Monitoring of Mineral and Landfill Planning Permissions
Report for
Wheal Jane (including Treatment Plant, Baldhu Cornwall
On 25th July 2012

Report Summary

Development was not considered to be compliant with the condition at the time of the site monitoring visit. Furthermore it is considered that there is an urgent need to remedy this breach due to the potential risk and/or consequences to the environment or amenity. It is therefore concluded that steps should be undertaken without further delay to remedy this breach. Appropriate enforcement action is likely to be expedient should non-compliance with this condition continue.

Development was not considered to be compliant with the condition at the time of the site monitoring visit and/or there are outstanding matters which remain to be resolved at this time by the Operator or this Authority. Any continued non-compliance or breach of this condition may result in the instigation of enforcement action.

Development was considered to be compliant with the relevant planning condition at the time of the site monitoring visit although some minor works may be required.
1. Introduction
This report is a document produced by Cornwall Council’s Natural Resources Team. It relates to a site visit to monitor compliance with a planning permission and legal agreement for a minerals/waste site under relevant requirements of the Planning and Compulsory Purchase Act 2004.¹

Disclaimer

It should be noted that apparent compliance with any condition at the time of a site monitoring visit by this Authority does not preclude the Authority from instigating enforcement action where any activity being undertaken is subsequently considered to be in breach of a condition or presents a risk of damage or disturbance to the environment or amenity. Any additional site monitoring visit required as a result of non-compliance with a planning condition may result in an additional site monitoring fee being levied.

Traffic Lights

For ease of reference the Authority has adopted a ‘traffic light’ system to illustrate the level of compliance with each requisite planning condition. The colour coding is based on the following criteria;

Green development was considered to be compliant with the relevant planning condition at the time of the site monitoring visit although some minor works may be required.

Amber development was not considered to be compliant with the condition at the time of the site monitoring visit and/or there are outstanding matters which remain to be resolved at this time by the Operator or this Authority. Any continued non-compliance or breach of this condition may result in the instigation of enforcement action.

Red development was not considered to be compliant with the condition at the time of the site monitoring visit. Furthermore it is considered that there is an urgent need to remedy this breach due to the potential risk and/or consequences to the environment or amenity. It is therefore concluded that steps should be undertaken without further delay to remedy this breach. Appropriate enforcement action is likely to be expedient should non-compliance with this condition continue.

¹ The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006 came into force on 6th April 2006. These Regulations are made under Section 303 of the Town and Country Planning Act 1990, as amended by Section 53 of the Planning and Compulsory Purchase Act 2004.
2. Details of Site Monitoring Visit

Site Name and Address:  **Wheal Jane**, Truro, Baldhu, Cornwall, TR3 6EE

Planning History:

**Planning Permits Monitored:**


**CC13/1521/98/N [CK3.2(3)]** Proposed use of land for retention/erection of plant, buildings and equipment for the treatment of mine water by removal of heavy metals, together with continued use of existing vehicular access to the site approved 06/05/1999 (Veolia Treatment Plant).

**PA10/08280** Proposed infill extension to create additional laboratory floor area approved 04/05/11.

**PA11/01371** Application to extend the time limit on planning permission reference PA13/0483/08/B for proposed new office space and upgrading of some existing space approved 12/04/11.

**PA13/2204/06/B** Revised external wall finish from light blue profiled steel as approved in PA13/1863/04/B 05/11/06 to blue cement render approved 03/01/07.

**PA13/1863/04/B** Erection of first floor office infill extension above former mine changing rooms approved 08/11/04.

**PA13/0095/99/N** Mine offices (Retention and use of redundant mining buildings for general office purposes approved 11/07/02. This permission operates in conjunction with an Agreement under Section 106 dated 4th October 2002.

**PA13/0093/99/N** Mine Office (Retain vacant mine workshops for general industrial purposes and change of use of mine changing rooms to provide industrial accommodation) approved 29/03/02. This permission operates in conjunction with an Agreement under Section 106 dated 4th October 2002.

Other Planning Permissions: (whilst the MPA notes the existence of the following permissions, as they do not form part of the fees for monitoring regime they have not been included in the monitoring report:

PA11/09752 Temporary siting of insulated greenhouse to be used for aquaponic research for a period of three years approved 16th January 2012.

PA11/07916 Alterations and extension to existing office building with landscaping and signage approved 13th February 2012.

PA11/02575 It is proposed to remove the existing disused electrical equipment currently located on the site, and replace with a prefabricated electrical compact station housing inverters and a transformer approved 27.05.11

PA10/03993 The development of a Solar Photovoltaic Farm on the site of the former mill at Wheal Jane Mine, Near Truro, Cornwall, and associated infrastructure approved 21/06/10.

NR/10/00041/WIND Erection of a 70m high wind monitoring mast for a period of 3 years approved 11/05/10.

C1/PA13/0139/00/N Proposed electricity generating station approved 12/03/10.

Permissions which have expired or have been superseded:

PA13/0483/08/B New office space and upgrading of some existing space approved 19/05/08. This permission has expired and has now been superseded by PA11/01371 approved on 12/05/11.

NR/10/00064/MIN for the permanent retention of existing office building, together with alterations and extension to the existing building approved 04/10/2010. Superseded by PA11/07916 Alterations and extension to existing office building with landscaping and signage dated 13/02/12.

LC13/2226/06/B Baldhu Office (Retention of office building and car park for a further 10 years without complying with condition no. ii of appeal decision dated 24th July 2001 approved 28.12.06. Superseded by decision notice NR/10/00064/MIN dated 4th October 2010 for the permanent retention of existing office building, together with alterations and extension to the existing building:

APP/B0810/A/01/1057991 Office Block and Car Park approved 24/07/2001. This permission was superseded by permission LC13/2226/06/B dated 28th December 2006.

The Mineral Planning Authority notes the following applications have been submitted, pending determination:

PA12/04692 validated 18th June 2012. Proposed variation of Condition No's. 5, 16, 20, 25, 26, 27 and 31 of Decision Notice CC13/1055/00/N[CK3.ENV(4)] dated 30 April 2001 to facilitate the long term operation and reclamation together with minor ancillary changes in respect of the Wheal Jane site.

PA11/08372 validated 13th October 2011. Supplementary Environmental Information (SEI) submitted under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 - The erection, 25 year operation and subsequent decommissioning of a wind energy development comprised of the following elements: one wind turbine with a maximum overall height (to vertical blade tip) of up to 122 metres, together with new access track, modification to road junction, temporary construction compound, hard standing area, control kiosk and cabling, and development ancillary to the main development. (Accompanied by an Environmental Impact Assessment [EIA]).
Operator: Wheal Jane Ltd  
Veolia Water Industrial Outsourcing Limited / Coal Authority–Treatment Plant  

Site Status: Active  

Type of Visit: Chargeable Visit – Announced Visit  

Visiting Officer/s: Stephanie Bowkett, Development Officer, Cornwall Council  

Date of Visit: 25th July 2012  

Time on Site: Treatment Works - 08.30 until 09.15 with Peter Lanyon (Veolia)  
Wheal Jane - 09.30 hours until 12.00 with:  
Richard Hocking, Cornwall Council  
Darren Evans, Wheal Jane Ltd  
Bernard Ballard, Wheal Jane Ltd  
Mark Giddings, Wheal Jane Ltd  
Mike Cambridge, Dam Engineer undertaking annual dam inspection  

Weather: Hot, Dry, Light Winds  

Ground Conditions: Dry  

Report Author: Stephanie Bowkett, Development Officer, Cornwall Council  

General Comments  
This monitoring visit was combined with the Annual Dam Inspection undertaken by Mike Cambridge.  

Since the ROMP consent was issued in 2001 (ref C13/1055/00/N [CK3.Env (4)] dated 30/04/2001), there have been a number changes to the operational practices at the site. Some of the conditions in this decision notice are no longer appropriate and the Operator has been unable to fulfil the obligations of the conditions. For this reason the Operator submitted a Section 73 application (ref PA12/04692, validated 18th June 2012) to apply to vary Condition No's. 5, 16, 20, 25, 26, 27 and 31 of the ROMP consent. The acceptability of this application is currently being considered by the Mineral Planning Authority.  

