Staffordshire County Council's Statement

Day 3:

RESTORATION OF MINERAL SITES

Issue: Whether the plan provides for effective restoration of mineral sites in line with national policy and Strategic Objective 4
RESTORATION OF MINERAL SITES

Issue: Whether the plan provides for effective restoration of mineral sites in line with national policy and Strategic Objective 4

1. Are all the elements of Policy 6 sufficiently clear and robust to ensure that restoration proposals are implemented effectively and at the earliest opportunity?

1.1 Yes. Policy 6 sets out requirements for the assessment of restoration proposals, for the review of longer term restoration proposals, and for assurances on financial provision to secure restoration proposals. It is a key policy to delivering the Plan’s vision and addresses issues that have been encountered through experience in considering mineral planning applications, and the review of old mineral permissions under the Planning and Compensation Act 1991 and the Environment Act 1995. It also takes into account the issue relating to the backfilling of mineral workings with waste.¹

1.2 In response to representations made by the Environment Agency, Historic England, the Minerals Product Association and the National Forest Company, changes are proposed to clarify the requirements of the policy.

1.3 An issue raised in relation to the requirements of policy 6.2 and also raised in relation to the allocations at Barton and the area of search west of the A38, is reconciling requirements for the restoration of best and most versatile agricultural land with aims to enhance biodiversity. The Mineral Products Association suggests that the policy should indicate which of these policy aims should take precedence.

1.4 The Council does not accept the need to state a preference as the aims for biodiversity enhancement do not necessarily conflict with aims to safeguard best and most versatile land. It is also important to retain some flexibility to take account of the merits of each individual case. For example, legal agreements between a mineral operator and a landowner could limit the type of after use and the range of potential opportunities to be achieved through mineral restoration. Alternatively, there may be scope for safeguarding the long

¹ Refer to paragraph 5.27 of the Staffordshire and Stoke-on-Trent Waste Local Plan.
term potential of best and most versatile agricultural land whilst allowing for the land to be managed for the creation of a Biodiversity Action Plan habitat.

1.5 Policy 6 aims to ensure that restoration proposals will reclaim land at the earliest opportunity and takes into account experiences with sites where restoration involving backfilling operations has delayed the completion of restoration due to the availability of suitable waste material (particularly if the backfilling operation involves an associated waste recycling operation). There is also a need to ensure that restoration proposals are linked to the progress of excavations where practicable, to minimise the extent of land disturbed by mineral workings. Uncertainties associated with the geological conditions of sites; the availability of fill materials; market conditions for the mineral; and changes in the control of mineral operations highlight the need for monitoring sites and the opportunity to consider whether restoration proposals should be reviewed during the course of mineral development.

2. What would be the implications of not supporting proposals which are insufficiently “… comprehensive, etc…” in Policy 6.2?

2.1 In determining proposals, the Council is required to apply the presumption in favour of sustainable development which involves approving proposals that accord with the development plan without delay. In the event that proposals are submitted that do not meet the tests of policy 6, there would be grounds for refusing those proposals taking into account national guidance relating to the level of detail required on restoration and aftercare.

2.2 Policy 6 seeks to encourage high standards of restoration and to fulfil the aims of strategic objective 4. It is important to assure local communities that restoration proposals are comprehensive, practicable and achievable as part of the assessment of mineral planning applications, and if there is a risk in delivery of proposals, there should be contingencies in terms of a review process and adequate financial provision. Where there are long term proposals for mineral working, a restoration strategy or outline proposal will be approved

---

2 Refer to application to defer restoration of Shire Oak Quarry (ref: L.13/13/809 MW) from 2014 to 2023; and application to defer restoration of Enville Road Quarry (ref: SS.11/05/635 MW) from 2013 to 2015

3 Refer to conditions 11 and 12 of permission ref: ES.12/03/501 MW dated 22-8-14 relating to Newbold Quarry.

4 Refer to paragraph 197 of the NPPF

5 Refer to paragraph 14 of the NPPF.

6 Refer to Paragraph: 940 Reference ID: 27-040-20140306 of PPG
at the outset of development and detailed proposals will be required at later stages. Nevertheless, it is important that there is an opportunity to review the strategy.

