

SCHEDULE 4

TOR – Informal Technical Liaison Group

1. The extraction of tungsten at Hemerdon involves operations which are novel to the UK due to type, scale and pace of the extraction operations. A number of agencies with specific statutory powers will be involved in regulating these operations. Co-ordination of such regulatory powers will be desirable to provide efficient control and prevent conflict in regulation and outcomes. The formation of an informal technical liaison group will provide an informal forum to assist co-ordination of relevant regulation. This body shall be known as the Hemerdon Mine Informal Technical Liaison Group (the Group) with the following functions:
 - (a) To provide informal lines of communication between the mine operator and those relevant planning and statutory regulatory bodies;
 - (b) To provide an informal forum to seek to ensure that decisions on planning control and other regulatory matters relating to the mine are undertaken in a co-ordinated manner; and
 - (c) To seek to informally identify action to resolve or forestall any potential planning or regulatory issues which may arise.

2. In particular, the Group shall act as an informal forum for discussion between the parties represented covering:
 - (a) The nature and progress of the operations in relation to regulation;
 - (b) Compliance with planning conditions;
 - (c) Compliance with regulatory permits and/or standards;
 - (d) The category, scale, frequency and results of environmental monitoring undertaken by the mine operator and any modification to that monitoring;
 - (e) Complaints received from other parties, the action taken by the mine operator to resolve any such complaints and any further action;
 - (f) Proposed changes in operation and the resulting planning and regulatory considerations, and;
 - (g) Other matters of relevance.

3. Membership of the Group will consist of a single representative invited from the following bodies:
 - (a) A representative from the mine operator;
 - (b) An officer from the Mineral Planning Authority;
 - (c) An officer from the District Planning Authority;
 - (d) An officer from the Environmental Health Authority;
 - (e) An officer from the Emergency Planning Authority
 - (f) An officer from the Environment Agency;
 - (g) An officer from the Health and Safety Executive;
 - (h) However each member may be supported by additional officers, advisors and/or consultants at meetings as may be necessary in relation to matters arising.

4. The Group may invite other organisations or individuals to any particular meeting. It is however generally expected that those attending the meetings will be there to represent only the functions of their organisation but within the objective of providing a co-ordinated approach to regulation.

5. The Chairman shall normally be the officer from the Mineral Planning Authority. The Vice Chairman shall normally be the officer from the District Planning Authority. The mine operator shall act as Secretary to the Group.

6. The Group shall be an informal consultative body and it shall not formally represent or bind the regulatory responsibilities of any of its constituent members or action by the mine operator. The Group will therefore not be subject to any of the provisions of any of the legislation relating to meetings of the parent body of any member.

7. The meetings shall not be public, but minutes shall be sent to all members of the group.

8. The Group shall not normally vote on issues and any views expressed as a meeting shall not affect the statutory rights or duties, or prejudice the position, of any party.

9. The Group shall seek to ensure that any unresolved issues are referred to the relevant competent Authority.
10. The first meeting of the Group shall be convened by the mine operator as Secretary of the Group 6 months from the date of this agreement or such other date as may be agreed between the Mineral Planning Authority and the mine operator and the Group shall meet on such occasions as it deems necessary, but generally not less than twice per annum. The Chairman shall be able to call an extraordinary meeting of the group if he considers it necessary. Meetings of the Group shall cease following permanent cessation of operations and/or the site passing into permanent restoration.
11. The mine operator shall give sufficient notice of meetings to enable members to coordinate the views/comments of their respective organisations. Meetings shall be held at a venue as may be agreed from time to time between the Chairman and the Secretary. Replacement or additional meetings as agreed by the Chairman and Secretary may be held on site to consider matters arising.
12. The mine operator shall, at their own expense:
 - (a) Provide secretarial services for the Group;
 - (b) In consultation with the Chairman, prepare minutes and Agendas for the meetings and circulate such documents to all members of the Group no later than 10 days prior to the next meeting

SCHEDULE 5
TOR – Local Liaison Group

1. The general purpose of the Hemerdon Mine Local Liaison Group (the Group) shall be:
 - (a) To provide better lines of communication and wider understanding between the quarry operators and members of the local community;
 - (b) To discuss land use, planning and environmental matters relating to the operation, restoration and aftercare of Hemerdon Mine; and
 - (c) To seek to resolve any problems which may arise.

2. In particular, the Group shall act as a forum for discussion between the parties represented covering:
 - (a) The nature and progress of the operations;
 - (b) Compliance with planning conditions;
 - (c) Complaints received/action to resolve complaints/local feedback;
 - (d) Forthcoming activities/changes in operation, and;
 - (e) Other matters of interest.

3. Membership of the Group will comprise:
 - (a) Local elected Member of the Mineral Planning Authority (Devon County Council);
 - (b) Local elected Member of South Hams District Council;
 - (c) An elected representative from each of Sparkwell and Shaugh Prior Parish Councils;
 - (d) Representative(s) of Wolf Minerals
 - (e) An officer(s) of Devon County Council;
 - (f) An officer(s) of South Hams District Council.
 - (g) A representative from the Environment Agency.

4. The Group may invite other organisations or individuals to any particular meeting. It is however generally expected that those attending the meetings will represent their organisation or Ward constituents.
5. The Chairman shall normally be the local Devon County Councillor. The Vice Chairman shall normally be the local District Councillor.
6. The Group shall be an informal consultative body (i.e. it shall not be a Committee, Sub Committee or panel of either the County or District Councils), on which the County Council and District Council are represented, and therefore cannot meet under the provisions of any of the legislation relating to local authority meetings.
7. The meetings shall not be public, but minutes shall be sent to all members of the group.
8. Quarry Liaison Group meetings shall not replace, nor be a substitute for, public meetings that are part of the established planning consultation process.
9. The Group shall not normally vote on issues and any views expressed as a meeting shall not affect the statutory rights or duties, or prejudice the position of, any party.
10. The Group shall seek to ensure that any unresolved issues are referred to the relevant competent Authority.
11. The Group shall meet on such occasions as it deems necessary, but generally not less than twice per annum. The Chairman shall be able to call an extraordinary meeting of the group if he considers it necessary.
12. The site operator shall give sufficient notice of meetings to enable members to co-ordinate the views/comments of their respective organisations.
13. The site operator shall, at their own expense:
 - (a) Provide secretarial services for the Group;

(b) In consultation with the Chairman, prepare minutes and Agendas for the meetings and circulate such documents to all members of the Group no later than 10 days prior to the next meeting.

EXECUTED as a DEED by)
WOLF MINERALS (UK) LIMITED)
acting by two directors or a director)
and company secretary)



.....
Director



.....
Director/Secretary

EXECUTED as a DEED by)
HOLLY DOWN LLP)
acting by DAVID MICHAEL)
STRODE COBBOLD, Member)
and ANTHONY ALAN RUSSELL)
COBBOLD, Member)



.....
Member



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Member

EXECUTED as a DEED by)
HEMERDON LAND LLP)
acting by THOMAS WOOLLCOMBE)
BLAIKIE, Member and CATRIONA)
JENNET EDINGTON WOOLLCOMBE)
GAMBRILL, Member)

T. W. Blake

Member

C. Gambrill

Member

Signed as a DEED by)
DAVID MICHAEL STRODE)
COBBOLD)
in the presence of)

David Michael Strode

W Signature.....*[Signature]*.....

I
T Full name.....*JEFFREY MARK HARRISON*.....

N
E Address.....*TOR LINHAY BARN, TOR HILL, SALTASH, CORNWALL, PL12 4QG.*.....

S
S Occupation.....*MINING CONSULTANT.*.....

Signed as a DEED by)

ANTHONY ALAN RUSSEL)

COBBOLD)

in the presence of)



W Signature.....



I

T Full name.....

JEFFREY MARK HARRISON

N

E Address.....

TOR LINHAY BARN, TOR HILL, SALTASH, CORNWALL, PL12 4QG.

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S Occupation.....