In the meantime, the Mineral Planning Authority acknowledges that whilst the terms of these conditions have not been met and have been identified in breach, the resolution of these issues has been deferred until a decision has been made on the acceptability of the Section 73 application.
3. Compliance with Planning Conditions

Note: An application (ref PA12/04692 validated 18th June 2012) for the proposed variation of condition 5, 16, 20, 25, 26, 27 and 31 of Decision Notice CC13/1055/00/N[CK3.ENV(4)] dated 30 April 2001 has been submitted and is pending determination.

**Condition Number and Description**

Condition 1. Time Limit

These permissions shall not be valid after 21 February 2042. Unless a further planning permission or permissions have been granted for a continuation of operations beyond this period, all operations and uses approved by these permissions shall be discontinued on or before this date, all plant, machinery and buildings, no longer required shall be removed from the site and the land shall be re-instated in accordance with the further conditions below.

**Notes Following Visit**

This condition identifies that this planning permission will expire on 21st February 2042. Notwithstanding this however the conditions attached to this permission are subject to a periodic review every fifteen years as part of Section 96 of the Environment Act, the next periodic review application being due **by 30th April 2016**.

**Condition Number and Description**

Condition 2. Extent of Permission

These conditions relate to the planning permissions which are identified on Plans 1 and 2, and to associated ancillary mining development falling within the terms of Section 96 of the Environment Act 1995 (see above).

**Notes Following Visit**

Plan 1 refers to the following two planning permissions:
39959/CN dated 03/07/69 - underground mining together with associated surface engineering works.
43096/CN dated 13/07/70 - the construction of the mine tailings impounding dam.

Plan 2 details the area of ancillary permissions and restoration programme. Since the ROMP determination several permissions have been granted for various extensions and changes to former mine buildings. These permissions are listed in Section 2 of this report.

**Condition Number and Description**

Condition 3. Extent of Permission

Notwithstanding the nature of the original mineral planning permissions, the only operations permitted henceforth within the Mineral Site in connection with these permissions shall be the continued deposit of mineral waste (in the form of treated minewater deposits from the Wheal Jane Mine) and works required by these conditions for the restoration of the whole Mineral Site.

**Notes Following Visit**

No mineral extraction takes place at the site. Operations continue to be limited to the deposit of sludge from the Treatment Plant and the restoration of the site via the deposition of inert wastes from off site sources.
Condition Number and Description
Condition 4. Extent of Permission

There shall be no further underground mining operations or extraction of minerals from the site unless a further planning permission is granted to that effect.

Notes Following Visit
No mineral extraction takes place at the site. Operations continue to be limited to the deposit of sludge from the Treatment Plant and the restoration of the site via the deposition of inert wastes from off site sources.

Condition Number and Description
Condition 5. Extent of Permission

Except as may be modified by other conditions in this Decision Notice or as may be otherwise agreed in writing with the Mineral Planning Authority (MPA), no development in connection with these permissions shall be carried out other than in strict accordance with the approved plans and supporting documents below:
Figures 3, 4
Figures 5 and 6 (as adapted by Plan 3a)
Plans 3a) and 8 (Figure 3a is a composite restoration plan to incorporate elements of the submitted plans and amendments required by the MPA)
Appendices 1, 2, 3, 4 and 5.

Notes Following Visit
There have been a number of changes since the ROMP consent was issued in 2001 and some of the operational practises and restoration requirements identified on the approved figures, plans and appendices listed above are no longer appropriate. For this reason in June 2012, the Operator submitted a Section 73 application (ref PA12/04692, validated 18th June 2012) to apply to vary the terms of Condition No's. 5, 16, 20, 25, 26, 27 and 31. The application has undergone a period of consultation and is currently under consideration, but in the meantime the Mineral Planning Authority acknowledges that whilst this condition is identified in breach, the resolution of these issues has been deferred until a decision has been made on the acceptability of the Section 73 application.

ACTION MINERAL PLANNING AUTHORITY
The Mineral Planning Authority should determine the acceptability of the Section 73 application ref PA12/04692
Unless otherwise agreed with the MPA in writing, access between the public highway and the site in connection with these permissions shall be restricted to that identified on Plan 8. All lorries associated with the development, under the control of the applicant, shall enter and exit the site access from the north, in accordance with the routes identified on Plan 8. The Highways Code of Practice (Appendix 1) shall be adhered to at all times in connection with these permissions, unless otherwise agreed in writing with the MPA.

Notes Following Visit
Revised lorry routes identified on Plan 8A were approved on 27th July 2001.

Since the last visit in December 2011, the Mineral Planning Authority received two complaints (refs EN12/00842 and EN12/01554) in relation to lorries not entering and exiting the site from the north as identified on Plan 8A. However this condition is specific in as much as it limits the access route of lorries ‘under the control of the applicant’ to enter and exit the site to north but does not impose restrictions on lorries which are not directly controlled by Wheal Jane i.e. any other haulier which enters or leaves the site.

As part of the investigation into the complaints the Mineral Planning Authority monitored the site entrance for a short period of time and asked the Operator to check their weighbridge records. Those lorries identified as exiting the site to the south were found not to be under the control of the applicant and no breach was identified. However to reduce any impact on the properties to the south the Operator reissued copies of the approved access route to all of the drivers as they passed over the weighbridge and erected a new sign at the exit to direct all drivers to turn left. No further complaints have been received.

Until the site restoration and aftercare period is complete, the surfacing of the site access road and associated drainage shall be maintained free of potholes and to the specification required by the original planning permission (Appendix 2).

Notes Following Visit
The site access road was re-kerbed and re-surfaced from the highway to the weighbridge in 2005. The surfacing of the access road was in good condition and free of pot holes at the time of the visit.
**Condition Number and Description**

**Condition 8. Access and Highway Matters**

The site access road shall be kept free of mud and other debris and the drainage shall be capable of preventing slurry and water from the permitted area flowing onto the public highway. The best practicable means shall be used to prevent the transfer of mud, dust, stones and other deleterious material onto the public highway. These shall include, where necessary, the sweeping of site access roads and the utilisation of wheel cleaning facilities, (the details of the latter to be agreed in writing with the MPA).

**Notes Following Visit**

The Mineral Planning Authority has not received any complaints regarding the condition of the public highway and the road was in good condition at the time of the visit. A wheel cleaning pit is located near the site entrance, the details of which (including plan ref:1139-250 -1003 Rev.1 site layout) were approved as letter dated 29th September 2009. A wheel wash pit is located in the yard and a hose down facility is available on site. A sweeper is available for cleaning the access road and a water bowser is used as and when required.

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**Condition Number and Description**

**Condition 9. Access and Highway Matters**

All lorries leaving the site carrying loads of single size or composite materials containing materials less than 75mm in diameter shall be sheeted or otherwise totally enclosed before leaving the site.

**Notes Following Visit**

The Mineral Planning Authority did not witness any vehicles leaving the site during the visit and has not received any complaints regarding this matter. Due to the nature of operations at the site most lorries arrive with loads and leave empty.
**Condition Number and Description**
Condition 10. Hours of Operation

Unless otherwise agreed in writing with the MPA and except for routine plant maintenance, water and sludge pumping and emergency procedures no operations authorised or required under these permissions (including vehicle movements) shall be carried out at the site except during the following times:
- 0700 - 1900 hours (Monday-Fridays)
- 0700 - 1300 hours (Saturdays).
There shall be no working on Sundays, Bank Holidays or Public Holidays.
Within the aforementioned times, construction of cell walls, tailings dam embankments, or landscaping operations, including the creation of screen mounds shall only be carried out during the following times:
- 0800 - 1800 hours (Monday-Fridays)
- 0800 - 1300 hours (Saturdays)

**Notes Following Visit**
The Operator is aware of the approved working hours and Mineral Planning Authority has not received any complaints.

**Condition Number and Description**
Condition 11. Noise, Vibration and Dust: General

All practicable means shall be employed by the operators for preventing or minimizing the emission of dust, smoke or fumes and the creation of noise and vibration during the approved use of the site. The word practicable and the phase practicable means in these conditions shall have the meaning assigned to them in Section 79(a) of the Environmental Protection Act 1990 as defined below. The provisions of this condition include the installation and maintenance of effective silencers on all plant and machinery and these shall be maintained to conform with the manufacturers specification at all times.

**Notes Following Visit**
The Mineral Planning Authority has not received any complaints related to smoke, fumes, noise or vibration and did not identify any issues related to these matters during the visit. The Mineral Planning Authority received a dust complaint on 27th October 2009 but no further dust complaints have been received since this time and no dust blow was witnessed during the visit.