3. **Does the Plan provide adequate opportunity for protecting and/or enhancing biodiversity, valued landscapes, heritage assets and their settings?**

3.1 **Yes** - Policy 6 highlights the general opportunities for enhancing the environment through mineral restoration and policy 4 addresses how the environment should be protected. In relation to the allocations made in the Plan, development considerations are listed to highlight environmental assets that should be protected and specific opportunities for enhancing the environment.

3.2 Paragraph 6.12 of the Plan refers to examples of environmental initiatives in respect of which mineral development can contribute and paragraph 6.13 provides examples where opportunities have already been achieved to enhance local amenity and the environment.

4. **How can the Plan secure restoration schemes which are integrated one with another?**

4.1 Policy 6 includes requirements (amongst others) for the delivery of local ecological networks, enhancing landscapes and the settings of heritage assets, and for proposals improving river geomorphology. Proposals in the Plan will provide opportunities to contribute to broader environmental initiatives and will require continued co-operation between local planning authorities, environmental organisations, local communities and the industry.

4.2 Restoration proposals should be sympathetic to landscape character and this will include consideration of nearby restored quarries. It would be also necessary to consider restoration proposals not yet implemented for local quarries. Opportunities for integrated restoration are identified under
5. **What is the justification for Policy 6.3 in view of the provisions of the Environment Act? In addition, how would Policy 6.3 be implemented?**

5.1 In relation to longer term mineral proposals, it is often the case that a broad restoration strategy will be considered when the application is determined in accordance with national guidance. Experience has shown that it is important to regularly monitor the progressive of working and restoration to ensure that a sustainable mineral development is achieved within the permitted timescale.

5.2 Factors affecting restoration proposals can include:

- changes in the availability of backfill materials;
- the recovery of groundwater levels to create wetland afteruse;
- unforeseen changes in geology that affect workings;
- changes in working practices e.g. due to changes in the control of a site;
- new initiatives/ opportunities for sustainable afteruse.

5.3 It is accepted that restoration details can be reviewed under provisions of the Environment Act. These reviews are undertaken not more frequently than every 15 years. Therefore, the requirements of policy 6.3 provides for more frequent review of circumstances that could affect achievable restoration. It is also noted that amendments to legislation give mineral planning authorities in England discretion as to whether to carry out a periodic review. Where there is provision to review restoration requirements under conditions or planning obligations, and all other conditions are satisfactory, there could be opportunity not to carry out a review under the Environment Act.

5.4 In recent years the Council has imposed conditions and negotiated Section 106 legal agreements to secure provision for restoration review at 10 sites. Sites subject to this requirement include long term clay, sand and gravel and crushed rock workings, some of which involve backfilling with wastes as well as sites to be reinstated to a low level landform. Opportunity has been sought to ensure

---

7 Refer to paragraph: 040 Reference ID: 27-040-20140306 of PPG
8 Refer to section 10 and Schedule 3 of the Growth and Infrastructure Act 2013
that restoration review is carried out in liaison with the local community and to facilitate consultation on revised restoration strategies if changes are deemed necessary (refer to appendix 1 to this statement including a list of sites subject to restoration review; and appendices 2 and 3 providing examples of conditions/ legal obligations relating to restoration review).

6. **Are Policies 6.4 and 6.5 consistent with NPPF Paragraph 144?**

6.1 **Yes** - National guidance supporting the policy indicates that a mineral planning authority should consider the financial liabilities relating to the restoration of sites.\(^9\) Former technical guidance to the NPPF was more explicit by stating that applicants should demonstrate with their applications what the likely financial and material budgets for restoration, aftercare and after use will be, and how they propose to make provision for such work during the operational life of the site.\(^10\) Policy 6.4 requires that developers demonstrate that adequate financial provision can be provided.