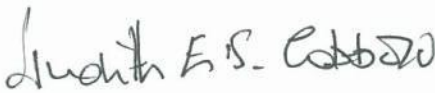
MINING CONSULTANT

Signed as a DEED by)

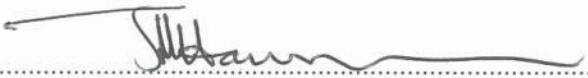
JUDITH EILEEN STRODE)

COBBOLD)

in the presence of)



W Signature.....



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T Full name.....

JEFFREY MARK HARRISON

N

E Address.....

TOR LINHAY BARN, TOR HILL, SALTASH, CORNWALL, PL12 4QG.

S

S Occupation.....

MINING CONSULTANT.

Signed as a DEED by)
SIMON HUGH GREGORY)
in the presence of) 

W Signature .....
I
T Full name JEFFREY MARK HARRISON.....
N
E Address TOR LINTAY BARN, TOR HILL, SALTASH, CORNWALL, PL12 4QG.
S
S Occupation MINING CONSULTANT......

Signed as a DEED by)
CHRISTOPHER JAMES HUTTON) 
in the presence of)

W Signature .....
I
T Full name JEFFREY MARK HARRISON.....
N
E Address TOR LINTAY BARN, TOR HILL, SALTASH, CORNWALL, PL12 4QG.
S
S Occupation MINING CONSULTANT......

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 97

HEMERDON MINE, DRAKELANDS, PLYMPTON, PLYMOUTH DEVON

1. On 5 June 1986 Devon County Council, being the Mineral Planning Authority for the County of Devon granted planning permission under the Town and Country Planning Act 1971 ("the Planning Permission") in respect of the land at Hemerdon Mine Plympton Plymouth for the winning and working of tungsten and tin and for associated tipping of waste on Crownhill Down
2. A copy of the Planning Permission is attached at Schedule 2
3. It appears to Devon County Council, having regard to the development plan and to all other material considerations, that it is expedient to modify the Planning Permission for the following reasons:

To ensure that the development of the Hemerdon Tungsten Mine is carried out in accordance with modern working and restoration procedures to comply with the Devon County Minerals Local Plan and in the interests of securing an appropriate restoration and aftercare of the site.

NOW THEREFORE Devon County Council as local planning authority and in pursuance of Section 97 Town and Country Planning Act 1990 and all other powers enabling hereby make the following order:

The Planning Permission is modified so that the conditions set out at Schedule 2 are replaced with the conditions set out at Schedule 1

Given under the Common Seal
of Devon County Council in
the presence of

SCHEDULE 1

Town and Country Planning Act 1990

Schedule of modified conditions in respect of planning permission

9/42/49/0542/85/3

Winning and working of minerals, pumping station and pipeline, at Hemerdon Tungsten Mine, Drakelands, Hemerdon, Ivybridge, Devon

Condition 1

The development to which this permission relates must be begun not later than 7 years from the date of this permission. Development for the purposes of these conditions shall not include any work carried out pursuant to Condition 10 (g).

Reason

To enable the Mineral Planning Authority to review the position on a fresh application after the permission has lapsed.

Condition 2

Application for approval of any reserved matter must be made not later than 5 years from the date of this permission excepting that in respect of those reserved matters set out in Condition 10 (i), (j) and (k), the period shall be 10 years.

Reason

To enable the Mineral Planning Authority to control the development.

Condition 3

All mineral working and tipping shall cease by 5 June 2021 after which date the only operations permitted on site shall be those essential to achieve restoration in accordance with the approved schemes or aftercare regime and the removal of plant, buildings and roads which shall be completed and the land restored to the satisfaction of the MPA within 3 years of the cessation of operations.

Reason

To clarify the date by which operations shall be complete and to ensure the effective restoration of the site in accordance with Devon County Minerals Local Plan Policy MP41.

Condition 4

There shall be no commencement of the construction of the mine access road, the haul road or any of the buildings on the mine site until such time as the link road between Newnham Park and West Park Hill is complete and open for public use.

Reason

To ensure that the highway works are complete before heavy machinery is required to be brought to the site over the public road network in the interests of highway safety and to comply with Policies MP41 and MP43 of the Devon County Minerals Local Plan 2004.

Condition 5

No development shall be carried out which affects archaeological sites identified in the work programme referred to in Condition 6 until those sites have been investigated and recorded in accordance with that programme.

Reason

To ensure that an adequate archaeological investigation and recording is undertaken prior to the development taking place in accordance with Minerals Local Plan Policy MP4.

Condition 6

The archaeological work shall be undertaken in accordance with the approved Archaeological Work Programme dated November 1992, as revised by the Archaeological Framework Document submitted April 2008 and as updated in February 2009, and in accordance with the requirements of the Written Schemes of Investigation required by the Archaeological Framework Document as agreed with the Mineral Planning Authority.

Reason

To ensure that an adequate archaeological investigation and recording is undertaken prior to the development taking place in accordance with Minerals Local Plan Policy MP4.

Condition 7

The screening bund constructed around the mineral excavation area shall be retained throughout the life of the permitted operations and shall, if required in writing by the Mineral Planning authority, be removed at the cessation of extraction operations and the site restored in accordance with a scheme to be agreed with the Mineral Planning Authority.

Reason

To ensure that measures to screen the working area are retained throughout the life of the site in the interests of providing landscape protection and new wildlife habitat and in accordance with Policy MP48 of the Devon County Minerals Local Plan 2004.

Condition 8

The areas of land outlined in black on drawing HEM U.U.2 shall be planted with a mixture of broadleaved trees and shrubs in the first planting season following the commencement of the mine access road. This planting shall be carried out in accordance with a scheme which shall have been previously submitted to and approved in writing by the Mineral Planning Authority and shall be retained and managed in accordance with an approved scheme of management and aftercare for the life of the mine working.

Reason

To use the opportunity to carry out additional planting in advance of the mineral working to provide replacement habitat and landscape interest in accordance with policies MP10 and MP11 of the Devon County Minerals Local Plan 2004.

Condition 9

No development shall take place within the Site for Mineral Processing Plant and Buildings, Haul Road and Landscaping (illustrated on Plan No. 1.0) until an adequate road access to the processing plant with a proper standard of visibility has been formed and connected to the Lee Moor Road in a position and manner to be agreed with the Mineral Planning Authority.

Reason

To ensure that the highway network and access are adequate to cater for the traffic likely to be generated.

Condition 10

No development shall commence until the following details have been submitted to and approved by the Mineral Planning Authority:-

10(a) a scheme to dispose of all waste arising from the winning and working, including the formation of the tip and means of enclosure, the levels of compaction of waste material, and the phased development of the waste disposal scheme.

10(b) unless otherwise agreed in writing by the MPA, phased landscaping and restoration shall be undertaken in accordance with the Restoration Concept and the detailed annual restoration, land and water management and landscape review plans for specific areas of land which shall have been previously submitted to and approved in writing by the MPA as a part of the annual review of restoration*

10(c) the design and layout of the "Site for Mineral Processing Plant and Buildings, Haul Road and Landscaping" identified on Plan No. 1.0, including the siting and relative levels of the plant and buildings, the design of the plant and buildings, their external appearance, and colour, type and texture of all external materials and finishes and means of drainage thereof, the means of vehicular and pedestrian access to the plant and buildings, including the provision of a right-turning facility at the junction of the access road with the Newnham/Lee Moor Road, the provision to be made within the site for car parking, circulation and parking of goods vehicles and mobile plant and means of enclosure;

10(d) the design, layout, levels, gradients, materials, drainage methods of construction and landscaping of:-

- (i) the proposed diversion of the existing Newnham/Lee Moor classified County road between OS grid reference points SX 561588 and SX 564606; together with the Portworthy Diversion, and the new access to Bude Farm and the access road to the processing plant illustrated on Plan No. 1.0.
- (ii) the access road from Newnham/Lee Moor Road to the processing plant;
- (iii) Footpath and Bridleway diversions as illustrated on Plan No. 9.2 (Drawing No. H-PS-2500-84-048)

10(e) The means of enclosure of the pit, and the construction of bunds around it

10(f) A scheme for the protection of water supplies, local ponds, and quality of water-courses affected by the proposed development and for the protection of land drainage in the site vicinity, including:-

- (i) permanent and temporary run-off interception and peripheral leats;
- (ii) a permanent settling balancing pool between the area selected for the disposal of mining waste and the Tory Brook, together with such other permanent or temporary settling balancing pools as may be required;
- (iii) arrangements for the discharge of excess water from any permanent or temporary balancing pond and/or tailings lagoon;
- (iv) arrangements for the interception of drainage from mining processing and under-tip areas;

- (v) provision for the prevention of contamination of water courses
- (vi) the culverting and realignment of water courses affected by any operations;
- (vii) the means of providing adequate compensatory flows to the Smallhanger Brook during development (including any period of temporary cessation) and for a period not exceeding five years from the date of cessation as defined in Conditions 3 and 45;
- (viii) the means of providing adequate compensatory water supply to properties should their present supply be adversely affected by the development.

