, the development hereby approved shall be implemented in accordance with the Document entitled 'Report to Discharge Condition 46 of planning permission 2018/0669/04: Nest Boxes' (Report ref: 403.064472.00001, version 'FINAL'), dated September 2022 as approved by the Mineral Planning Authority (reference: 2018/0669/04/CS/46) on 11/01/23.

*Reason: To enhance the nesting habitat for birds.*

45. At all times, a 10 metre buffer strip of natural vegetation alongside all retained boundary hedges and the dingle woodland shall be maintained, except where facilitating access.

*Reason: To enhance the ecological interest of the site.*

### **Soil Stripping, Handling and Storage**

46. Prior to the commencement of soil stripping within each phase, or part phase, a Scheme of Soil Handling shall be submitted to, and approved in writing by, the Mineral Planning Authority. The Scheme shall include details of haulage routes, the origin, intermediate and final locations of soils for use in the restoration, as defined by soil units, together with details balancing the quantities, depths, and areas involved.

*Reason: To safeguard the soil resources and prevent loss or damage of soil, or mixing of soil types.*

47. Topsoil bunds shall not exceed 3 m in height and subsoil (or subsoil substitute) bunds shall not exceed 5 m in height when measured from adjacent ground levels. Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

*Reason: To prevent damage to soils, by avoiding compaction during handling and storage.*

### **Restoration in the event of early cessation of working**

48. In the event of a cessation of winning and working of minerals at the site prior to the achievement of the completion of the approved working scheme as defined in this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 to the Town and Country Planning Act 1990, a revised restoration scheme including details of reclamation and aftercare shall be submitted to the Mineral Planning Authority within six months of the cessation of winning and working for its written approval. The approved scheme shall be fully implemented within 12 months of approval.

*Reason: To ensure reclamation of the site in the event of cessation of mineral working or infilling operations.*

## **Reclamation**

49. Prior to the commencement of mineral extraction within Phase 7/A on plan referenced DB 3/8R dated October 2024, a detailed scheme of final landscaping and restoration of the site shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall be based on a phased approach and the restoration concept shown on DB 3/15, Rev A, dated December 2018 for the creation of a biodiversity enhanced after-use. The scheme shall include details of the following:

- a) the final levels of the site shown by a contour plan and accompanying cross sections;
- b) the design and construction of the lake to ensure the lake is designed to substantially enhance the ecological value of the site;
- c) ground preparation works including ripping and surface cultivation and seeding;
- d) the planting of trees and shrubs and their maintenance including location, species, size, number and spacing;
- e) the creation of public access routes, including the early reinstatement of public footpaths and the consideration of bridleways;
- f) the location and type of fencing and gates;
- g) the treatment of the lake margins;
- h) the incorporation of 1.8ha of additional woodland planting within the National Forest boundary;
- i) the provision of a sand martin nest bank;
- j) a potential badger tunnel/piped access way under Heath Road
- k) the treatment of the brickworks site and adjacent brick stocking area, car park and hardstanding areas following the removal of all buildings; and
- l) a programme of implementation;
- m) timescales for implementing and completing the above works.

Planting and seeding in accordance with the approved scheme shall be carried out, as far as is reasonably practicable, within the first available planting season following the restoration of any substantial part of the site, in accordance with working and phasing details required by Condition No. 9. All trees, shrubs and hedgerows planted in accordance with the approved scheme shall be maintained for a period of five years following planting and such maintenance shall include the replacement of any plants that may die or be seriously damaged or become seriously diseased.

Before the restoration of each phase, an updated habitat survey and protected/priority BAP species assessment shall be undertaken to identify any habitats of value that have arisen through and during the extraction and site operations. The restoration after each phase will conserve any habitat of value and mitigate for impacts on any protected species.

The final restoration plan shall include a minimum of 20ha of priority local Biodiversity Action Plan habitats or for priority local BAP species conservation.

*Reason: To ensure the acceptable restoration and landscaping of the site.*

50. Within 10 years of the first use of the new brickworks a decommissioning management plan shall be submitted to the Mineral Planning Authority for its written approval. Thereafter, decommissioning shall take place in accordance with the approved details.