6.2 Paragraph 7.64 of the new Plan explains concerns relating to the sale or transfer of sites towards the end of extraction phases of development and the implications that these circumstances might have for completion of restoration works within required timescales. In Staffordshire, there have been at least five sites that have been sold by major quarrying companies to smaller companies (SME’s)/ landowners prior to completion of approved restoration works and with diminished reserves.\(^11\) In these circumstances, there may be no safeguard to ensure that restoration liabilities have been fulfilled prior to transfer of the land.

6.3 National guidance advises that appropriately worded conditions should address any concerns about the funding of site restoration\(^12\). The Council considers that this could result in unacceptable risk to the environment and the amenity of local communities particularly where in the case of default of a mineral operator to carry out restoration works, financial responsibility rests with the landowner.

---

\(^9\) Refer to paragraph: 047 Reference ID: 27-047-20140306 and paragraph: 049 Reference ID: 27-049-20140306 of the PPG.

\(^10\) Refer to paragraph 49 of the Technical Guidance to the National Planning Policy Framework (2012) DCLG

\(^11\) Huntley Wood / Elford (Hanson); Shire Oak / Seisdon (Tarmac); Weeford (Cemex)

\(^12\) Refer to paragraph: 047 Reference ID: 27-047-20140306 of the PPG.
6.4 The Council, therefore, seeks assurances and the minerals industry itself recognises this need by providing restoration guarantee funds\(^{13}\). In many cases, sites in Staffordshire are operated by companies that are members of mineral industry organisations that have arranged restoration guarantee funds. The Council has, therefore, negotiated legal agreements to ensure that mineral operators maintain their membership of such trade organisations so that sites are protected by a restoration guarantee fund, or in default of membership, provide another equivalent guarantee fund / bond. For example, the legal agreement associated with a permission for Saredon Quarry (refer to extract from appendix 4 to this statement) and in connection with the Captain’s Barn Farm appeal, secured an independent restoration guarantee bond.\(^{14}\)

6.5 National guidance sets out examples of “exceptional circumstances” where a financial guarantee to cover restoration and aftercare costs could be justified as well as endorsing acceptance of trade organisation restoration guarantee funds.\(^{15}\) In view of the greater assurances that are sought by local communities and their representatives concerning the delivery of restoration proposals; the weight attached to benefits to be secured through restoration proposals in making decisions on mineral proposals; the long term working of many sites, and the evidence of the handover of control of sites to SME’s there is local justification for ensuring that risks of failure to deliver restoration proposals are minimised through provision of financial guarantees. It is noted that local communities elsewhere in the UK are provided with more positive opportunities to secure guarantees to reassure local communities.\(^{16}\)

\(^{13}\) Refer to The MPA Restoration Guarantee Fund - An industry pledge - Mineral Products Association

\(^{14}\) Refer to legal agreement dated 4-8-05 associated with permission ref: SM.03/26/171 M

\(^{15}\) Refer to paragraph: 048 Reference ID: 27-048-20140306 of the PPG.

\(^{16}\) Refer to paragraph 247 of Scottish Planning Policy (2014) and paragraph 54 of Minerals Planning Policy Wales (2001)
## Appendix 1: Tables listing Mineral Sites subject to Restoration Review