10 (g) a work programme providing for comprehensive archaeological investigation and recording within the area to which this permission relates before and during the course of development;

10 (h) the methods to be adopted for the safeguarding of archaeological sites within the permission area, but not directly affected by the development;

10 (i) The, design, layout and access arrangements to any temporary storage and construction compounds for the laying of the pipeline between the Process Plant and Plymouth City boundary (shown on Plan No. 1.2)

10 (j) a scheme for the restoration of the land along the route of the pipeline including, inter alia, any temporary storage and construction compounds, hedgebanks and watercourses.

10 (k) a scheme for the protection of land drainage along the route of the pipeline together with proposals for any temporary realignment of watercourses necessary to undertake those operations

Reason:

To ensure that the development is carried out in accordance with the approved plans and to ensure that the landscape restoration is in accordance with the new restoration concept which is based on the requirement to balance landscape with biodiversity in accordance with policies MP 10, MP41, MP48 and MP56 of the Devon County Minerals Local Plan 2004.

*Note:- The annual review of restoration is set out in an Unilateral Undertaking given by the mineral operator and landowners in November 2010

Condition 11

No building or engineering operations which give rise to noise and dust outside the site, prior to the winning and working of minerals, shall be carried out:-

(i) other than during the period between 0730 and 1930 hours on Mondays to Fridays and 0730 to 1800 hours on Saturdays; and

(ii) at any time on Sundays nor on the following Public Holidays

- (a) New Years Day
- (b) Good Friday
- (c) Easter Monday

- (d) May Day Holiday
- (e) Spring Bank Holiday
- (f) Summer Bank Holiday
- (g) Christmas Day
- (h) Boxing Day
- (i) Such other Public Holidays as may subsequently be declared;
unless otherwise agreed in writing with the Mineral Planning Authority.

Reason

To enable the Mineral Planning Authority to control the development and to protect the amenity of residents in the area.

Condition 12

No loading and transporting of waste from the processing plant, or from the pit to the waste disposal area shall be carried out:-

(i) other than between 0600 and 2200 hours on Mondays to Fridays, and between 0600 and 1800 hours on Saturdays; and

(ii) at any time on Sundays nor on the Public Holidays set out in Condition 11(ii).
unless otherwise agreed in writing with the Mineral Planning Authority.

Reason

To enable the Mineral Planning Authority to control the development and to protect the amenity of residents in the area.

Condition 13

No primary crushing shall take place between:-

(i) 1800 hours on Saturdays and 0600 hours on Mondays; and

(ii) 2200 hours on the day preceding the Public Holiday set out in Condition 11(ii) and 0600 hours on the next ordinary day;

unless otherwise agreed in writing with the Mineral Planning Authority.

Reason

To enable the Mineral Planning Authority to control the development and to protect the amenity of residents in the area.

Condition 14

No drilling prior to blasting shall take place other than between 0700 and 1900 hours on weekdays until the first 10 metre bench in the pit has been completed, nor at any time on Sundays and on the Public Holidays set out in Condition 11(ii).

Reason

To protect the amenity of residents in the area.

Condition 15

No soil stripping shall commence until details of the storage areas for top soil and sub-soil have been submitted to and approved by the Mineral Planning Authority.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 16

No top soil or sub-soil arising from the stripping operations shall be removed from the site without the prior approval in writing of the Mineral Planning Authority.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 17

The restoration scheme referred to in Condition 10 (j) shall be carried out, unless otherwise agreed in writing, within six months of the completion of the construction of the pipeline to the satisfaction of the Mineral Planning Authority.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 18

No tipping of mineral waste shall be undertaken until details of the proposed modified restoration objective for the area identified in Plan 4.0 for restoration have been agreed with the MPA. Such details shall specify the mechanisms for achieving the target for restored ground cover and the treatment and placement of substrate and soils as set out in the Restoration Concept.

Reason

To ensure that the landscape restoration is in accordance with the new restoration concept which is based on the requirement to balance landscape with biodiversity in accordance with policies MP 10, MP41, MP48 and MP56 of the Devon County Minerals Local Plan 2004.

Condition 19

No tipping shall commence on the second or any subsequent phase until:-

(a) details of the tipping, restoration, landscaping, after-use and aftercare, of that phase have been submitted to and approved by the Mineral Planning Authority; and

(b) the tipping, restoration and landscaping in the preceding phase has been commenced in accordance with the approved details unless otherwise agreed in writing by the Mineral Planning Authority.

Reason

To ensure that progressive restoration is achieved.

Condition 20

The landscaping and related water pollution control works of each phase of the waste disposal scheme shall be completed within two years from the commencement of the phase immediately following unless otherwise agreed in writing. Development shall cease if within two years after the two year period referred to or such other period as may be agreed in writing with the Mineral Planning Authority such landscaping and pollution control works have not been carried out to the satisfaction of that Authority.

Reason

To enable the Mineral Planning Authority to control the development.

Condition 21

Any tree, shrub, area of seeding or translocated species planted in accordance with the approved submitted details shall be retained and managed to the satisfaction of the Mineral Planning Authority for the minimum aftercare period of 10 years from the approval of the works. Any planting which fails due to death, disease or inadequate management shall be replaced or substituted in accordance with a scheme which addresses and mitigates the original causes of failure to be agreed with the Mineral Planning Authority and the replacement or substitution shall be carried out in the planting season immediately following any such occurrence.

Reason

To ensure that aftercare of the restored areas is carried out for as sufficient period of time to establish the planting and habitat created by the approved restoration in accordance with Devon County Mineral Local Plan Policy MP56

Condition 22

22(a) Aftercare schemes shall be submitted annually for areas which have passed into permanent restoration in accordance with the approved submitted restoration schemes and shall specify such steps necessary to bring the land to the required standard of restoration and the periods during which such steps are to be taken.
22(b) The steps referred to in the aftercare schemes shall be carried out for a total period not exceeding 10 years.

Reason

To ensure that aftercare of the restored areas is carried out for as sufficient period of time to establish the planting and habitat created by the approved restoration in accordance with Devon County Mineral Local Plan Policy MP56.

Condition 23

The diverted Newnham/Lee Moor Road shall have a minimum carriageway width of 6.75 metres.

Reason

To ensure that the highway network and access are adequate to cater for the traffic likely to be generated.

Condition 24

No operations including the deposit of excavated or construction waste shall be undertaken to the west of the existing classified County road within the Area for Disposal of Mining Waste and Landscaping, identified on Plan No. 1.0, until the diverted Newnham/Lee Moor Road has been constructed in accordance with the approved submitted details, unless as otherwise agreed in writing by the Mineral Planning Authority.

Reason

To ensure that there is proper consideration of alternative methods of the disposal of waste material before works are undertaken to move the existing highway in the interests of protecting the landscape and wildlife of the area in accordance with Policies MP10, MP11 MP28, MP31, MP41 and MP48 of the Devon County Mineral Local Plan.