**Condition Number and Description**
Condition 12. Noise: Specific

Except as may be otherwise agreed in writing with the MPA, the noise level arising from the approved activities as measured at any inhabited residential dwelling, or any other noise sensitive building in the vicinity of the site shall not exceed the following:
- 50 dB(A) Leq (1 hour) between 0800 and 1800 hours
- 35 dB(A) Leq (5 Minutes) at any other time

**Notes Following Visit**
The Mineral Planning Authority has not received any noise complaints.

**Condition Number and Description**
Condition 13. Noise: Specific

Where the MPA notifies the operator that it has received a complaint (or complaints) about noise attributable to operations within the site carried out under these permissions, the operator shall be required to undertake self monitoring of noise levels and operations to demonstrate compliance with condition 12 in accordance with a scheme to be approved in writing by the MPA.

**Notes Following Visit**
No noise complaints have been received by the Mineral Planning Authority and a self monitoring scheme was not considered necessary at this time.
**Condition Number and Description**  
**Condition 14. Dust: Specific**

During the period of deposition of treated mineral waste (minewater sludge) deposits in the tailings dam, the operator shall keep the deposits in a damp condition except during the final periods of desiccation. Where a risk of fugitive dust arises, the embankment crests and any exposed areas giving rise to fugitive dust shall be dampened as necessary with water using a combination of bowsers and/ or a suitable water sprinkler system, or suitably covered with inert materials, as per method statement at Appendix 3.

**Notes Following Visit**

During the period of deposition the minewater sludge is stored in the paddocks in a wet form. The phased fill of the paddocks further reduces the risk of fugitive dust arising as after the final desiccation stage the paddocks are filled with an inert cover layer. A water sprinkler system has not been installed at the site but the Operator has the use of a water bowser when required in dryer conditions. During a recent meeting with Wheal Jane a local resident expressed concerns about the level of dust blowing from the dam walls after they have been scraped. The Operator has confirmed that it is necessary to scrape the vegetation from the dam walls for inspection purposes. During these periods the Operator should be mindful of the terms of this condition and should ensure the dam walls are retained in a damp condition when dust blow is likely.

![Photograph showing the tractor and bowser being used on the surface of the dam](image)

**Condition Number and Description**  
**Condition 15. Blasting: Specific**

No blasting shall take place on the site except with the prior approval of the MPA, and in accordance with a scheme to be agreed by the MPA.

**Notes Following Visit**

No blasting is carried out at the site.
**Condition Number and Description**

**Condition 16. Water Interests/Drainage Matters**

Any fuel oil, lubricant or potential pollutants shall be stored in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded area shall be impervious to both water and oils and shall be maintained free of water.

**Notes Following Visit**

The terms of this condition require oil, fuel and chemicals to be stored in suitable containers and housed in an area surrounded by bunded walls, the main objective of the condition being to ensure oil storage facilities comply with the Control of Pollution (Oil Storage) (England) Regulations 2001.

![Photographs showing Wheal Jane fuel storage facilities](image1)

The storage tank on the right is surrounded by a bunded wall, and although the tank on the left is not, the Operator has informed the Mineral Planning Authority that this is an 'integally bunded tank' with a integral secondary containment that can hold a minimum of 110% of the inner tank capacity. Although these types of tank do not have a separate bunded wall the Environment Agency has confirmed that these types of tank comply with the Control of Pollution (Oil Storage) (England) Regulations 2001, this being the main objective for the inclusion of this condition. The operator has applied to formally vary this condition in the Section 73 application.

**Condition Number and Description**

**Condition 17. Water Interests/Drainage Matters**

All run-off from stripped, disturbed or developed areas shall not be allowed to discharge outside the boundary of the surface permission area of the site, as identified on Plan 2 without prior treatment. The design and location of any settlement or polishing lagoons additional to those identified in Figure 4 shall be submitted to the MPA for approval in writing.

**Notes Following Visit**

The dam is designed to limit run off from the dam walls. Run off and water in diverted into the toe drain at the bottom of the dam which collects in the approved polishing lagoon. This is then recycled to the water treatment plant. No further settlement or polishing lagoons have been constructed other than those identified on the approved plan.

**Condition Number and Description**

**Condition 18. Plant and Machinery**

Notwithstanding the provisions of Part 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, replacing or enacting that Order, no plant, machinery, building, structure, erection or private way shall be erected, extended, installed or replaced at the site nor shall any materials be deposited other than in accordance with the approved plans, without the prior approval in writing of the MPA.

**Notes Following Visit**

No further installations were identified at the time of the visit. As email dated 23rd the Mineral Planning Authority approved the temporary siting and use of processing plant for one week (maximum of two days crushing) to allow for the improvement of some of the internal roadways. The Mineral Planning Authority did not receive any complaints during this period.
Condition Number and Description
Condition 19. Plant and Machinery

All lights and floodlights shall be screened so as not to cause glare or annoyance to any occupied dwelling in the vicinity of the site or to users of the public highway network.

Notes Following Visit
The Mineral Planning Authority has not received any complaints regarding lighting.

Condition Number and Description
Condition 20. Stockpiling

Stockpiling of materials for restoration and dam construction purposes shall be confined to the areas identified in Plan 3a), unless otherwise agreed in writing with the MPA. There shall be no importing or stockpiling of any material, including waste rock, subsoil or topsoil for sale or processing (other than in connection with approved operations) within the site. Unless otherwise agreed in writing with the MPA, materials stockpiled for periods in excess of one growing season shall be seeded in accordance with details to be submitted to the MPA for approval.

Notes Following Visit
To reduce doubling handling only limited volumes of materials are stockpiled on site. Some materials were stockpiled in the identified area in Lobby’s Yard. Most materials are transferred directly for use in restoration. The operator has formally applied to vary this condition in the Section 73 application.

Condition Number and Description
Condition 21. Archaeology

No blasting, destructive or infilling measures shall be used in relation to the mining feature known as the Coffin (identified on Plan 3a). No work shall take place on this archaeological mining feature until a method statement (concerning the clearance of rubbish and loose material and a specification for the construction of fencing or construction of a Cornish Hedge) has been agreed in writing with the MPA.

Notes Following Visit
As letter dated 1st September 2002 the Operator informed the Mineral Planning Authority that rubbish and loose material had been removed from the Coffin. There is no record on file of an approved method statement detailing how this was undertaken although as this was completed some time ago the Mineral Planning Authority does not consider it expedient to pursue the submission of the outstanding methodology for this particular clearance. Should the Operator wish to clear any further rubbish or loose material from the Coffin then this should be carried out in accordance with a method statement which has been approved by the Mineral Planning Authority beforehand.

As letter dated 1st September 2002 the Operator informed the Mineral Planning Authority that a bund has been constructed around the periphery of the Coffin instead of fencing or a Cornish hedge as required by this condition. In a further letter, dated the 25th April 2007, the Operator confirmed that the bund had been closely planted with hawthorn whips. The Mineral Planning Authority approved the bund and planting as letter dated 29th September 2009, subject to the continued maintenance of the bund and planting arrangements. As letter dated 12th April 2010 the Operator confirmed that maintenance measures would be carried out in accordance with the approved specification. Given the time of the year during this visit most of the vegetation on the bund had died back. Therefore the maintenance of the planting and bund would be monitored during the next monitoring visit.
Condition Number and Description
Condition 22. Archaeology

No buildings or structures affected by the proposed working and restoration scheme (see Plan 3a) shall be dismantled or demolished until the applicant has secured and implemented a scheme of archaeological recording carried out in accordance with a written scheme of investigation and which has been submitted to and agreed in writing with the MPA.

Notes Following Visit
The Mill/Concentrator Complex and associated buildings were removed in 2007 but there are no records on file of an approved written scheme of investigation as required in the terms of this condition. However as letter to the Mineral Planning Authority, dated the 17th January 2007, the Operator confirmed that a photographic record had been compiled by the Royal Commission for Historic Monuments in England prior to the demolition of the mill structures. The record was submitted to Nicolas Johnson at the Cornwall Archaeological Unit (CAU) and as letter dated 24th July 2006 he confirmed that the record was acceptable and no further recording was required.