*Reason: To ensure the satisfactory restoration of the brickworks site.*

## **Aftercare**

51. Prior to the commencement of mineral extraction within Phase 7/A on plan referenced DB 3/8R dated October 2024, a detailed aftercare scheme shall be submitted to the Mineral Planning Authority for its approval in writing. The submitted scheme shall be in accordance with the reclamation details required by Condition No. 49, and shall provide an outline strategy for the 5 year aftercare period specifying the steps that are to be taken, and the period during which they are to be taken, in order to bring the newly restored land to the required standard for nature conservation, including the subsequent management of the restored land and vegetation. The steps shall include planting, cultivating, fertilising, watering, draining, and otherwise treating and managing the land. The land shall be treated and managed over a period of 5 years in accordance with the approved scheme, commencing on the date that restoration is completed to the satisfaction of the Minerals Planning Authority.

*Reason: To ensure that the restored landforms are brought to a condition suitable for long term beneficial use.*



52. During the month of January of every year during the aftercare period, the Mineral Planning Authority, owners and occupiers shall be provided with an aftercare report setting out:

- a) proposals for managing the land including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming 12 months;
- b) a record of aftercare operations carried out on the land during the previous 12 months.

*Reason: To allow the MPA to monitor the progression of the restored landforms in accordance with the approved aftercare scheme, and ensure that the restored nature conservation after-uses are achieved.*

53. Before the month of May of every year during the aftercare period, a site meeting shall be arranged with the Mineral Planning Authority to discuss and agree the proposals and records prepared in accordance with Condition No. 52. This meeting shall be attended by the quarry operator's representative(s) who has responsibility for undertaking the aftercare requirements.

*Reason: To allow the MPA to monitor the progression of the restored landforms in accordance with the approved aftercare scheme and ensure that the restored nature conservation after-uses are achieved.*

**Informatives.**

1. The operation of the new brickworks (including the movement of clays from the stockpile area to the brickworks) and water pumping shall take place at any time.
2. Any operations which need to be carried out in cases of emergency outside the specified hours shall be notified to the Mineral Planning Authority within 72 hours of its occurrence together with details of the reasons why operations were necessary.
3. No trees or shrubs should be planted within 1 metre of the edge of the Public Rights of Way
4. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.
5. Prior to any construction works, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
6. At such times as operations on site give rise in the opinion of the Mineral Planning Authority to unacceptable levels of dust leaving the site such as during adverse weather conditions operations shall be temporarily suspended until such time as they can be resumed without causing nuisance either by a change in conditions or by taking additional measures.
7. Measures shall be taken within the site to ensure that the best practicable means are used to control the emission of noise from the site and to ensure so far as is reasonably practicable that the operations carried out within the site do not give rise to nuisance at nearby residential properties.
8. Written notification shall be given to the Mineral Planning Authority at least seven days before the commencement of soil stripping operations on any part of the site.
9. All soil and soil forming materials shall be handled in accordance with Defra's Good Practice Guide for Handling Soils.
10. Soil shall only be moved when in a dry and friable condition. For all soil types no soil handling shall proceed during and shortly after significant rainfall, and / or when there are any puddles on the soil surface.

**DEVELOPMENT CONTROL AND REGULATORY BOARD  
AND REGULATORY BOARD**

The considerations set out below apply to all the preceding applications.

**EQUALITY AND HUMAN RIGHTS IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equality and human rights implications.

**IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

**Note to Applicant Department**

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

**COMMUNITY SAFETY IMPLICATIONS**

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

**BACKGROUND PAPERS**

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

**SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004**

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

- Section 70(2) : determination of applications;
- Section 77(4) : called-in applications (applying s. 70);
- Section 79(4) : planning appeals (applying s. 70);
- Section 81(3) : provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
- Section 91(2) : power to vary period in statutory condition requiring development to be begun;
- Section 92(6) : power to vary applicable period for outline planning permission;
- Section 97(2) : revocation or modification of planning permission;
- Section 102(1) : discontinuance orders;
- Section 172(1) : enforcement notices;
- Section 177(2) : Secretary of State's power to grant planning permission on enforcement appeal;

Section 226(2) : compulsory acquisition of land for planning purposes;  
Section 294(3) : special enforcement notices in relation to Crown land;  
Sched. 9 para (1) : minerals discontinuance orders.