Condition 25

The number of heavy goods vehicles transporting waste or secondary aggregate leaving the site shall not exceed 50 in any one day and the total tonnage of secondary aggregate transported shall not exceed 4000 tonnes in any week or 150,000 tonnes in any calendar year without the prior permission in writing of the Mineral Planning Authority.

Reason

To retain control over the numbers of vehicle movements associated with the site in accordance with Policies MP41 and MP43 of the Devon County Mineral Local Plan.

Condition 26

No waste or secondary aggregate shall leave the site until the Newnham Road to West Park link road has been constructed and adopted in accordance with the approved submitted details and the new access on to the Lee Moor to Newnham Road has been constructed in accordance with the approved submitted details.

Reason

To retain control over the numbers of vehicle movements associated with the site in accordance with Policies MP41 and MP43 of the Devon County Mineral Local Plan

Condition 27

No waste other than that required to be transported to a suitably licensed facility and otherwise unable to be disposed within the site shall be transported from the site.

Reason

To retain control over the numbers of vehicle movements associated with the site in accordance with Policies MP41 and MP43 of the Devon County Mineral Local Plan.

Condition 28

The developer shall adopt the best practical means to minimise the levels of noise arising from the development. The A-weighted sound level caused by any or all plant, equipment and mining operations within the site, shall not exceed the following limits when measured on a precision Grade 1 sound level meter at a distance of 1 metre outside any building used for human habitation.

28 (a) The equivalent continuous A-weighted sound level measured over any one-hour period when measured on a precision Grade 1 sound level meter set to fast response shall not exceed:-

(i) 50dB(A) LAeq 1 hour during the times of 0700 to 1900 hours on Mondays to Saturdays inclusive:

(ii) 45dB(A) LAeq 1 hour during the times of 1900 to 2200 hours, and 0600 to 0700 hours on Mondays to Saturdays inclusive, excluding the Public Holidays set out in Condition 12(ii), when 40dB(A) LAeq 1 hour shall not be exceeded; and

(iii) 40dB(A) LAeq 1 hour at any other time

28 (b) when measured on a precision Grade 1 sound level meter set to the "fast response" the limits set out in (a) above shall not be exceeded for more than three minutes in any one hour period by more than:-

(i) 10dB(A) LAeq 1 hour between 0600 hours and 2200 hours;

(ii) 7dB(A) LAeq 1 hour between 2200 hours and 0600 hours

28 (c) If the sound measured within the monitoring period contains any continuous definite distinguishable note (whine, hiss, screech, squeal, hum, etc.) or if there are significant irregularities in the noise including impulsive irregularities such as bangs, clinks, clatters or thumps, then 5dB(A) LAeq 1 hour shall be added to the measured sound level prior to determining whether the limits set out in (a) and (b) above are being complied with.

28 (d) Any building used for human habitation and owned by the developer or included in the Schedule of Properties contained in the Section 52 Agreement* for which the developer will make offers to purchase, or covered by tenant compensation provisions, shall not fall within the scope of this condition.

Reason

To protect the amenity of nearby residents in accordance with Policy MP41 of the Devon County Mineral Local Plan.

*Note:- The Section 52 Agreement is dated 5 June 1986 and made between Amax Explorations of UK Inc. and Hemerdon Mining and Smelting (UK) Limited (1) James Humphrey George Woolcombe and Thomasina Mary Blaikie (2) Amax International Limited (3) and Devon County Council

Condition 29

The noise limits referred to in Condition 28 may be exceeded only where emergency action is essential to the safety of the works, employees of the works, or members of the public. The developer shall record each occasion where such levels have been exceeded and inform the Mineral Planning Authority in writing within 48 hours of occurrence, with an explanation of the reason.

Reason

To allow the developer some flexibility in operations under certain circumstances.

Condition 30

The Mineral Planning Authority shall be empowered to relax these noise levels over a restricted period on application from the developer provided that they are satisfied that such relaxation is necessitated by any abnormal requirements of the mining operation and that such relaxation shall not cause undue disturbance to the locality by way of noise.

Reason

To allow the developer some flexibility in operations under certain circumstances.

Condition 31

The developer shall adopt the best practical means to ensure that the emission of dust from the development is kept to a minimum and in particular the following measures are to be used:-

31 (a) dust caused by the moving of soil and overburden, ore bearing rocks and other similar materials within the site shall be suppressed by water sprays or by more effective means if they become available;

31 (b) drilling rigs shall be fitted with efficient bag filter modules or more effective dust control measures if they become available;

31 (c) Roads

(i) Efficient measures for dust suppression shall be undertaken on all roads;

(ii) The access road from the Newnham/Lee Moor Road to the plant site, together with the Internal access roads and parking areas, shall be provided with a concrete, macadamed, or other appropriate surfacing as may be agreed with the Mineral Planning Authority, and be kept reasonably free of dust and mud at all times; and

(iii) Wheel washing facilities shall be installed and used by vehicles leaving the site, which have travelled over unsurfaced roads.

(iv) Vehicles containing loads of material of less than 500mm in diameter shall be sheeted.

31 (d) Process Plant and Tip

(i) The turning and tipping area adjacent to the primary crusher shall be provided with an all-weather surface, and dust shall be controlled effectively in this area;

(ii) The process plant shall be enclosed within buildings. The buildings housing the primary crusher, and those where dry material is handled shall be kept under negative air pressure and the extracted air shall be passed through an efficient dust collection plant;

(iii) Dust created in the waste disposal area shall be controlled by the spraying of water or by more effective means if they become available.

Reason

To protect the amenity of nearby residents in accordance with Policy MP41 of the Devon County Mineral Local Plan.

Condition 32

The developer shall adopt the best practicable means to minimise the propagation of dust including PM₁₀.

If monthly insoluble dust deposition rates outside the site exceed 200mg/m²/ day after commencement of the development, and previously the annual deposition rate was less than 50mg/m²/ day, where the Mineral Planning Authority is satisfied that the developer's contribution to the increased total dust deposition rate is substantial, the developer shall take the necessary steps to remedy the situation.

Reason

To protect the amenity of nearby residents in accordance with Policy MP41 of the Devon County Mineral Local Plan.

Condition 33*

A scheme of dust monitoring, sampling and analysis on and off the site shall be submitted to and agreed by the Mineral Planning Authority prior to the commencement of soil stripping to ensure that dust mitigation measures are being effectively implemented. The scheme shall include details of the locations at which monitoring shall be carried out and monitoring methods and equipment to be used.

The scheme shall provide for the production of directional dust monitoring and dust deposit information on a basis of mg per metre square per day per monthly average and monitoring of PM10 levels. Following approval of the scheme of monitoring the site operator shall make effective and thereafter shall constantly operate and maintain the scheme of dust monitoring, sampling and analysis agreed by the Mineral Planning Authority, with the results being reported in writing to the Mineral Planning Authority on a six monthly basis or otherwise upon the request of the Mineral Planning Authority.

**[Any building used for human habitation and owned by the developer or included in the Schedule of Properties contained in the Section 52 Agreement for which the developer will make offers to purchase, or covered by tenant compensation provisions, shall not fall within the scope of this condition]*

Reason

To protect the amenity of nearby residents in accordance with Policy MP41 of the Devon County Mineral Local Plan.

Condition 34

No blasting shall take place until effective measures have been taken to warn members of the general public in the vicinity of the site, of the periods during which blasting operations will take place, and of the imminence of any blasting episode.

Reason

To enable the Mineral Planning Authority to control the development and to protect the amenity of residents in the area.

Condition 35

Except as may be essential for reasons of safety, no blasting shall be carried out other than between 1000 and 1130 hours, and between 1300 and 1630 hours on Mondays to Saturdays, unless otherwise agreed in writing with the Mineral Planning Authority. No blasting shall take place on Sundays or on the Public Holidays set out in Condition 11(ii).

Reason

To enable the Mineral Planning Authority to control the development and to protect the amenity of residents in the area.