The conveyor and associated structures were removed around 2002 and the concrete stubs were removed around 2006 but the Mineral Planning Authority has been unable to locate a written scheme of investigation on file. As the structures were removed some time ago the Mineral Planning Authority does not consider expedient to request the submission of a written scheme of investigation at this stage.

Should the Operator wish to dismantle or demolish any further buildings or structures affected by the proposed working and restoration scheme identified on Plan 3A then a written scheme of investigation must be submitted to and approved by the Mineral Planning Authority prior to the commencement of works. The works should then be carried out in accordance with the approved scheme.

Condition Number and Description
Condition 23. Archaeology

No mine shaft capping shall be carried out until the applicant has secured a scheme of archaeological recording in accordance with a written scheme of investigation, submitted to and agreed in writing with the MPA.

Notes Following Visit
There are no records of the submission of a written scheme of investigation for a scheme of archaeological recording. The mine shafts are capped with Clywd caps and are inspected on an annual basis. A copy of the Mine Shaft Survey dated 10th September 2008 was submitted and stated that no features of archaeological significance were observed in or around any of the shafts identified on site. The Mineral Planning Authority approved the Mine Shaft Survey as letter dated 29th September 2009.

Should the Operator wish to cap any further mine shafts then a written scheme of investigation must be submitted to and approved by the Mineral Planning Authority prior to the commencement of works. A scheme of archaeological recording should then be carried out in accordance with the written scheme of investigation before the mine shafts are capped.

Condition Number and Description
Condition 24. Nature Conservation

Unless otherwise agreed in writing with the MPA, the area identified as the Coffin in Plan 3a) shall be retained for nature conservation purposes and shall not be damaged or disturbed by blasting or other measures (except for the clearance of Bracken and removal of any rubbish for habitat enhancement purposes).

Notes Following Visit
The Coffin has been retained on site and is not likely to be affected by blasting as none is carried out at the site. The Coffin is contained within a bunded area which has been planted by hawthorn.
Condition Number and Description
Condition 25. Nature Conservation

Unless otherwise agreed in writing with the MPA, the Operators shall implement a programme of ongoing habitat management measures throughout the duration of the permissions as specified in Appendix 4.

Notes Following Visit
Appendix 4 forms a separate document attached to this decision notice and a copy is appended to the back of this report. Although the management measures are outlined in an appendix separate to Condition 25 the terms of the appendix form part of this condition.

There have been a number of changes since the ROMP consent was issued in 2001 and some of restoration requirements identified in Appendix 4 are no longer appropriate and have not been implemented. For this reason in June 2012, the Operator submitted a Section 73 application (ref PA12/04692, validated 18th June 2012) to apply to vary the terms of Condition No’s. 5, 16, 20, 25, 26, 27 and 31. The application has undergone a period of consultation and is currently under consideration, but in the meantime the Mineral Planning Authority acknowledges that whilst this condition is identified in breach, the resolution of this condition has been deferred until a decision has been made on the acceptability of the Section 73 application.

ACTION MINERAL PLANNING AUTHORITY
The Mineral Planning Authority should determine the acceptability of the Section 73 application ref PA12/04692

In the meantime and until the Mineral Planning Authority has determined the acceptability of the application, the status of the restoration requirements identified in Appendix 4 will be listed below:

Requirements of Appendix 4
a) Heathland: Existing Areas (H1, H2, H3, H4)
1. There shall be no stockpiling of soils or inert materials, or any other operations which might cause disturbance to the existing heathland areas (other than the management measures specified below) unless mitigation measures have been submitted to and approved by the MPA.
2. There should be no tree planting within the established heathland areas H1, H2 and H4.
3. Heathland vegetation/soils from area H3 shall be used as materials for heathland restoration to the north of the main site access road in accordance with the scheme in Appendix 5.2.a.
4. The Operator should carry out a programme of removal of invasive scrub, as necessary, on an annual basis.

Notes Following Visit
1. H1 and H4 remain undisturbed. Earth works have taken place in H2 and H3 which are likely to have caused disturbance to the existing heathland areas H2 and H3.
2. There has been no tree planting in the areas identified as H1, H2, H3 and H4.
3. It is understood that most of the materials originally stored at H3 were moved to north of the access road some time ago.
4. The Operator has removed some of the gorse from H1 and H4. The Mineral Planning Authority welcome the Operator’s efforts to implement a scrub clearance programme in these areas but the Operator should continue to clear the remaining scrub from H1 and H4.

ACTION OPERATOR: the Operator should continue removing the scrub from heathland area H1 and H4.

Photograph showing H1

Photograph showing H4
Heathland: Potential future areas

1. Bracken should be cleared as necessary within skeletal soil area S1 to encourage heathland growth. [NB The existing long term restoration material stockpiles are excluded from area S1 as there will be an ongoing need to remove materials for tailings dam capping and other restoration purposes].
2. All available skeletal soils from S2 shall be used for restoration purposes elsewhere on the site prior to any reprofiling and planting.
3. Future heathland areas regenerating naturally, or consequent to the restoration scheme, should be kept clear of invasive scrub, using recognised methods, as necessary, on an annual basis.

Notes Following Visit

1. Access across the stream is limited as the bridge has been closed for safety purposes. S1 is identified as a potential heathland but remains largely overgrown and colonised by bracken and gorse. Given the submitted Section 73 application (ref PA12/04692) the Mineral Planning Authority suggests the restoration requirements of this area are revisited at a time when a determination of the above application has been given.
2. Most of the materials originally stored at S2 are thought to have been used on areas to the north of the access road.
3. There are no known new heathland areas at the site.

b) Unimproved grassland sward (The field)

1. The field shall be retained as an unimproved grassland sward (and not planted as was proposed in the original restoration submission). Bracken should be cleared as necessary, on an annual basis, from the stone hedge to the north of the field and from the field itself to encourage mosses, lichens and invertebrates, and to maintain an unimproved grass sward.

Notes Following Visit

1. The Field has not been retained as an unimproved grassland sward and the hedge to the north of the field is heavily overgrown and could only just visible through the vegetation. Given the submitted Section 73 application (ref PA12/04692) the Mineral Planning Authority suggests the restoration requirements of this area are revisited at a time when a determination of the above application has been given.

Photograph showing the area identified for ‘The Field’

c) The Tailings Dam

1. An area of bare rock shall be retained along the lower tiers of the south western dam wall (the toe wall) to encourage bryophyte growth. [The exact area to be retained should be determined by engineering requirements. See Appendix 5.1.d)].
2. The western dam wall should be soiled to encourage vegetation growth. [See Appendix 5.1.d)].

Notes Following Visit

1. No areas of bare rock have been retained at this time. Given the submitted Section 73 application (ref PA12/04692) the Mineral Planning Authority suggests the restoration requirements of this area are revisited at a time when a determination of the above application has been given.
2. Vegetation has established on most areas of the western walls with the exception of access roads. In the long term the dam walls will be reprofiled to produce a smoother more natural looking profile.
d) Mineshafts (MS1, MS2 and MS3).
1. These should not be capped or otherwise closed unless a full underground bat survey is completed and measures installed to allow free movement of bats, as necessary. [Fencing or creation of Cornish Hedges are the preferred safety improvement methods, should improvements be required. See Appendix 5].
2. Bracken clearance and/or controlled burning should be carried out as necessary on an annual basis following clearance of any tipped debris to encourage the colonisation of heathland species.

Notes Following Visit
1. MS1 was re-fenced and MS2 and MS3 were caged by Clwyd caps some time ago. None of these mineshafts have been ‘closed’ and given the caps have been in place for some time a bat survey at this stage was not been considered necessary.
2. The Mineral Planning Authority is not aware of a bracken clearance programme at MS1, MS2 and MS3. ACTION OPERATOR: The Operator should clear any bracken from mineshafts MS1, MS2 and MS3 on an annual basis.
e) Existing woodlands (W1, W2, W3)
1. Some deadwood should be retained to provide a habitat for invertebrates.
2. A small amount of tree thinning should be carried out (amongst the Sitka Spruce) in W1 and W2 to encourage the development of a more diverse ground flora. [However, this should not compromise the visual screen created by W1 when the site is viewed from the road].

Notes Following Visit
1. Some trees were felled at W2 in 2009/2010 and some deadwood has been retained.
2. Tree thinning was carried out during the summer 2009 in W1. Some of the felled logs are being retained to meet the terms of point 1. There is limited access to W2 and the area provides visual cover from the adjacent road. No tree thinning has been carried out in this area.

