

## APPENDIX A

### Conditions

#### Scope of Permission

1. This permission relates to the underground working of gypsum and anhydrite within the area as shown edged purple on plan no.1 submitted with the review submission dated 17<sup>th</sup> February 2000. The development hereby permitted shall be commenced from 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.*

#### Duration

2. No extraction of gypsum or anhydrite shall take place from the site after 21<sup>st</sup> February 2042, and the site shall be fully restored in accordance with a scheme agreed under condition no.15 below, within 12 months following this date or the permanent cessation of mineral extraction whichever is the earlier or in the case of mineral extraction ceasing for a period of more than 2 years.

*Reason: To provide for the restoration of the site within an agreed timescale in the interests of the amenities of the area. To accord with Policy DM12 of the Leicestershire Minerals and Waste Local Plan (Adopted 2019) and paragraph 224 e) of the National Planning Policy Framework (December 2024).*

#### Approved Details

3. Unless required by the conditions attached to this permission, the development hereby approved shall be carried out in accordance with the details contained in the submitted application no. 2000/0381/02 dated 17<sup>th</sup> February 2000.

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

#### Access

4. The means of access to and egress from the mine site for all vehicles shall be via the Company's existing private road from its junction off Paudy Lane.

*Reason: In the interests of highway safety and the amenity of the area, to provide a safe and suitable access to the site for all users of the site and to accord with Policies DM2 and DM9 of the Leicestershire Minerals and Waste Local Plan (Adopted 2019), Policy T2 of the Sileby Neighbourhood Plan Review 2022-2037 – Made 2022, Policy BuS19 of the Barrow Upon Soar*

*Neighbourhood Plan 2016-2028 – Made 2017 and paragraph 116 of the National Planning Policy Framework (December 2024).*

### Working Programme

5. No access to or egress from the underground workings for the movement of plant, personnel, mineral or mineral waste shall take place except from the existing Barrow Mine adits.

*Reason: In the interests of highway safety and the amenity of the area and to accord with Policies DM2 and DM9 of the Leicestershire Minerals and Waste Local Plan (Adopted 2019), Policy T2 of the Sileby Neighbourhood Plan Review 2022-2037 – Made 2022, Policy BuS19 of the Barrow Upon Soar Neighbourhood Plan 2016-2028 – Made 2017 and paragraph 116 of the National Planning Policy Framework (December 2024).*

6. All gypsum extracted from the mine shall be transported to the covered storage building at the adjacent works site by enclosed conveyor. No gypsum that has a quality of >70% shall be exported from the site. Gypsum that has a quality of <70% shall not be exported from the site other than on a back-haul basis using only heavy goods vehicles that contain and are bringing in gypsum to Barrow Works site from elsewhere.

*Reason: In the interests of highway safety and the amenity of the area. Additionally, to limit the environmental impacts upon dust, noise and local amenity arising from mineral extraction and the exportation of low grade gypsum from the site. To accord with Policies DM2 and DM9 of the Leicestershire Minerals and Waste Local Plan (Adopted 2019), Policy T2 of the Sileby Neighbourhood Plan Review 2022-2037 – Made 2022 and paragraph 116 of the National Planning Policy Framework (December 2024).*

7. No mineral shall be extracted from the underground planning permission area other than in conformity with a Mining Development Plan that indicates the programme of working. This plan shall be submitted to the Mineral Planning Authority for approval every five years. A plan indicating the current position of workings shall also be submitted to the Mineral Planning Authority on an annual basis. This plan shall be in accordance with the 5 year Mining Development Plan.

*Reason: To allow for effective monitoring of the planning permission.*

8. No mineral shall be extracted from the underground planning permission area other than in conformity with the system of regular partial, pillar and stall extraction. The maximum ratio of mineral extracted to mineral retained as pillars of support shall not exceed 75%.

*Reason: For the purposes of additional safety measures against the possibility of any land instability issues within the locality.*

9. No underground working shall take place nearer to any permanently inhabited building in existence on 1<sup>st</sup> January 1980 or constructed in pursuance of a planning permission extant at that date than a distance equivalent to half of the depth at which the seam lies at that point.

*Reason: For the purposes of additional safety measures against the possibility of any land instability issues within the locality.*

10. No production blasting shall take place at the mine until a blasting action plan has been submitted to and approved by the Mineral Planning Authority. The action plan shall include details relating to the following:

- i) Location and nature of blast(s);
- ii) Any nearby surface or sub-surface structures/installations;
- iii) Probability of old mining areas within affecting distance;
- iv) Timing of blast(s);
- v) A scheme of monitoring
- vi) Vibration limits;
- vii) Contingency procedures for dealing with any emergency.

