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Environmental Ltd

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Geotechnical, Mineral, Waste Management
& Environmental Consultancy For Industry

Barnsley Metropolitan
Borough Council

- 8 OCT 2009

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Your ref: 2009/0810
Our Ref: 08125

2nd October 2009

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No Cheque

Mr Keith Pel
Senior Mineral and Waste Planner
Barnsley Metropolitan Borough Council
Planning and Transportation
P.O. Box 604
Barnsley
S70 9FE

Dear Mr Pel,

Re: Middlecliffe Quarry – S73 Application. Variation of condition no.s 1, 11 and 14 and related plans.

With reference to the above, my letter dated 18th June 2009 and our subsequent meeting at your offices dated 7th August 2009.

At the above meeting we agreed to submit revisions of the approved drawing no., MC 4 – entitled “Phasing of Restoration” scaled at 1:2000 dated Aug 2001, indicating in four phases the revised progressive restoration of the quarry which takes into account leaving the existing and diverted “Burnshaw Brook” on its current alignment.

As a consequence of the above variation of progressive restoration proposals at Middlecliffe Quarry, please find enclosed 3 no., copies of the following revised drawings which are referenced in the proposed amended conditions as detailed further in this letter.

Proposed Phase 1 Earthworks – Drawing no. MC4/1. Rev., B

The Phase 1 Earthworks would commence subject to planning approval in Spring/Summer 2010 with the stripping of topsoil and subsoil from the final cut area as indicated on the plan, followed by the commencement of overburden excavation to win and work both incidental coal reserves in the Halifax Hard Bed Coal seam and then begin the recovery of economic clay mineral reserves. The soil stripping and excavation/regrading works would include an area allocated for tree planting, immediately to the north and east of the final void area and which is located adjacent to the upper reaches of the diverted Burnshaw Brook.

The above tree area would be planted in October and November of 2011 along with a smaller area of woodland planting adjacent to Middlecliffe Wood and the existing stilling pond as shown on the

plan.

Proposed Phase 2 Earthworks – Drawing no. MC4/2. Rev., B

The Phase 2 Earthworks will commence in Spring/summer 2011 with the excavation and regrading of overburden for the next phase of progressive restoration as shown on drawing no. MC4/2. Rev., B with subsoil and topsoil replacement and seeding to grass being completed by end of September 2011.

Proposed Phase 3 Earthworks – Drawing no. MC4/3. Rev., B

The Phase 3 Earthworks will commence in Spring/summer 2014 with the excavation and regrading of overburden for the further phase of progressive restoration as shown on drawing no. MC4/3. Rev., B with subsoil and topsoil replacement and seeding to grass being completed by the end of September 2014.

Proposed Phase 4 Earthworks – Drawing no. MC4/4. Rev., B

With economic clay mineral extraction completed by the end of 2017, the Phase 4 Earthworks will commence in Spring/summer 2018 with the excavation and regrading of overburden for the final phase of progressive restoration as shown on drawing no. MC4/4. Rev., B with subsoil and topsoil replacement and seeding to grass being completed by the end of September 2018.

The proposed amendments to current planning conditions and the justifications for those proposed changes are as follows;

Condition No. 1

To be varied to read as follows,

“Unless previously agreed in writing with the Mineral Planning Authority the site will be operated in accordance with the following approved amended plans:

- | | | |
|----|----------------------------|--|
| a) | MC 1 | Location Plan scaled at 1:2500 dated Jan 2001 |
| b) | MC 2 – Rev., A | Site Layout Plan scaled at 1:1250 dated Jan 2009 |
| c) | MC 3 – Rev., A | Proposed Working Areas Plan scaled at 1:1250 dated Jan 2009 |
| d) | MC 4/1,2,3 and 4 – Rev., B | Proposed Phasing of Earthworks scaled at 1:1250 dated Aug 2009 |
| e) | MC 5 – Rev., A | Restoration Proposals Plan scaled at 1:1250 dated Jan 2009 |

and written statements except where stated otherwise in conditions attached below which shall in all cases take precedence.”

Reason for the proposed amendment of condition.

In order that the condition refers to the proposed amended plans which indicate the revised quarry working method and both progressive and final restoration proposals.

In support of this variation of working method and progressive restoration proposals to maintain the economic viability of Middlecliffe Quarry, it should be noted that the quarry forms a key component of the applicants 25 year clay supply strategy for the Hazlehead pipeworks. Should the variation of working method and progressive restoration proposals not be agreed, an important clay

mineral resource identified in the Barnsley UDP would be sterilised and ultimately result in the closure of the quarry due to the higher and uneconomic on-going development costs of the existing planning approved method of working, which involves two further diversions of the Burnshaw Brook. The closure of the quarry would result in the loss of at least two employees directly employed by the applicant together with the loss of indirectly related employment associated with the earth moving excavation and clay haulage contracts, all consequently impacting on local employment in the area.

Further, early closure of the Middlecliffe Quarry would result in a change to the recognised clay mix used in pipe production at the applicants Hazlehead works, with a detrimental effect on the sites carbon footprint and consequent increased cost to the business. This could have a direct impact on the longer term sustainable future of the Hazlehead works site.

Condition No. 11

To be varied to read as follows,

“All available topsoil, subsoil and any suitable soil making material shall be stripped in advance of any mineral extraction from the individual working areas or phases as shown on the approved plans reference MC 3 – Rev., A scaled at 1:1250 dated Jan 2009, MC 4/1,2,3 and 4. Rev., B scaled at 1:1250 dated Aug 2009 and MC 5 – Rev., A scaled at 1:1250 dated Jan 2009.

The soils removed will be stored in the locations shown on the approved plans reference MC 3 – Rev., A scaled at 1:1250 dated Jan 2009 and MC 4/1,2,3 and 4. Rev., B scaled at 1:1250 dated Aug 2009 or at locations having the prior written agreement of the Mineral Planning Authority.

The management of any such stockpiles shall be as referred to in conditions 12 and 20.”

Reason for the proposed amendment of condition.

In order that the condition refers to the amended plan nos., MC 3 and MC 4/1,2,3 and 4. Rev., B which indicates the location of topsoil and subsoil storage mounds immediately adjacent to the proposed final cut.

Condition No. 14

To be varied to read as follows,

“Soil stripping will only take place from up to three cuts at a time as indicated on the approved amended plan MC 2 – Revision A scaled at 1:1250 dated Jan 2009, and shall not take place more than 6 months prior to the removal of overburden or mineral extraction commencing in that final cut.”

Reason for the proposed amendment of condition.

In order that all the soils can be stripped from the last three planned cut nos. 28, 29 and 30 prior to the excavation of the final cut as shown on drawing no., MC 2 – Revision A.

Should you have any queries with regards to these proposed amendments to existing planning conditions and related plans please do not hesitate to contact me at the above address.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Barrett', with a long, sweeping horizontal line extending to the right.

Mark Barrett
Silkstone Environmental Ltd

cc. Mr P Shenton – Hepworth Building Products