Photograph looking towards W2

f) Solitary Mining Bee Habitat
1. This bare, cliff-like sandy substrate should not be disturbed.

Notes Following Visit
1. This habitat was affected by a slippage some time ago and no longer exists.
g) Control of Noxious Weeds
1. During the operation of the site and the aftercare period noxious weeds, in particular Japanese Knotweed shall not be allowed to colonise the site. Recognised control measures shall be implemented as soon as practicable following infestation and shall continue until clearance has been achieved.

Notes Following Visit
There are various areas where Japanese Knotweed has been identified on site which has been sprayed and injected in the past. The Operator should continue to implement recognised control measures until clearance has been achieved. ACTION OPERATOR: The Operator should continue to implement recognised control measures until clearance of the Japanese Knotweed has been achieved.

Photograph showing Japanese Knotweed growing on the south west corner of the dam wall

There are also various other types of invasive weeds present all over the surface of the dam and surrounding areas including ragwort, buddleia, evening primrose and spear thistle which should be cleared from site. ACTION OPERATOR: The Operator should continue to implement recognised control measures until clearance of the ragwort, buddleia, evening primrose and spear thistle has been achieved.

Photographs showing some of the weed growth around the site
**Condition Number and Description**

**Condition 26. Tailings Dam Construction**

The Operator shall submit the following details in relation to the ongoing construction of the tailings dam to the MPA for approval. Construction operations on the tailings dam shall henceforth adhere to the approved details of design and operational practice, unless superseded by a revised scheme which has been submitted to and approved by the MPA in writing.

a) Details of cell construction, including materials, dimensions, number, layout and height shall be submitted within 6 months of this determination or such other date as may be agreed in writing with the MPA.

b) A method statement of operational practices for the placement of materials for construction and maintenance of cell walls and related structures and the deposition of sludge shall be submitted within 6 months of this determination or such other date as may be agreed in writing with the MPA.

c) Details of the construction of the inert capping layer above the existing deposits around the peripheral zone of the tailings dam (some 30m from the existing embankments) and the profiling operations shall be submitted within 6 months of this determination or such other date as may be agreed in writing with the MPA.

d) Prior to the commencement of the construction of the inert capping layer above the minewater sludge deposition cells a scheme shall be submitted specifying the exact nature and depth of capping materials (including membranes if required) to be utilised and a programme of operations for completion of the layer. The depth of materials to be used shall be the minimum that is required to safeguard against any mobilisation of contaminated materials, and to support the approved restoration scheme.

e) A scheme for monitoring and recording any heavy metals, arsenic and other potential contaminants within the cell wall construction and within the sludge deposition phases shall be submitted within 10 months of this determination or such other date as may be agreed in writing with the MPA.

In addition the Operator shall submit an inspection report relating to health and safety aspects of the tailings dam, carried out on their behalf by suitably qualified consulting engineers, to the MPA every two years commencing in January 2003 until the end of this permission unless otherwise agreed in writing with the MPA.

**Notes Following Visit**

The current status of Condition 26 is listed below. However there have been a number of operational changes since the ROMP consent was issued in 2001 and the Operator has submitted a Section 73 application (ref PA12/04692, validated 18th June 2012) to apply to vary the terms of Condition No's. 5, 16, 20, 25, 26, 27 and 31. The application has undergone a period of consultation and is currently under consideration, but in the meantime the Mineral Planning Authority acknowledges that whilst this condition is identified in breach, the resolution of these issues has been deferred until a decision has been made on the acceptability of the Section 73 application.

**ACTION MINERAL PLANNING AUTHORITY**

The Mineral Planning Authority should determine the acceptability of the Section 73 application ref PA12/04692.
(a) Details of cell construction, including materials, dimensions, number, layout and height shall be submitted within 6 months of this determination or such other date as may be agreed in writing with the Mineral Planning Authority

Notes Following Visit
a) As letter dated 13 August 2001 the Environment Agency submitted “The Selection Methodology for Engineering Fill used in the Construction of Cell Walls within the Existing Tailing Dam” dated July 2001. The methodology was produced in consultation with Richard Hocking, Cornwall Council’s Soils and Materials Engineer. There is no record on file that the scheme has been approved by the Mineral Planning Authority. However since this document was submitted in 2001 the layout, dimensions and heights of the cells has changed and the current arrangement does not appear to be in accordance with any approved details. Given the submitted Section 73 application (ref PA12/04692) the Mineral Planning Authority suggests at the construction of the cells be revisited at a time when a determination of the Section 73 application has been given.

(b) A method statement of operational practices for the placement of materials for construction and maintenance cell walls and related structures and the deposition of sludge shall be submitted within 6 months of this determination or such other date as may be agreed in writing with the MPA.

Notes Following Visit
b) A copy of the Clemows Valley Tailings Dam Operations and Maintenance Manual was submitted as letter dated the 19th February 2002. A revised and updated copy of the report was submitted in October 2004. Since this time there have been several changes to operational practices since these documents were submitted including the operational use of the paddocks. There are no records to indicate that the documents were approved or the changes which have since taken place. Given the submitted Section 73 application (ref PA12/04692) the Mineral Planning Authority suggests at this issue be revisited at a time when a determination of the Section 73 application has been given.

(c) Details of the construction of the inert capping layer above the existing deposits around the peripheral zone of the tailings dam (some 30m from the existing embankments) and the profiling operations shall be submitted within 6 months of this determination or such other date as may be agreed in writing with the MPA.

Notes Following Visit
c) It is thought that this aspect of the condition applies to the northern section of the tailing dam. Some profiling works have already been carried out in this area to lessen the impact of the original slope, details of which were submitted during the visit in April 2010. A scheme should be submitted to the Mineral Planning Authority 6 months prior to the commencement of the final capping layer. Given the submitted Section 73 application (ref PA12/04692) the Mineral Planning Authority suggests that this condition be revisited at a time when a determination of the Section 73 application has been given.

(d) Prior to the commencement of the construction of the inert capping layer above the minewater sludge deposition cells a scheme shall be submitted specifying the exact nature and depth of capping materials (including membranes if required) to be utilised and a programme of operations for completion of the layer. The depth of materials to be used shall be the minimum that is required to safeguard against any mobilisation of contaminated materials, and to support the approved restoration scheme.

Notes Following Visit
d) As letter dated 25th April 2007 the Operator submitted details of the interim cover layer for the completed paddocks. This only provides details for the interim cover layer to go over the dried sludge and does not include details of the capping layer. The Operator should submit details of the capping layer to the Mineral Planning Authority 6 months prior to its commencement. Given the submitted Section 73 application (ref PA12/04692) the Mineral Planning Authority suggests that this condition be revisited at a time when a determination of the Section 73 application has been given.
(e) A scheme for monitoring and recording any heavy metals, arsenic and other potential contaminants within the cell wall construction and within the sludge deposition phases shall be submitted within 10 months of this determination or such other date as may be agreed in writing with the MPA.

Notes Following Visit

e) As letter dated 13 August 2001 the Environment Agency submitted “The Selection Methodology for Engineering Fill used in the Construction of Cell Walls within the Existing Tailing Dam” dated July 2001. This document includes details of the potential contaminants within the cell wall construction. However the second aspect of this condition requires the Operator to submit a scheme for monitoring and recording potential contaminants within the sludge deposition phases. It is understood that the contaminants within the sludge deposition phases are monitored and the results are available upon request. However the terms of the condition require the Operator to submit details to the Mineral Planning Authority outlining the methodology used for the monitoring and recording of the contaminants within the sludge deposition phases.

During the visit in April 2010 the Operator submitted a letter dated 2nd March 2010 which stated that the sludge samples were tested and recorded on a daily, weekly, monthly and quarterly basis and were held in electronic and paper format, the results of which are available upon request. However further information needs to be submitted to meet the terms of this condition which asks for the submission of a scheme for the monitoring and recording of heavy metals, arsenic and other potential contaminants within the sludge deposition phases. The Operator should submit a methodology outlining how the contaminants are monitored and recorded within the sludge deposition phases/cells and how the information is recorded. Given the submitted Section 73 application (ref PA12/04692) the Mineral Planning Authority suggests that this condition be revisited at a time when a determination of the Section 73 application has been given.