Condition 36

The developer shall inform the Mineral Planning Authority within 48 hours of any occurrence outside the times allowed in Condition 35, together with an explanation.

Reason

To enable the Mineral Planning Authority to control the development.

Condition 37

37 (a) The developer shall adopt the best practical means to minimise the propagation of ground borne vibration beyond the perimeter of the mine, and shall ensure that all blasting procedures are planned and executed to ensure that the maximum vibration from blasting, expressed in terms of peak particle velocity (ppv) shall be:-

- (i) less than 10mm per second when the total number of blasting episodes does not exceed 3 per day; and

(ii) less than 7.3mm per second when the total number of blasting episodes does not exceed 4 per day; and

(iii) less than 6.5mm per second when the total number of blasting episodes does not exceed 5 per day; and

(iv) less than 5.8mm per second when the total number of blasting episodes does not exceed 6 per day; at any building used for human habitation located outside the site.

The figures above relate to the duration of impulse and decay signal not exceeding one second. Where the duration exceeds one second the levels of peak particle velocity to be achieved shall be calculated by reference to B.S. 6472: 1984, using an initial multiplier of 60 as contained in Table 3 of that document.

37 (b) Any building used for human habitation and owned by the developer or included in the Schedule of Properties contained in the Section 52 Agreement* for which the developer will make offers to purchase, or covered by tenant compensation provisions, shall not fall within the scope of this condition.

Reason

To enable the Mineral Planning Authority to control the development and to protect the amenity of residents in the area.

*Note:- The Section 52 Agreement is dated 5 June 1986 and made between Amax Explorations of UK Inc. and Hemerdon Mining and Smelting (UK) Limited (1) James Humphrey George Woolcombe and Thomasina Mary Blaikie (2) Amax International Limited (3) and Devon County Council

Condition 38

The number of blasting episodes shall not exceed 24 in any one week period, and 6 in any one day, unless otherwise agreed in writing with the Mineral Planning Authority.

Reason

To enable the Mineral Planning Authority to control the development and to protect the amenity of residents in the area.

Condition 39

39 (a) The developer shall adopt the best practical means to minimise the propagation of air borne vibration outside the site and shall ensure that the vibration in terms of the measurable air over pressure at any residential property does not exceed 120 dB (decibels).

39 (b) Any building used for human habitation and owned by the developer or included in the Schedule of Properties contained in the Section 52 Agreement* for which the developer will make offers to purchase, or covered by tenant compensation provisions, shall not fall within the scope of this condition.

Reason

To enable the Mineral Planning Authority to control the development and to protect the amenity of residents in the area.

*Note:- The Section 52 Agreement is dated 5 June 1986 and made between Amax Explorations of UK Inc. and Hemerdon Mining and Smelting (UK) Limited (1) James Humphrey George Woolcombe and Thomasina Mary Blaikie (2) Amax International Limited (3) and Devon County Council

Condition 40

No blasting in the pit area shall take place until the bunds surrounding the pit shall have been constructed in accordance with details required under 10 (e) unless otherwise agreed in writing with the Mineral Planning Authority.

Reason

To enable the Mineral Planning Authority to control the development and to protect the amenity of residents in the area.

Condition 41

No secondary blasting shall be carried out within the site.

Reason

To enable the Mineral Planning Authority to control the development and to protect the amenity of residents in the area.

Condition 42

No development shall commence until base data, where appropriate, and proposals for the schemes of monitoring and analyses of:-

- (i) Ground and air – borne vibration;
- (ii) River flows, spring flows and ground water levels, and quality of water for human consumption;
- (iii) Noise;
- (iv) Dust;
- (v) Air quality;
- (vi) Numbers of heavy goods vehicles transporting waste materials from the site;
- (vii) Chemical composition of materials to be extracted from the mine;

have been submitted to and approved by the Mineral Planning Authority.

Reason

To enable the effects of the development to be adequately monitored during the course of the operations.

Condition 43

The developer shall undertake such additional monitoring and analyses within those terms listed in Condition 42, as may be required by the Mineral Planning Authority.

Reason

To enable the effects of the development to be adequately monitored during the course of the operations.

Condition 44

The developer shall carry out monitoring schemes together with associated analyses outlined in Condition 42 and 43 above, as required by the Mineral Planning Authority and shall produce records and results and permit access to all monitoring equipment at all times at the request of the Mineral Planning Authority.

Reason

To enable the effects of the development to be adequately monitored during the course of the operations

Condition 45

In the event of the cessation of winning and working minerals for a period in excess of two years, the operator shall, within 2 years of that cessation being notified to them by the MPA, carry out restoration of the working and tipping areas in accordance with a scheme which shall have been submitted to and approved in writing by the MPA and which shall then pass into aftercare as set out in Condition 22.

Reason

To clarify the circumstances where the Mineral Planning Authority shall assume that mineral working has permanently ceased and will require restoration to take place as set out in Statement of Intent S28 in the Devon County Minerals Local Plan.

Condition 46

In the event of prior cessation as set out in condition 45, within 3 years of the notification of cessation, the operator shall have removed all plant, machinery, buildings and roads in accordance with a scheme that shall have been submitted to and approved in writing by the MPA and the land shall pass into aftercare as set out in Condition 22.

Reason

To ensure the proper restoration of the mineral site in accordance with Policy MP56 of the Devon County Minerals Local Plan.

Condition 47

The development shall be carried out in accordance with the approved plans unless otherwise agreed in writing with the Mineral Planning Authority.

Reason

For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans.

Condition 48

Unless required for restoration or where the material is being translocated from outside the site for restoration purposes as previously agreed by the MPA, no imported refuse, waste or other similar materials shall be deposited on any part of the site unless agreed in writing with the Mineral Planning Authority.

Reason

To enable the Mineral Planning Authority to control development that may have an adverse impact on the highway network, but to facilitate the proper restoration of the mineral site.

Condition 49

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, no buildings, structures or fixed plant shall be erected, installed or extended unless otherwise agreed in writing with the Mineral Planning Authority.

Reason

To enable the Mineral Planning Authority to control the development.

Condition 50

Proposals for lighting night-time operations shall be agreed with the Mineral Planning Authority, and such systems shall be modified as may be subsequently required by the Mineral Planning Authority.

Reason

To enable the Mineral Planning Authority to control the development.

SCHEDULE 2

Hemerdon Tungsten Mine: Permission 9/42/49/0542/85/3
Schedule 2 - Original Conditions to be replaced by Modification Order: November 2010

In correspondence please quote

APPLICATION NO. 9/42/49/0542/85/3

NOTICE NO. 9/42/49/0542/85/3

COUNTY OF DEVON
TOWN AND COUNTRY PLANNING ACT, 1971
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1977

GRANT OF CONDITIONAL PLANNING PERMISSION

To Messrs. Foot and Bowden (Solicitors)
of 70/72 North Hill, Plymouth, PL4 8HR
Agent for Amax Exploration of U.K. Inc. and Hemerdon Mining and Smelting (UK) Ltd.
of Hemerdon Mine, Plympton, Plymouth
The Devon County

Council hereby grant permission to
carry out the development described in the application dated 3rd April 1985
and the plans and drawings attached thereto numbered 1.0, (Drawing No. H-PB-2500-84-051)
1.1, (Drawing No. H-PS-2500-85-020)
brief particulars of which are as follows:—
1.2, (Drawing No. H-P-2500-85-007)
To win and work tungsten and tin at Hemerdon Mine, Plympton, Plymouth,
and for the associated tipping of waste on Crownhill Down; and laying of
water pipe.
subject to the following conditions:—

- (a) ~~The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted~~

See attached sheet

REASONS FOR CONDITIONS

(a) ~~To comply with Section 41 of the Town and Country Planning Act, 1971~~

See attached sheet

This decision is not a decision under Building Regulations.

Dated this 5th day of June 1986.

[Handwritten Signature]
County Solicitor

NOTE- Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1971, in respect of which enforcement action may be taken.

(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, Department of 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 Secretary of State, Dept. of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ.) 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.

