



Economy and Environment

# Walsall Council

Item No 1.

## Planning Committee

30<sup>th</sup> April 2015

### REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

#### Infilling of Limestone Shafts at Winterley Lane

##### 1. PURPOSE OF REPORT

i) To advise Members of the implementation of planning consent at Winterley Lane (planning application reference number 14/0191/WA) for the infilling and capping of former limestone mine shafts using on site and imported inert fill. This follows a written request from Councillor Worrall to the Chief Executive.

##### 2. RECOMMENDATIONS

i) That the Committee notes the report.

##### 3. FINANCIAL IMPLICATIONS

i) None, subject to the applicant complying with the conditions attached to the permission and no further requirements of enforcement action arising.

##### 4. POLICY IMPLICATIONS

Within Council policy. All planning applications relate to local and national planning policy.

##### 5. LEGAL IMPLICATIONS

Planning conditions have been attached to the permission to ensure the development is undertaken in a manner that does not result in an unacceptable degree of harm to the local community or environment.

Failure to comply with the conditions by the applicant would require an assessment by the Local Planning Authority to determine the degree of harm arising and the appropriate action to remedy any detrimental impact arising to adjoining properties or the environment. Should enforcement action prove necessary, this would bring with it the need for legal support particularly in respect of any court action.

##### 6. EQUALITY

No issues arising from the report.

##### 7. ENVIRONMENTAL IMPACT

i) The original planning application was screened under the EIA regulations. It has been established through the screening process that an Environmental Impact Assessment for the proposed development was not needed.

ii) The site is subject to an Environmental Permit issued by the Environment Agency.

**8. WARD(S) AFFECTED**

Rushall – Shelfield

**9. CONSULTEES**

Legal Services

**10. CONTACT OFFICER**

David Elsworthy - Extension: 4722

Shawn Fleet – Extension 0453

**11. BACKGROUND PAPERS**

All published and letter dated 20<sup>th</sup> April 2015 to the Chief Executive attached as appendix A

1. Application 14/0191/WA was submitted to the Local Planning Authority on 10 February 2014. The description of development was as follows; “Infilling and capping of former limestone mine shafts using on site and imported inert fill processed using a crusher and screen to make engineered infill materials with a reduced scheme to protect the area of the former lime kilns and to restore the ground within 12 months to open space.”
2. The application was subject to neighbour and officer consultation. Based on the evidence presented to the Council, officers recommended subject to conditions, approval of the application at the planning committee meeting in May 2014.
3. Following the decision of the committee to accept the officers recommendation, planning permission was issued on 19<sup>th</sup> May 2014 for the infilling of limestone shafts on the site.
4. Development commenced later in 2014 at a low intensity but towards the end of the year, activity increased leading to disruption to the local community and environment particularly from traffic entering and leaving the site in poor weather which resulted in damage to the highway and mud being drawn from the site.
5. Although some of the pre-commencement conditions had been discharged, a number of other conditions which were at the heart of the permission remained outstanding. These were conditions:
  - 3 – addressing stability of the mineshafts
  - 8 – details of wheel cleaning
  - 11 – details of access arrangements and provision of passing places on Winterley Lane
  - 13 – testing of imported materials for infilling to be agreed
  - 16 – details of restoration
  - 17 – provision of five year management plan
  - 18 – scheme for mitigation of adverse impacts to canal and trees
  - 19 – provision of bund to canal
  - 20 – details to prevent surface water entering canal
6. A report was subsequently presented to the January 2015 planning committee seeking agreement to take enforcement action against the owners and operators of the site if the conditions were not discharged. This was agreed by Committee.
7. Subsequently, the operators of the site, Dooceys and the main operators, ACE Construction met with officers of the Council and the Environment Agency to address the outstanding conditions.
8. Information was submitted to the Local Planning Authority on the above conditions and at the end of March, the owners of the site had addressed the requirements of the conditions. The final discharge of conditions letter for the pre-commencement conditions was issued on 30 March 2015.

9. The developers have now proceeded to lawfully commence work on the site in compliance with the operating conditions that remain.
10. The site is subject to regular monitoring by the Environment Agency in accordance with the requirements of the Environmental Permit in place.

46 Winn House,  
Burrowes Street,  
Walsall, WS2 8NW  
20 April 2010

Dear Mr. Sheehan,

WINTERLEY LANE: REQUEST FOR UPDATE REPORT TO PLANNING  
COMMITTEE, 30 APRIL

This letter formally requests an item on the agenda of the forthcoming Planning Committee meeting.

Earlier this year, Committee agreed to authorise enforcement action against the site operators unless the latter complied with pre-conditions governing their planning approval.

On Friday, there were 76 arrivals and departures of lorries with an estimated 1,500 tonnes of material deposited at the site, and there continue to be widespread concerns about the scale and nature of this so-called land reclamation operation.

This situation is of major public interest and concern, and there is a widespread local perception that WMBC is failing to act effectively to control a large-scale import and export of waste materials, (ab)using what was previously green belt land used for horse grazing.

It is for this reason that I request an update report to the forthcoming meeting.

With kind regards,  
Yours sincerely,

Richard Worrall,  
Rushall-Shelfield Ward

cfi Cllrs, Westley and Jeavons