In addition the Operator shall submit an inspection report relating to health and safety aspects of the tailings dam, carried out on their behalf by suitably qualified consulting engineers, to the MPA every two years commencing in January 2003 until the end of this permission unless otherwise agreed in writing with the MPA.

The Operator originally submitted Clemow Valley Tailings Dam Mines and Quarries (Tips) Regulations 1971 Inspection Report 2002 as letter dated 8th September 2003. The report was sent to Richard Hocking of Scorrier Soils Laboratory as letter dated 19th September 2003. It was agreed as letter dated 25th September 2002 that all further Inspection Reports would be submitted bi-annually to the Monitoring and Enforcement Team at Cornwall Council who would then forward the report to Richard Hocking. The Operator has now confirmed that they will submit quarterly Clemows Valley Tailing Dam Inspection Reports to the Mineral Planning Authority, carried out by Crofty Consultancy and that these will replace the original requirements of the ‘Clemow Valley Tailings Dam Mines and Quarries (Tips) Regulations 1971 Inspection Report 2002’. The Mineral Planning Authority will forward all future reports to Richard Hocking at Scorrier Soils Laboratory.
Condition Number and Description
Condition 27. Landscaping, Restoration and Aftercare

The Operator shall implement the progressive landscaping and restoration measures identified in Plan 3a) and Appendix 5 in accordance with the programme set out in Appendix 5 unless otherwise agreed in writing with the MPA. Starting from a date on or before January 2002, the Operator shall submit to the MPA at intervals of 12 months or such longer period as may be agreed with the MPA, an annual progress report outlining and evaluating the restoration work completed by that date, and, as necessary, making proposals for any amendments or adaptations in order to meet the objectives of the restoration scheme.

Notes Following Visit
Appendix 5 forms a separate document attached to this decision notice and a copy is appended to the back of this report. Although the management measures are outlined in an appendix separate to Condition 25 the terms of the appendix form part of this condition.

There have been a number of changes since the ROMP consent was issued in 2001 and some of restoration requirements identified in Appendix 5 are no longer appropriate and have not been implemented. For this reason in June 2012, the Operator submitted a Section 73 application (ref PA12/04692, validated 18th June 2012) to apply to vary the terms of Condition No's. 5, 16, 20, 25, 26, 27 and 31. The application has undergone a period of consultation and is currently under consideration, but in the meantime the Mineral Planning Authority acknowledges that whilst this condition is identified in breach, the resolution of this condition has been deferred until a decision has been made on the acceptability of the Section 73 application.

ACTION MINERAL PLANNING AUTHORITY
The Mineral Planning Authority should determine the acceptability of the Section 73 application ref PA12/04692

Submission of Annual Restoration Reports
There are no records on file of the submission of annual progress restoration reports as required in this condition. Given the submitted Section 73 application (ref PA12/04692) the Mineral Planning Authority suggests that this condition be revisited at a time when a determination of the Section 73 application has been given.
Requirements of Appendix 5
5.1. Requirement for additional surveys and detailed schemes and measures for health and safety and landscaping and restoration purposes:

a) The Operators shall carry out a detailed mine shaft audit (covering both geotechnical and contaminated land aspects) to confirm the location and condition of any mine workings. The findings, together with any proposals (including a timetable for implementation) to implement safety and stabilisation measures in the vicinity of the shafts shall be submitted to the MPA for approval within twelve months of this determination, for implementation within six months of the date of approval of the scheme. [See Appendix 4 and conditions 21 and 23]. There should not be any tree planting in the immediate areas around the coffin or any mine shafts. * The word shaft in this context includes any mine feature likely to affect the surface (adits, stopes etc).

Notes Following Visit
(a) A Shaft Audit and Mining Report was submitted as letter 14th February 2002. The Operator also submitted Mine Shaft Survey Reports dated 10th September 2008 and 14th December 2009 to update the health and safety aspects of the shafts on site. Since 2002 numerous measures have been implemented to improve the safety of the shafts but no shafts identified in the latest report were a potential hazard to people or required some level of safety works. There are no records to indicate that these schemes were approved. Given the submitted Section 73 application (ref PA12/04692) the Mineral Planning Authority suggests that this condition be revisited at a time when a determination of the Section 73 application has been given.

b) The Operators shall submit detailed proposals and a timetable for remediation and landscaping of the steep bank to the North of Lobby’s Yard and to the north of the tailings dam (to include, as appropriate, the infilling of the slope to the south of the bank, surface treatment and tree planting) before a date twelve months from this determination. This should be based upon the findings of a geotechnical assessment (and, as necessary, a survey of potential contaminants) of the stability of the banks which shall have been carried out by the Operators before that date. [Should part of the area have previously been the subject of an approved scheme by Carrick District Council, the relevant area shall fall outside the provisions of this scheme].

Notes Following Visit
a) An S106 agreement was issued by the former Carrick District Council as part of an application for change of use of mine buildings to office related purposes. The S106 agreement required landscaping measures to be implemented on the steep bank to the north of Lobby’s Yard and therefore supersedes the requirements of this condition. The S106 agreement has been monitored during this visit and is included in this report.

c) Further soil contamination testing shall be conducted by the Operator in Lobby’s Yard. Detailed proposals for the restoration of Lobby’s Yard, informed by the findings of the tests, shall be submitted to the MPA for approval, within six months of this determination. The scheme shall include proposals for profiling (as necessary), surface treatment, planting (to incorporate seeding of the flatter areas and tree planting of the peripheral slopes), measures to safeguard water quality in Clemow’s Stream and a timetable for implementation. Implementation shall subsequently be in accordance with the approved scheme.

Notes Following Visit
b) Lobby’s Yard was restored several years ago. A contamination report was submitted as letter dated 14th February 2002 however there is no record on file of the submission of a scheme outlining the profiles, surface treatments, planting and measures to safeguard water quality in Clemow’s Stream which were put in place. The Operator submitted a report detailing what restoration measures were implemented in Lobby’s Yard in April 2010. There are no record to indicate that these details were acceptable but given the submitted Section 73 application (ref PA12/04692) the Mineral Planning Authority suggests that this condition be revisited at a time when a determination of the Section 73 application has been given.
d) A survey of the extent of the acid rock drainage on each face of the dam and of levels on the dam wall benches shall be implemented to establish current drainage conditions. A detailed restoration scheme for the dam walls having regard to the following factors shall be submitted to the MPA within six months of this determination for approval and subsequent implementation:

- the findings of the survey
- the geotechnical and landscaping objectives of the closure plan, including maintaining suitable drainage, and lessening the visual impacts of the stark engineered appearance of the embankments, through appropriate surface treatment (such as the creation of gentle slopes by the deposition, profiling and planting of appropriate additional materials on the currently flat benches)
- the habitat management measures in Appendix 4 to retain an area of bare rock as a bryophyte habitat, and to encourage vegetation on the remaining areas

**Notes Following Visit**

d) This condition required a detailed restoration scheme for the dam walls to be submitted within six months of the date of this decision notice but there are no records of its submission. As letter dated 10th November 2009, the Operator submitted a written request to vary the terms of this condition so that single schemes could be submitted for individual embankments rather than one scheme for the whole dam. The Mineral Planning Authority agreed to this approach as letter dated 17th February 2010 on the basis that within 3 months of the date of the letter the Operator would submit details outlining the proposed sequence for the restoration of the remaining dam walls, including projected timescales for their implementation. In April 2010 the Operator submitted a report titled “Rehabilitation Sequence and Timescales.”

In 2009, the Mineral Planning Authority identified that reprofiling works had commenced on the downstream embankment (toe wall), although a scheme had not been submitted or approved for the works. Further to this, the Mineral Planning Authority received a complaint in October about the impact of the final profiles and the Operator was advised to cease the works until the profiling/landscaping proposals had been approved by the Mineral Planning Authority. During the visit in December 2009 a scheme was submitted for the downstream embankment which subsequently underwent a period of consultation. The details were considered insufficient and the Mineral Planning Authority requested further information. This was submitted as email dated 22nd July 2010. These drawings were subsequently found to be unacceptable and further revisions were requested. At this time, no further schemes in relation to this condition have been submitted and/or approved for the final profiling/landscaping of the downstream embankment walls or any of the other dam walls. However the Operator has since submitted a Section 73 application (ref PA12/04692, validated 18th June 2012) to apply to vary the terms of Condition No’s. 5, 16, 20, 25, 26, 27 and 31. The application includes details of final profiling and landscaping of all of the dam walls and if approved would supersede the requirements of this condition.