(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, 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 Council of a county district in which the land is situated, 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.

*The statutory requirements are those set out in Section 36(7) of the Town and Country Planning Act, 1971, namely Sections 29(2), 30(1), 67 and 74 of the Act.

SOUTH HAMS DISTRICT:- APPLICATION NO. 9/42/49/0542/85/3

SECTION 1

The conditions included in this section apply to all the development included in Application 9/42/49/0542/85/3 with the exception of the China Clay Processing Plant.

A. Time Limits

1. The development to which this permission relates must be begun not later than 7 years from the date of this permission. Development for the purposes of these conditions shall not include any work carried out pursuant to Condition 10(g).
2. Application for approval of any reserved matter must be made not later than 5 years from the date of this permission, excepting that in respect of those reserved matters set out in Condition 10(i), (j) and (k), the period shall be 10 years.
3. The tipping of waste shall cease at the end of 20 years from the date of commencement of any such tipping unless otherwise agreed in writing with the Mineral Planning Authority.
4. The development shall cease not later than thirty five years, from the beginning of the date of this permission.
5. Unless otherwise agreed in writing with the Mineral Planning Authority, the development shall cease not later than the expiration of fifteen years from the date of this permission, unless the mineral processing plant and buildings have been completed in accordance with the details required in Condition 10(c).

B. Order of Development

6. No development shall be carried out until the construction of the new link road from Newnham Park to West Park Hill and related improvements, illustrated on Plan No. 1.1 attached to Application No 9/42/49/0543/85/3, have been commenced, and no development other than the link road shall be carried out after nine months from the commencement of these roadworks until the works have been completed in accordance with approved plans.
7. No development shall be carried out which affects archaeological sites identified in the work programme referred to in Condition 10(g) until those sites have been investigated and recorded in accordance with that programme.
8. No development other than that required for initial landscaping referred to in Condition 10(b)(iv) shall be carried out until those works have been completed to a stage agreed with the Mineral Planning Authority.

9. No development shall take place within the Site for Mineral Processing Plant and Buildings, Haul Road and Landscaping (illustrated on Plan No. 1.0) until an adequate road access to the processing plant with a proper standard of visibility has been formed and connected to the Lee Moor Road in a position and manner to be agreed with the Mineral Planning Authority.

C. Submission of Details

10. No development shall commence until the following details have been submitted to and approved by the Mineral Planning Authority:-
- (a) a scheme to dispose of all waste arising from the winning and working, including the formation of the tip and means of enclosure, the levels of compaction of waste material, and the phased development of the waste disposal scheme;
 - (b) a phased scheme for the progressive landscaping and restoration of the planning permission area, including:-
 - (i) proposals for the retention and preservation of existing trees and hedgerows not affected directly by physical development;
 - (ii) areas for the planting of new trees and shrubs including those required for noise and dust control purposes and ground cover seed mixes, the stripping, storage and re-spreading of top soil, peat and overburden;
 - (iii) details of drainage and water quality protection arrangements;
 - (iv) proposals and phasing for those areas which require initial landscaping e.g. bunds to screen the pit and the processing plant areas,
 - (c) the design and layout of the "Site for Mineral Processing Plant and Buildings, Haul Road and Landscaping" identified on Plan No. 1.0, including the siting and relative levels of the plant and buildings, the design of the plant and buildings, their external appearance, and colour, type and texture of all external materials and finishes and means of drainage thereof, the means of vehicular and pedestrian access to the plant and buildings, including the provision of a right-turning facility at the junction of the access road with the Newnham/Lee Moor Road, the provision to be made within the site for car parking, circulation and parking of goods vehicles and mobile plant and means of enclosure;
 - (d) the design, layout, levels, gradients, materials, drainage methods of construction and landscaping of:-
 - (i) the proposed diversion of the existing Newnham/Lee Moor classified County road between OS grid reference points SX 561588 and SX 564606; together with the Portworthy Diversion, and the new access to Bude Farm and the access road to the processing plant illustrated on Plan No 1.0.
 - (ii) the access road from Newnham/Lee Moor Road to the processing plant;

- (iii) Footpath and Bridleway diversions as illustrated on Plan No. 9.2. (Drawing No. H-PS-2500-84-048)
- (e) the means of enclosure of the pit, and the construction of bunds around it.
- (f) a scheme for the protection of water supplies, local ponds, and quality of water-courses affected by the proposed development and for the protection of land drainage in the site vicinity, including:-
 - (i) permanent and temporary run-off interception and peripheral leats;
 - (ii) a permanent settling balancing pond between the area selected for the disposal of mining waste and the Tory Brook, together with such other permanent or temporary settling balancing ponds as may be required;
 - (iii) arrangements for the discharge of excess water from any permanent or temporary balancing pond and/or tailings lagoon;
 - (iv) arrangements for the interception of drainage from mining processing and under-tip areas;
 - (v) provision for the prevention of contamination of water courses;
 - (vi) the culverting and realignment of water courses affected by any operations;
 - (vii) the means of providing adequate compensatory flows to the Smallhanger Brook during development (including any period of temporary cessation) and for a period not exceeding five years from the date of permanent cessation as defined in Condition 42;
 - (viii) the means of providing adequate compensatory water supply to properties should their present supply be adversely affected by the development.
- (g) a work programme providing for comprehensive archaeological investigation and recording within the area to which this permission relates before and during the course of development;
- (h) the methods to be adopted for the safeguarding of archaeological sites within the permission area, but not directly affected by the development;
- (i) design, layout and access arrangements to any temporary storage and construction compounds for the laying of the pipeline between the Process Plant and Plymouth City boundary (shown on Plan No. 1.2)
- (j) a scheme for the restoration of the land along the route of the pipeline including, inter alia, any temporary storage and construction compounds, hedgebanks and watercourses; and

- (k) a scheme for the protection of land drainage along the route of the pipeline together with proposals for any temporary realignment of watercourses necessary to undertake those operations.

D. Working Hours

Construction Phase

11. No building or engineering operations which give rise to noise and dust outside the site, prior to the winning and working of minerals, shall be carried out:-
- (i) other than during the period between 0730 and 1930 hours on Mondays to Fridays and 0730 and 1800 hours on Saturdays; and
 - (ii) at any time on Sundays nor on the following Public Holidays
 - (a) New Years Day
 - (b) Good Friday
 - (c) Easter Monday
 - (d) May Day Holiday
 - (e) Spring Bank Holiday
 - (f) Summer Bank Holiday
 - (g) Christmas Day
 - (h) Boxing Day
 - (i) Such other Public Holidays as may subsequently be declared;

unless otherwise agreed in writing with the Mineral Planning Authority.

Operational Phase

12. No loading and transporting of waste from the processing plant, or from the pit to the waste disposal area shall be carried out:-
- (i) Other than between 0600 and 2200 hours on Mondays to Fridays, and between 0600 and 1800 hours on Saturdays; and
 - (ii) at any time on Sundays nor on the Public Holidays set out in Condition 11(ii).

unless otherwise agreed in writing with the Mineral Planning Authority.

13. No primary crushing shall take place between:-
- (i) 1800 hours on Saturdays and 0600 hours on Mondays; and
 - (ii) 2200 hours on the day preceding the Public Holiday set out in Condition 11(ii) and 0600 hours on the next ordinary day;

Unless otherwise agreed in writing with the Mineral Planning Authority.

14. No drilling prior to blasting shall take place other than between 0700 and 1900 hours on weekdays until the first 10 metre bench in the pit has been completed, nor at any time on Sundays and on the Public Holidays set out in Condition 11(ii).