Following approval of the action plan blasting for the production of minerals shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Mineral Planning Authority. Any non-production blasts that are necessary due to unforeseen emergencies or other essential operations shall be notified to the Mineral Planning Authority within 24 hours of the occurrence. The notification shall be accompanied by a full and detailed explanation.

*Reason: To control the environmental impacts of any vibration and/or blasting upon the locality and local amenity. To accord with Policy DM2 of the Leicestershire Minerals and Waste Local Plan (Adopted 2019) and paragraph 224 c) of the National Planning Policy Framework (December 2024).*

#### Restriction of Permitted Development Rights

11. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 as amended, no buildings, plant, structures or machinery shall be erected on the site without the prior written approval of the Mineral Planning Authority.

*Reason: There is an exceptional need here to secure control over additional plant, machinery and lighting, in the interests of the amenity of the area and bearing in mind the degree of discretion otherwise allowed by the GPDO. To accord with Policy DM2 of the Leicestershire Minerals and Waste Local Plan (Adopted 2019).*

#### Safeguarding Conditions

12. All oil, fuel and chemical storage tanks and their associated filling points, vents, gauges, sight glasses, and pipework are to be placed on impervious bases and enclosed within a bund of at least 110% capacity of the combined capacity of all tanks and vessels. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. All filling points and overflow outlets shall discharge downwards into the bund. In the event of a leak or spillage the material shall be removed and disposed of to a facility licensed for that purpose.

*Reason: To protect the local water environment from any potential pollution and/or other degradation. To accord with Policy DM2 of the Leicestershire Minerals and Waste Local Plan (Adopted 2019) and paragraph 224 b) of the National Planning Policy Framework (December 2024).*

13. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether direct or via soakaways.

*Reason: To protect the local water environment from any potential pollution and/or other degradation. To accord with Policy DM2 of the Leicestershire Minerals and Waste Local Plan (Adopted 2019) and paragraph 224 b) of the National Planning Policy Framework (December 2024).*

14. No new surface outfalls or alternative methods of disposal of mine water shall be undertaken without the prior written approval of the Mineral Planning Authority.

*Reason: To protect the local water environment from any potential pollution and/or other degradation. To accord with Policy DM2 of the Leicestershire Minerals and Waste Local Plan (Adopted 2019) and paragraph 224 b) of the National Planning Policy Framework (December 2024).*

#### Restoration

15. A scheme for the restoration of the site shall be submitted to the Mineral Planning Authority for approval in accordance with the timescales set out in condition no.2 above. The scheme shall:

- (i) Provide for the closure of all the existing adits and ventilation shafts at the mine with an impervious barrier;
- (ii) Provide for the treatment of the land adjacent to and surrounding the mine entrances in order to secure a beneficial after-use(s) of the land;
- (iii) Cover the removal of all plant, machinery, buildings and other structures erected in connection with the mine;
- (iv) Have due regard for the provisions of condition no.28 of planning permission no. 87/1467/2 covering the works site; and,
- (v) Include appropriate timescales for implementing and completing the restoration works

*Reason: To ensure satisfactory restoration of the site and to accord with Policy DM12 of the Leicestershire Minerals and Waste Local Plan (Adopted 2019) and paragraph 224 e) of the National Planning Policy Framework (December 2024).*

#### Aftercare

16. Following the final restoration of any part of the site in accordance with the requirements of condition no.15 above, the land shall be treated for a 5 year period in accordance with an approved aftercare scheme. The scheme shall:

- (i) Be submitted for the written approval of the Mineral Planning Authority not later than 3 months prior to the date on which it is expected that the

replacement of topsoil or other approved final treatment of the site shall take place;

- (ii) Provide an outline strategy for the 5 year aftercare period stating the steps to be taken throughout this period in order to return the land to beneficial use involving agriculture, forestry, nature conservation/amenity after-uses;
- (iii) Arrange for annual site meetings between the operator, Mineral Planning Authority and other appropriate agencies; and,
- (iv) Provide for the submission of an annual report to the Mineral Planning Authority one month in advance of the annual site meeting detailing where appropriate work undertaken during the previous year and work proposed for the coming year.

*Reason: To ensure that a suitable regime of high quality aftercare is secured to bring the land to the required standard for the approved afteruse. To accord with Policy DM12 of the Leicestershire Minerals and Waste Local Plan (Adopted 2019) and paragraph 224 e) of the National Planning Policy Framework (December 2024).*

17. Unless otherwise agreed in writing with the Mineral Planning Authority the aftercare of the site shall only be carried out in accordance with the approved scheme.

*Reason: To ensure high quality aftercare of the site is delivered and to accord with Policy DM12 of the Leicestershire Minerals and Waste Local Plan (Adopted 2019) and paragraph 224 e) of the National Planning Policy Framework (December 2024).*

## **DEVELOPMENT CONTROL 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.