In the meantime the Operator has been advised to refrain from undertaking any further profiling works of the dam walls until such details have been approved either by a scheme required in this condition or via the Section 73 application. The Mineral Planning Authority has received a number of complaints since the last visit alleging commencement of profiling works on the downstream embankment. However when investigated further these works have been in relation to vegetation clearance operations which must be undertake for regular inspections of the dam walls and not the importation and reprofiling of the dam walls.

**ACTION OPERATOR**
The Operator should not undertake any further profiling works of the dam walls until details of the final profiles and landscaping have been approved either by a scheme required in this condition or via the Section 73 application.
Photographs above showing the downstream embankment
5.2 Other requirements for detailed schemes and phased landscaping, reclamation and restoration measures:

(a) Following compliance with any requirements of condition 22 in relation to these structures, the overland conveyor and associated structures shall be dismantled and removed (with the exception of the crusher house which may be retained for the purpose of storing any plant and machinery, if required for a longer period during the period of dismantling and clearance of other structures at the mineral site on the written agreement of the MPA) and the land reinstated to a smooth and even surface for heathland regeneration within twenty four months of the date of determination. Heathland creation and management measures shall be implemented in accordance with a scheme to be submitted to the MPA for approval within six months of this determination. [Advisory Note: Removal work should be completed at the earliest possible opportunity but the MPA may agree to extending the period for retaining the crusher house if this facilitates the early removal of the Concentrator and Mill Buildings or restoration of other prominent parts of the site].

Notes Following Visit
(a) As letters dated the 1 September 2002 and 3 August 2006 the Operator confirmed that the conveyor and stubs had been dismantled and removed respectively. The second aspect of this condition is no longer applicable as the restoration requirement of this area has now been superseded by decision notice PA10/03993 dated 21st June 2010 approving the development of a Solar Photovoltaic Farm on the site of the former mill and the associated infrastructure. The land lies to the north of the access road and is no longer operated by Wheal Jane.

(b) Following compliance with any requirements of condition 22 in relation to these structures, the Baldhu Office and adjacent Car Park shall be removed and the land re-instated within one year of this determination, in accordance with a detailed restoration scheme to be submitted to the MPA for approval within six months of this determination. [The details should be integral to the scheme submitted under paragraph f) below]. [Advisory Note: In the event of a grant of permission for retention and change of use of these structures, this condition shall be superseded by that change of use].

Notes Following Visit
b) This condition is no longer applicable following the approval of decision notice NR/10/00064/MIN dated 4th October 2010 which approved the permanent retention. Further to this permission PA11/07916 to allow for alterations and an extension to the existing office building has since been approved on 13th February 2012.

(c) Following compliance with any requirements of condition 22 in relation to these structures, the Mill and Concentrator Buildings and other identified buildings in the Beechers Shaft area (including all footings which cannot be buried at least 750mm below the soil level) shall be removed and the land reinstated to a smooth and even surface for heathland regeneration within three years of this determination (unless the applicant can demonstrate to the MPA that the building is required to accommodate plant and machinery still being offered for sale, in which event the period will be extended on the written agreement of the MPA by a further two years). Heathland creation and management measures shall be implemented in accordance with scheme to be submitted to the MPA for approval within six months of this determination.[Advisory Note: It is acknowledged that the period of removal of the Concentrator and Mill Buildings operations is likely to be governed by commercial factors. Removal work should be completed at the earliest possible opportunity].

Notes Following Visit
c) The mill, concentrator buildings and other buildings in Beechers Shaft area were removed in 2007. The second aspect of this condition is no longer applicable as the restoration requirement of this area has now been superseded by decision notice PA10/03993 dated 21st June 2010 approving the development of a Solar Photovoltaic Farm on the site of the former mill and the associated infrastructure.
(d) Following compliance with any requirements of condition 22 in relation to these structures, the
other buildings and structures identified in Plan3a), shall be removed from the site, within a period
of six months from the date when they are no longer required for operational purposes in
connection with the approved operations, or within a period of two years of this determination,
whichever shall be the greater period, and the land re-instated to a standard compatible with the
surrounding area. [Advisory Note: In the event of a grant of permission for retention and change of
use of any of these buildings or structures, the requirements of this condition shall be superseded
for the relevant building or structure].

Notes Following Visit
d) All other buildings remain in use. Although it is understood that as this aspect forms part of
condition 27 it may be included in the forthcoming Section 73 application.

e) Within twenty four months the main site access road shall be renovated (starting with the
junction to the public highway), re-instating and installing kerbstones, as necessary, making good
the surface and drainage. (See Appendix 2 which illustrates the approved specification and
alignment for the road). Thereafter, the road shall be maintained in accordance with the
requirements of conditions 7 and 8).

Notes Following Visit
e) The surfacing of the site access was in good condition and free of pot holes at the time of the
visit. The site access road was re-kerbed and re-surfaced from the highway to the weighbridge in
2005, although it is understood that as this aspect forms part of condition 27 it may be included in
the forthcoming Section 73 application.

f) Trees, shrubs and grass shall be planted in the areas identified in Plan 3a) in accordance with a
detailed scheme to be submitted to the MPA for approval within six months of this determination.
[The details shall include planting treatment, species, mix, densities/ spacing and a timetable for
implementation, and aftercare measures, and may generally follow the approach outlined in Part 2
of the applicants’ submission under the Environment Act 1995. However, native tree species of
local provenance, or (where required, as a nurse crop) species of pine (p. pinaster, radiata or
sylvestris which are common pioneer species on old mine sites in Cornwall) are recommended].

Notes Following Visit
f) Trees were planted on the screening bank south of the Environment Agency’s treatment plant
during the early part of 2010 although the planting was not in accordance with an approved planting
scheme. Many of the trees failed and it was agreed that the most practical approach would be to
replant the area in accordance with an approved scheme. An approved planting scheme is
identified in Clause 6.2 in the Section 106 Agreement dated 4th October 2002 and the Mineral
Planning Authority advised the Operator to undertake the tree planting in accordance with this
scheme. Further tree planting was undertaken in 2011 and details of the tree planting are included
in the Section 73 application (ref PA12/04692, validated 18th June 2012) which has been submitted
and is pending determination.

g) Ongoing reclamation of the surface of the tailings dam shall take place in accordance with the
principles illustrated in Figures 3, 4 and 5 in Part 2 of the applicants’ submission under the
Environment Act 1995. Within 6 months of the date of determination, the Operators shall submit to
the MPA for approval a detailed scheme and timetable for implementation for the reclamation and
landscaping of the peripheral area of the tailings dam surface between the outer limit of cell
construction and the embankment walls, and for interim profiling and treatment of the steep face
between the plant area and the tailings dam surface.

Notes Following Visit
There is no record on file of the submission of the scheme. Through discussions with the Operator
it has become apparent that the requirements of this condition are unachievable at this time as the
internal roadway around the periphery of the dam will be in use until the final restoration has been
completed. The Mineral Planning Authority has agreed that the requirements of this part of the
condition can be reviewed as part of the next Review of Mineral Planning Permissions (ROMPs)
review, or prior to that via the ‘Section 73’ application.
**Condition Number and Description**
Condition 28. Landscaping, Restoration and Aftercare

Any trees, shrubs and hedgerows planted in accordance with the approved landscaping and months of the restoration scheme shall be maintained free of weed growth within 0.5 metres of the base and any such plants (or seeding or turfs) which die within 5 years of planting, or which become seriously damaged or diseased shall be replaced in the next planting season unless otherwise agreed in writing with the MPA.

**Notes Following Visit**
Hawthorn has been planted along the bund surrounding the area known as the Coffin. During the summer of 2010 some maintenance occurred on the sides of the bund which should be continued during the summer 2012. In addition a small area of trees has been planted behind the stores on the north side of the road to provide extra visual screening. Maintenance provisions should also be implemented in this area during Spring/Summer 2012.

**Condition Number and Description**
Condition 29. Landscaping, Restoration and Aftercare

There shall be no importation of waste or materials for recycling to the site without the granting of further planning permission. Inert and construction waste and soils may be imported to the site only:

a) in connection with cell construction and capping on the tailings dam, or embankment construction; or

b) in accordance with the approved landscaping or restoration scheme.