E. Phasing, Landscaping, Restoration, After-Use and Aftercare

15. No soil stripping shall commence until details of the storage areas for top soil and sub-soil have been submitted to and approved by the Mineral Planning Authority.
16. No top-soil or sub-soil arising from the stripping operations shall be removed from the site without the prior approval in writing of the Mineral Planning Authority.
17. The restoration scheme referred to in Condition 10(j) shall be carried out, unless otherwise agreed in writing, within six months of the completion of the construction of the pipeline to the satisfaction of the Mineral Planning Authority.
18. No quarrying operations shall commence until the overall tipping, restoration, landscaping, and after-use proposals including phasing together with the detailed scheme for the tipping, restoration, landscaping, after-use and aftercare of the first phase, have been submitted to and approved by the Mineral Planning Authority.
19. No tipping shall commence on the second or any subsequent phase until:-
 - (a) details of the tipping, restoration, landscaping, after-use and aftercare, of that phase have been submitted to and approved by the Mineral Planning Authority; and
 - (b) the tipping, restoration and landscaping in the preceding phase has been commenced in accordance with the approved detailsunless otherwise agreed in writing by the Mineral Planning Authority.
20. The landscaping and related water pollution control works of each phase of the waste disposal scheme shall be completed within two years from the commencement of the phase immediately following unless otherwise agreed in writing. Development shall cease if within two years after the two year period referred to or such other period as may be agreed in writing with the Mineral Planning Authority such landscaping and pollution control works have not been carried out to the satisfaction of that Authority.
21. All trees and shrubs planted and seeding carried out in accordance with the landscaping referred to in Conditions 18 and 19 shall be retained and managed to the satisfaction of the Mineral Planning Authority. Trees or shrubs which die or become diseased shall be replaced together with any necessary re-seeding, as required by the Mineral Planning Authority, and shall be carried out in the planting season immediately following any such occurrence.
22.
 - (a) The aftercare schemes to be submitted for each phase of the waste disposal scheme shall specify such steps necessary to bring the land to the required standard for agriculture or forestry or amenity as appropriate and the periods during which such steps are to be taken.
 - (b) The steps referred to in the aftercare schemes shall be carried out for a total period not exceeding five years, as shall be specified in each scheme from the completion of the restoration works required by Conditions 18 and 19.

F. Access Roads and Engineering Works

23. The diverted Newnham/Lee Moor Road shall have a minimum carriageway width of 6.75 metres.
24. No waste material shall be deposited to the west of the existing classified County road within the Area for Disposal of Mining Waste and Landscaping, identified on Plan No. 1.0, until the diverted Newnham/Lee Moor Road has been constructed in accordance with the details required by Condition 10(d) above, unless as otherwise agreed in writing by the Mineral Planning Authority.

G. Heavy Goods Vehicles

25. The number of heavy goods vehicles transporting waste material leaving the site shall not exceed 50 in any one day and the total tonnage of waste transported shall not exceed 4000 tonnes in any week or 150,000 tonnes in any calendar year without the prior permission in writing of the Mineral Planning Authority.

H. Noise

26. The developer shall adopt the best practical means to minimise the levels of noise arising from the development. The A-weighted sound level caused by any or all plant, equipment and mining operations within the site, shall not exceed the following limits when measured on a precision Grade 1 sound level meter at a distance of 1 metre outside any building used for human habitation.
 - (a) The equivalent continuous A-weighted sound level measured over any one-hour period when measured on a precision Grade 1 sound level meter set to fast response shall not exceed:-
 - (i) 50dB(A) during the times of 0700 to 1900 hours on Mondays to Saturdays inclusive;
 - (ii) 45 dB(A) during the times of 1900 to 2200 hours, and 0600 to 0700 hours on Mondays to Saturdays inclusive, excluding the Public Holidays set out in Condition 12(ii), when 40 dB(A) shall not be exceeded; and
 - (iii) 40 dB(A) at any other time
 - (b) when measured on a precision Grade 1 sound level meter set to the "fast response" the limits set out in (a) above shall not be exceeded for more than three minutes in any one hour period by more than:-
 - (i) 10dB(A) between 0600 hours and 2200 hours;
 - (ii) 7dB(A) between 2200 hours and 0600 hours.
 - (c) If the sound measured within the monitoring period contains any continuous definite distinguishable note (whine, hiss, screech, squeal, hum, etc.) or if there are significant irregularities in the noise including impulsive irregularities such as bangs, clinks, clatters or thumps, then 5dB(A) shall be added to the measured sound level prior to determining whether the limits set out in (a) and (b) above are being complied with.

(d) Any building used for human habitation and owned by the developer or included in the Schedule of Properties contained in the Section 52 Agreement for which the developer will make offers to purchase, or covered by tenant compensation provisions, shall not fall within the scope of this condition.

27. The noise limits referred to in Condition 26 may be exceeded only where emergency action is essential to the safety of the works, employees of the works, or members of the public. The developer shall record each occasion where such levels have been exceeded and inform the Mineral Planning Authority in writing within 48 hours of occurrence, with an explanation of the reason.
28. The Mineral Planning Authority shall be empowered to relax these noise limits over a restricted period on application from the developer provided that they are satisfied that such relaxation is necessitated by any abnormal requirements of the mining operation and that such relaxation shall not cause undue disturbance to the locality by way of noise.

I. Dust

29. The developer shall adopt the best practical means to ensure that the emission of dust from the development is kept to a minimum and in particular the following measures are to be used:-
- (a) dust caused by the moving of soil and overburden, ore bearing rocks and other similar materials within the site shall be suppressed by water sprays or by more effective means if they become available;
- (b) drilling rigs shall be fitted with efficient bag filter modules or more effective dust control measures if they become available;
- (c) Roads:
- (i) Efficient measures for dust suppression shall be undertaken on all roads;
- (ii) The access road from the Newnham/Lee Moor road to the plant site, together with the internal access roads and parking areas, shall be provided with a concrete, macadamised, or other appropriate surfacing as may be agreed with the Mineral Planning Authority, and be kept reasonably free of dust and mud at all times; and
- (iii) Wheel washing facilities shall be installed and used by vehicles leaving the site, which have travelled over unsurfaced roads.
- (d) Process Plant and Tip
- (i) The turning and tipping area adjacent to the primary crusher shall be provided with an all-weather surface, and dust shall be controlled effectively in this area;

- (ii) The process plant shall be enclosed within buildings. The buildings housing the primary crusher, and those where dry material is handled shall be kept under negative air pressure and the extracted air shall be passed through an efficient dust collection plant;
 - (iii) Dust created in the waste disposal area shall be controlled by the spraying of water or by more effective means if they become available.
30. (a) If monthly insoluble dust deposition rates outside the site exceed 200mg/m³/day after commencement of the development, and previously the annual deposition rate was less than 50mg/m³/day, where the Mineral Planning Authority is satisfied that the developer's contribution to the increased total dust deposition rate is substantial, the developer shall take the necessary steps to remedy the situation.
- (b) Any building used for human habitation and owned by the developer or included in the Schedule of Properties contained in the Section 52 Agreement for which the developer will make offers to purchase, or covered by tenant compensation provisions, shall not fall within the scope of this condition.

J. Blasting

31. No blasting shall take place until effective measures have been taken to warn members of the general public in the vicinity of the site, of the periods during which blasting operations will take place, and of the imminence of any blasting episode.
32. Except as may be essential for reasons of safety, no blasting shall be carried out other than between 1000 and 1130 hours, and between 1300 and 1630 hours on Mondays to Saturdays, unless otherwise agreed in writing with the Mineral Planning Authority. No blasting shall take place on Sundays or on the Public Holidays set out in Condition 11(ii).
33. The developer shall inform the Mineral Planning Authority within 48 hours of any occurrence outside the times allowed in Condition 32, together with an explanation.
34. (a) The developer shall adopt the best practical means to minimise the propagation of ground borne vibration beyond the perimeter of the mine, and shall ensure that all blasting procedures are planned and executed to ensure that the maximum vibration from blasting, expressed in terms of peak particle velocity (ppv) shall be:-
- (i) less than 10mm per second when the total number of blasting episodes does not exceed 3 per day; and
 - (ii) less than 7.3mm per second when the total number of blasting episodes does not exceed 4 per day;
 - (iii) less than 6.5mm per second when the total number of blasting episodes does not exceed 5 per day;

- (iv) less than 5.8mm per second when the total number of blasting episodes does not exceed 6 per day;

at any building used for human habitation located outside the site.