### Table 1: Operational Sand and Gravel Quarries

<table>
<thead>
<tr>
<th>Quarry</th>
<th>Operator</th>
<th>Grid Ref</th>
<th>Cessation Date for Mineral Working</th>
<th>Restoration Guarantee - Bond/ Fund</th>
<th>MPA/ BAA Member</th>
<th>Conditions/ obligations requiring review of restoration strategies/ concepts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newbold Quarry (Tucklesholme)</td>
<td>Aggregate Industries</td>
<td>SK 205 195</td>
<td>2029</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Leasowes Farm, Uttoxeter</td>
<td>Aggregate Industries</td>
<td>SK 097 351</td>
<td>2016</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Moneymore</td>
<td>Hanson Aggregates</td>
<td>SK133 026</td>
<td>2025</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Barton</td>
<td>Hanson Aggregates</td>
<td>SK 195 155</td>
<td>2030</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Freehay</td>
<td>Hanson Aggregates</td>
<td>SK 015 411</td>
<td>2025</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Pottal Pool</td>
<td>Hanson Aggregates</td>
<td>SJ 973 147</td>
<td>2034</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Alrewas</td>
<td>Tarmac Limited</td>
<td>SK 175 125</td>
<td>12 years from the date of commencement [1]</td>
<td>No</td>
<td>Yes</td>
<td>Yes[1]</td>
</tr>
<tr>
<td>Rugeley</td>
<td>Cemex</td>
<td>SK 010 181</td>
<td>2031</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Weeford</td>
<td>H.D.Ricketts</td>
<td>SK 133 026</td>
<td>2042</td>
<td>?</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Hints</td>
<td>Tarmac Limited / Cemex</td>
<td>SK 163 462</td>
<td>2016 [2]</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Croxden</td>
<td>Tarmac Limited</td>
<td>SK 033 417</td>
<td>2013</td>
<td>Yes[3]</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Seisdon</td>
<td>JPE Holdings</td>
<td>SO 700 950</td>
<td>2013</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Cranebrook</td>
<td>WCL</td>
<td>SK 070 064</td>
<td>2023</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Shire Oak</td>
<td>JPE Holdings</td>
<td>SK 063 042</td>
<td>2019</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Weavers Hill</td>
<td>Traxx Aggregates</td>
<td>SJ 794 203</td>
<td>2022</td>
<td>No</td>
<td>?</td>
<td>No</td>
</tr>
<tr>
<td>Saredon Quarry</td>
<td>NRS Waste Care/ Breedon Aggregates</td>
<td>SJ 944 80</td>
<td>2028</td>
<td>Yes</td>
<td>Yes</td>
<td>?</td>
</tr>
<tr>
<td>Four Ashes</td>
<td>Salop Sand &amp; Gravel Co.</td>
<td>SJ 927 97</td>
<td>2021</td>
<td>Yes</td>
<td>?</td>
<td>No</td>
</tr>
</tbody>
</table>

### Table 2: Non-operational sand and gravel quarries

<table>
<thead>
<tr>
<th>Quarry</th>
<th>Operator</th>
<th>Grid Ref</th>
<th>Cessation Date for Mineral Working</th>
<th>Restoration Guarantee secured</th>
<th>MPA/ BAA Member</th>
<th>Conditions/ obligations requiring review of restoration strategies/concepts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poolhouse Road</td>
<td>CWI Trustees</td>
<td>SO 853 927</td>
<td>2042</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Hilton Park</td>
<td>Hanson Aggregates</td>
<td>SJ 952 45</td>
<td>2042</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Manor Park</td>
<td>Hanson Aggregates</td>
<td>SK 144 172</td>
<td>2014</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Trentham</td>
<td>Hanson Aggregates</td>
<td>SJ 750 380</td>
<td>2042</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Whittington Hall Lane</td>
<td>Severn Trent Water Ltd</td>
<td>SO 870 820</td>
<td>2042</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

### Table 3: Operational crushed rock quarry

<table>
<thead>
<tr>
<th>Quarry</th>
<th>Operator</th>
<th>Grid Ref</th>
<th>Cessation Date for Mineral Working</th>
<th>Restoration Guarantee secured</th>
<th>MPA/ BAA Member</th>
<th>Conditions/ obligations requiring review of restoration strategies/concepts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cauldon Low</td>
<td>Aggregate Industries</td>
<td>SK 084 474</td>
<td>2042</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

### Table 4: Non-operational crushed rock quarry

<table>
<thead>
<tr>
<th>Quarry</th>
<th>Operator</th>
<th>Grid Ref</th>
<th>Cessation Date for Mineral Working</th>
<th>Restoration Guarantee secured</th>
<th>MPA/ BAA Member</th>
<th>Conditions/ obligations requiring review of restoration strategies/concepts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kevin</td>
<td>Bamford Excavators</td>
<td>SK 086 465</td>
<td>2028</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Wardlow / Wredon</td>
<td>Bamford Excavators</td>
<td>SK 087 572</td>
<td>2042</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>
The new Minerals Local Plan for Staffordshire 2105 to 2030
Response to Inspector’s Questions – Restoration of Mineral Sites

Table 5: Operational clay quarries

<table>
<thead>
<tr>
<th>Quarry</th>
<th>Operator</th>
<th>Grid Ref</th>
<th>Cessation Date for Mineral Working</th>
<th>Restoration Guarantee secured</th>
<th>MPA/ BAA Member</th>
<th>Conditions/ obligations requiring review of restoration strategies/concepts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campions Wood</td>
<td>Booth Ventures Limited</td>
<td>SJ 971 064</td>
<td>2033</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Cheslyn Hay</td>
<td>Monier Limited</td>
<td>SJ976 078</td>
<td>2042</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Hollybank</td>
<td>K.Parnell Limited</td>
<td>SJ971 052</td>
<td>2030</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Keele</td>
<td>Ibstock Brick Limited</td>
<td>SJ788 452</td>
<td>2043</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Kingsley</td>
<td>Ibstock Brick Limited</td>
<td>SK001 470</td>
<td>2042</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Knutton</td>
<td>Ibstock Brick Limited</td>
<td>SJ 828 468</td>
<td>2042</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Redhurst</td>
<td>Ibstock Brick Limited</td>
<td>SJ967 051</td>
<td>2042</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Wilnecote</td>
<td>Forterra Building Products Limited</td>
<td>SP220 999</td>
<td>2035</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Appendix 2: Extract with conditions relating to restoration review from Permission SS.12/15/602 MW for Continuation of the existing mining permission at Saredon Quarry and an extension of the quarry for the extraction of sand and gravel and subsequent restoration by infilling with inert waste or inert material at Land at Saredon Quarry, Saredon

Restoration and Aftercare

50. The Site shall be progressively restored to nature conservation and agriculture in accordance with:

a) the Environmental Statement (Volume 3, sections 4.11 to 4.17); and,

b) the Restoration and Aftercare Scheme (being the ‘Restoration Plan – January 2014’ amended by Dwg no ST12713-019 Rev D) hereafter referred to as ‘the approved Restoration and Aftercare Scheme

51. No later than 10 years from the date of this permission a review of the approved Restoration and Aftercare Scheme referred to in Condition 50 (‘the Scheme’) shall be submitted for the written approval of the Mineral Planning Authority. The review shall take account of the latest approved Site Layout Plan(s) (Condition 14) and the cessation date (Condition 5).

The review of the Scheme shall include an update to the Scheme and provide the following further details as necessary:

a) The proposed final restoration contours, gradients and levels;

b) The programme for the progressive restoration of the Site to the approved final restoration contours and for the management and aftercare of the restored Site for a period of five years from the completion of final restoration which shall include details of the depth and nature of topsoil and subsoil, and arrangements for regrading or replacing soils to achieve the final restoration contours;
c) The programme for the retention or removal of the access to the Site off Great Saredon Road, the mineral processing plant (dry screen and washing plant), the Ready Mixed Concrete Plant, the aggregate storage bays, the hard surfaced internal haul road, offices, parking areas, compounds, fuel storage facilities, maintenance garage, weighbridge and wheel cleaning facilities;

d) The method of soil and soil-making materials replacement and treatment;

e) The cultivation and management of the agricultural land, woodland, individual trees, hedgerows and grassland;

f) The management of water features;

h) The measures to minimise damage in the event of drought or fire;

i) The management techniques during the aftercare period which shall include the provision for replacement of failures of individual trees, shrubs and plant species to secure an 85% survival rate at the end of the aftercare period;

j) The arrangements for the drainage of the restored Site and maintenance thereof;

k) The arrangements for the reinstatement or provision of footpaths;

l) The provision of fencing;

m) The arrangements for annual meetings and annual reports describing the previous year’s aftercare measures, including comments on the successes and failures and plans for the next year's aftercare;

n) The phased programme for the implementation of the Scheme.
The Scheme shall be carried out in full in each phase of the development following the completion of the restoration in each phase in accordance with the approved phased programme of implementation (Condition 51 (n)).