The figures above relate to the duration of impulse and decay signal not exceeding one second. Where the duration exceeds one second the levels of peak particle velocity to be achieved shall be calculated by reference to B.S. 6472: 1984, using an initial multiplier of 60 as contained in Table 3 of that document.

- (b) Any building used for human habitation and owned by the developer or included in the Schedule of Properties contained in the Section 52 Agreement for which the developer will make offers to purchase, or covered by tenant compensation provisions, shall not fall within the scope of this condition.
35. The number of blasting episodes shall not exceed 24 in any one week period, and 6 in any one day, unless otherwise agreed in writing with the Mineral Planning Authority.
- 36 (a) The developer shall adopt the best practical means, to minimise the propagation of air borne vibration outside the site and shall ensure that the vibration in terms of the measurable air over pressure at any residential property does not exceed 120 dB (decibels), and never exceeds 128 dB (decibels).
- (b) Any building used for human habitation and owned by the developer or included in the Schedule of Properties contained in the Section 52 Agreement for which the developer will make offers to purchase or covered by tenant compensation provisions, shall not fall within the scope of this condition.
37. No blasting in the pit area shall take place until the bunds surrounding the pit shall have been constructed in accordance with details required under Condition 10(e), unless otherwise agreed in writing with the Mineral Planning Authority.
38. No secondary blasting shall be carried out within the site.

X. Monitoring

39. No development shall commence until base data, where appropriate, and proposals for the schemes of monitoring and analyses of:-
- (i) Ground and air - borne vibration;
 - (ii) River flows, spring flows and ground water levels, and quality of water for human consumption;
 - (iii) Noise;
 - (iv) Dust;
 - (v) Air quality;
 - (vi) Numbers of heavy goods vehicles transporting waste materials from the site;
 - (vii) Chemical composition of materials to be extracted from the mine;
- have been submitted to and approved by the Mineral Planning Authority.

40. The developer shall undertake such additional monitoring and analyses within those items listed in Condition 39, as may be required by the Mineral Planning Authority.
41. The developer shall carry out monitoring schemes together with associated analyses outlined in Condition 39 and 40 above, as required by the Mineral Planning Authority and shall produce records and results and permit access to all monitoring equipment at all times at the request of the Mineral Planning Authority.

Cessation of Operations

42. The developer shall complete the restoration of the waste tip and pit areas in accordance with previously approved plans, or such other plans as may be submitted to and approved by the Mineral Planning Authority, within 2 years of the permanent cessation of quarrying operations. The permanent cessation of quarrying operations shall be deemed to occur when, in the opinion of the Mineral Planning Authority, no development has been carried out to any substantial extent anywhere in, on or under the site for a period of 2 years.
43. Except as otherwise agreed in writing with the Mineral Planning Authority, within three years from the permanent cessation of operations, the developer shall complete the removal of all plant (with the exception of the china clay processing plant) machinery, buildings, access roads, parking and servicing areas, and shall restore the site to a state agreed beforehand with the Mineral Planning Authority. The permanent cessation of operations shall be deemed to occur either, when the developer has served notice to that effect on the Mineral Planning Authority, or when no development has been carried out to any substantial extent anywhere in, on or under the site for a period of 2 years, and the plant is no longer being maintained in working order.

M. General

44. The development shall be carried out in strict accordance with the approved plans.
45. No refuse, waste, or other similar imported materials shall be deposited on any part of the site unless otherwise agreed in writing with the Mineral Planning Authority.
45. Notwithstanding the provisions of the Town and Country Planning General Developments Orders 1977 to 1981, no buildings, structures or fixed plant shall be erected, installed or extended unless otherwise agreed in writing with the Mineral Planning Authority.
47. Proposals for lighting night-time operations shall be agreed with the Mineral Planning Authority, and such systems shall be modified as may be subsequently required by the Mineral Planning Authority.

SECTION 2

The conditions included in this section apply solely to the development of the China Clay Processing Plant (illustrated on Plan 2.1- Drawing No. H-P-2500-84-039).

A. China Clay Processing Plant

1. The development of the China Clay Processing Plant shall cease not later than 7 years from the date of this permission unless the development referred to in Condition 1 of Section 1 has commenced.
2. (a) Application for approval of any reserved matter referred to in condition 4(b) and (d) must be made not later than 5 years from the date of this permission.

(b) Application for approval of any reserved matter referred to in condition 4(a), (c) and (e) must be made not later than 20 years from the date of this permission, unless otherwise agreed in writing with the Mineral Planning Authority.
3. The development shall cease not later than 60 years from the date of this permission.
4. No development shall commence until the following details have been submitted to and approved by the Mineral Planning Authority:
 - (a) the design and layout of the china clay processing plant, including the site and levels of the structures, their external appearance, and colour, type and texture of all external materials and finishes, and means of drainage;
 - (b) the construction of bunds and initial landscaping works;
 - (c) the restoration, landscaping and after-use proposals, and aftercare;
 - (d) a work programme providing for comprehensive archaeological investigation and recording within the china clay processing plant site before and during the course of development;
 - (e) the methods to be adopted for the safeguarding of archaeological sites within the china clay processing site.
5. No development shall be carried out which affects archaeological sites identified in the work programme referred to in condition 3(d) until those sites have been investigated and recorded in accordance with that programme.
6. Except as otherwise agreed in writing with the Mineral Planning Authority, within three years from the permanent cessation of the associated Smallhanger/Hemerdon china clay operations, the developer shall complete the removal of all plant and shall restore the site to a state agreed beforehand with the Mineral Planning Authority. The permanent cessation of operations shall be deemed to occur either, when the developer has served notice to that effect on the Mineral Planning Authority, or when no winning and working of china clay, once commenced, has been carried out to any substantial extent anywhere in, on or under the associated Smallhanger/Hemerdon china clay site for a period of two years, and the china clay processing plant is no longer being maintained in working order.

REASONS FOR CONDITIONS

SECTION 1

- 1 To enable the Mineral Planning Authority to review the position on a fresh application after the permission has lapsed.

- 2,5,11, 12,13, 18,20,25 26,29,30,31 32,33,34,35 36,37,38 45,46,47 To enable the Mineral Planning Authority to control the development

4. To comply with Section 44A of the Town and Country Planning Act, 1971.

5. The balance of advantage between the need for the mineral and the economic benefits on the one hand and the effect on the local environment on the other may change over a period of time, and the Mineral Planning Authority consider it right to impose a condition which will enable it to review that balance if, in effect, the mine is not being worked at the end of fifteen years.

3. To enable the Mineral Planning Authority to review the tipping arrangements in the light of other opportunities.

- 10,15,16,17 44 To ensure that the development is carried out in accordance with the approved plans.

- 6,9,23, 25. To ensure that the highway network and access are adequate to cater for the traffic likely to be generated.

24. To ensure that the existing highway network operates satisfactorily during the operation phase of the quarrying.

7. To ensure that an adequate archeological investigation and recording is undertaken prior to development taking place.

8. To ensure adequate screening of the pit and processing plant areas prior to commencement of operations.

- 11, 12, 13, 14,25,26 29,30,31,32 34,35,36,37 38 To protect the amenities of residents in the area.

21. To ensure that adequate landscaping of the site is achieved.

19. To ensure that progressive restoration is achieved.

- 22,42,43 To ensure that the site is restored to beneficial after-use.

- 27, 28 To allow the developer some flexibility in operations under certain circumstances.
- 39,40,41 To enable the effects of the development to be adequately monitored during the course of the operations.

SECTION 2

1. To enable the Mineral Planning Authority to review the position on a fresh application after the permission has lapsed.
2. To enable the Mineral Planning Authority to control the development.
3. To comply with Section 44A of the Town and Country Planning Act, 1971.
4. To ensure that the development is carried out in accordance with the approved plans.
5. To ensure that an adequate archeological investigation and recording is undertaken prior to the development taking place.
6. To ensure that the site is restored.