52. The Site shall be restored and subject to aftercare in accordance with the approved Restoration and Aftercare Scheme.

Reasons (50 to 52): To secure the restoration of the Site to a beneficial use at the earliest opportunity and to high environmental standards in this Green Belt location and to require the regular review of the restoration and aftercare of the site to ensure that it remains up to date and opportunities to enhance the environment and local amenity are maximised in accordance with: the Staffordshire and Stoke-on-Trent Minerals Local Plan (saved policies 12, 21, and 22); the Staffordshire and Stoke-on-Trent Waste Local Plan (policy 4.2); the South Staffordshire Core Strategy (policies GB1, EQ1, EQ4 and EQ9); the emerging Staffordshire Mineral Local Plan (policy 6); the National Planning Policy Framework (sections 7, 9, 11 and 13); the National Planning Policy for Waste (paragraph 7 and Appendix B); and, Planning Practice Guidance (Natural Environment and Minerals sections). Also to comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 (as amended) which states that where a planning permission consists of the winning and working of minerals or involves the depositing of refuse or waste materials and the permission is subject to a ‘restoration condition’, such a condition shall set out the steps necessary to bring the land back to the required standard and shall be subject to an ‘aftercare condition’ setting out the steps to be taken in accordance with an approved aftercare scheme over a 5 year aftercare period.
Appendix 3: Extract with legal obligation from Section 106 Agreement relating to restoration review associated with Permission SS.12/15/602 MW for Continuation of the existing mining permission at Saredon Quarry and an extension of the quarry for the extraction of sand and gravel and subsequent restoration by infilling with inert waste or inert material at Land at Saredon Quarry, Saredon

SCHEDULE 5: REVIEW OF THE SAREDON RESTORATION AND AFTERCARE SCHEME

1. The Company and the Second Owner agree that no later than 10 years from the date of the Planning Permission:

1.1 To review the Saredon Restoration and Aftercare Scheme (‘the Scheme’) for the Land in accordance with the requirements of the Planning Permission;

1.2 To consult the Saredon Quarry Liaison Committee regarding the results of the review process.

1.3 To submit the results of the review for the written approval of the Council in accordance with the requirements of the Planning Permission.
Appendix 4: Extract with legal obligation from Section 106 Agreement relating to restoration guarantee fund associated with Permission SS.12/15/602 MW for Continuation of the existing mining permission at Saredon Quarry and an extension of the quarry for the extraction of sand and gravel and subsequent restoration by infilling with inert waste or inert material at Land at Saredon Quarry, Saredon

SCHEDULE 12: RESTORATION GUARANTEE FUND

The Company and the First Owner and the Second Owners covenant with the Council:

1. From the signing of this deed of agreement the Company and the Second Owners shall contribute to an established mutual funding scheme such as the Minerals Products" Association Restoration Guarantee Fund or the British Aggregates Association Restoration Guarantee Fund and such contribution shall be maintained until the expiry of the Saredon Extended Aftercare Period/for the lifetime of the Development;

2. On request from the Council to provide records and evidence of the contribution required by 1 above and written assurance and evidence that the Company or the Second Owners are entitled to draw on the Restoration Guarantee Fund to restore the Land.

3. In default of the above then the Company or the First Owners or the Second Owners shall enter into a Restoration Guarantee Bond in the sum of £1 million the terms of which shall be approved by the Council. The Restoration Guarantee Bond shall be maintained until the expiry of the Saredon Extended Aftercare Period/for the lifetime of the Development.