**Notes Following Visit**
There is no importation of waste materials to the site for recycling.

**Condition Number and Description**
Condition 30. Landscaping, Restoration and Aftercare

On completion of minewater sludge deposition activities, the site shall be restored to amenity use. All available topsoil and subsoil, not being retained for in situ restoration shall be stripped and handled separately whilst in a dry condition and either:

a) stockpiled in the areas identified on Plan 3a) for later use in restoration in accordance with the approved restoration and habitat management measures; or

b) transferred directly to areas prepared for surface treatment in accordance with an approved landscaping/restoration scheme.

**Notes Following Visit**
No soils have been disturbed on site.

**Condition Number and Description**
Condition 31. Landscaping, Restoration and Aftercare

On completion of minewater sludge deposition activities, the site shall be restored to amenity use (having regard to nature conservation interests), in accordance with the principles of Plan 3a (which incorporates the principles of the Figures 5 and 6 and the results of the habitat survey, and the pursuant schemes required in Appendix 5) and in accordance with a final restoration and aftercare scheme to be submitted to the MPA for approval prior to the completion of deposition operations on the tailings dam.

**Notes Following Visit**
Minewater sludge deposition activities continue and the final restoration and aftercare scheme has not been submitted. Final restoration proposals are included in the Section 73 application (ref PA12/04692, validated 18th June 2012) which has been submitted and is pending determination.
In the event of a cessation of winning and working of minerals prior to the completion of the approved working scheme, which in the opinion of the MPA constitutes a permanent cessation within the terms of Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for approval to the MPA, within 12 months of the cessation of winning and working. The approved revised scheme shall be fully implemented within 2 years of the written approval unless otherwise agreed in writing with the MPA.

Notes Following Visit
The site is still in use and this condition is non applicable at this time
3. Compliance with Planning Conditions
98/00004/MIN - CC13/1521/98/N [CK3.2(3)] dated 6th May 1999 - Proposed use of land for retention/erection of plant, buildings and equipment for the treatment of mine water by removal of heavy metals, together with continued use of existing vehicular access to the site  
(Applicable to Veolia Water Industrial Outsourcing Limited– Treatment Plant)

**Condition Number and Description**
Condition 1. Commencement

The development hereby permitted shall be begun not later than the expiration of five years from the date of this notice.

**Notes Following Visit**
Construction of the treatment plant commenced in 2000 as identified in a previous fees visit dated the 6th February 2007.

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**Condition Number and Description**
Condition 2. Definition of Development

This planning permission relates solely to the site edged red on Drawing No. 11139-285-1004/P2 and the development hereby permitted shall only be carried out in accordance with the details submitted in the planning application dated 15 October 1998, supporting statement and plans Drawing Nos. 11139-285-1004/P2; 11139-285-1000/P2; 11139-285-1001/P2; WJ/L2; WJ/L3; WJ/L4; except as may be modified by the accompanying conditions, or unless otherwise agreed in writing with the Mineral Planning Authority (MPA). This permission relates solely to the treatment of minewater arising from Wheal Jane Mine.

**Notes Following Visit**
An amended Site Plan and Elevation Drawing C1762/1-05D) was submitted to the Mineral Planning Authority as letter dated 14th July 2000. The plan detailed minor adjustment to the locations of the diesel storage tank, standby generator, transformer and the route of pipework from the existing stores to an area east of the sludge storage tank. Although there is no record on file that these changes were considered acceptable, given the timescale since the amended plan was submitted it would not be considered expedient to pursue this any further.

The Operator should note that the site layout should accord the above mentioned plans but this condition provides some flexibility and allows for the Operator to seek approval for minor changes by evoking the ‘unless otherwise agreed in writing with the Mineral Planning Authority’ aspect of this condition should hey need to do so.

Photographs overleaf show the treatment plant:
Photographs showing the Treatment Plant

**Condition Number and Description**  
Condition 3. Prior to commencement

Except as may otherwise be agreed with the MPA, no new development shall take place on the site, until the Operators have submitted to and had approved by the MPA, plans detailing the final plant/machinery layouts, surface finishes and construction details.

**Notes Following Visit**  
Details were submitted as letter dated the 8th February 2000 and approved as letter dated the 12th May 2000.

**Condition Number and Description**  
Condition 4. Prior to commencement

Except as may otherwise be agreed with the MPA, no new development shall take place on the site until the applicants have submitted to and had approved by the MPA, a scheme for perimeter screening of the application area. The scheme shall detail the position and nature of screening, height, surface finishes and planting.

**Notes Following Visit**  
Details were submitted as letter dated the 8th February 2000 and approved as letter dated the 12th May 2000.

Photographs above showing the fencing
**Condition Number and Description**
Condition 5. Prior to commencement

Except as may otherwise be agreed with the MPA, no new development shall take place on the site until the applicants have submitted to and had approved by the MPA, a Code of Practice concerning access and highway matters to include circumstances and measures for liaison between the MPA, County Surveyor and local and adjoining local members (namely Councillors representing Feock and Kea: Mylor and Kenwyn electoral divisions). The Code of Practice shall include details of lorry routeing, signage and the method of implementation.

**Notes Following Visit**
Details were submitted as letter dated the 8th February 2000 and approved as letter dated the 12th May 2000.

**Condition Number and Description**
Condition 6. Hours of Working

Except as may otherwise be agreed with the MPA, there shall be no lorry movements associated with the operation of the site (i.e. delivery of reagents, removal of sludge) nor any operation of the press in the sludge building except between the following times:-

- between 8.00 am and 6.00 pm Mondays to Fridays
- between 8.00 am and 1.00 pm on Saturdays

There shall be no such activities on Sundays, Bank Holidays or National Holidays.

**Notes Following Visit**
Due to the nature of the operations at the site the plant requires twenty-four hour maintenance. However the hours restricted in this condition only refer to lorry movements and deliveries and the operation of the press in the sludge building. The Mineral Planning Authority has not received any complaints regarding the hours of operation.

**Condition Number and Description**
Condition 7. Noise (General)

No plant, machinery or vehicles shall be operated on the site unless fitted with silencers maintained in accordance with the manufacturers recommendations and specifications.

**Notes Following Visit**
The Mineral Planning Authority has not received any noise complaints.

**Condition Number and Description**
Condition 8. Noise (Specific)

Except as may otherwise be agreed with the MPA the noise level arising from the approved minewater treatment works shall not exceed the following:-

- a level of 50dB(A) Leq (1 hour) between 8.00 am and 6.00 pm Monday to Friday and between 8.00 am and 1.00 pm on Saturdays;
- a level of 35dB(A) Leq (5 mins) at any other time.

The abovementioned levels to be measured free field at any occupied dwelling. The Operators shall undertake monitoring to show compliance with this condition at the request of the MPA.

**Notes Following Visit**
The Mineral Planning Authority has not received any complaints regarding noise. The Operator confirmed a noise survey was undertaken at the site in March 2002. The survey details are retained on site.
Condition Number and Description
Condition 9. Amenity Protection (General)

All practicable means shall be employed by the Operators for preventing or minimising the emission of dust, smoke and fumes and the creation of noise during the approved use of the site. The word "practicable" and the phrase "practicable means" in these conditions shall have the meanings assigned to them in Section 79(9) of the Environmental Protection Act 1990. The provisions of this condition shall include the installation and the maintenance of effective silencers on all plant and machinery and these shall be maintained in accordance with the manufacturers specification at all times.

Notes Following Visit
The Mineral Planning Authority has not received any dust, smoke, fumes noise or vibration complaints. A dust survey was completed in October 2001 and the details are retained on site.

Condition Number and Description
Condition 10. Amenity Protection (General)

There shall be no burning of materials on site.

Notes Following Visit
There was no evidence of burning at the site.

Condition Number and Description
Condition 11. Water Protection

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls in accordance with details to be agreed with the MPA in consultation with the Environment Agency. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. The bunded area shall be sealed on the inside and maintained free of water.

Notes Following Visit
Large areas of the plant are contained within bunded areas and the oils and fuels were stored on impervious bases within integral bunded tanks. Chemicals were stored within a chemical cabinet. No drips or spillages around the tanks were identified at the time of the visit.

Photograph showing the fuel storage facilities

Condition Number and Description
Condition 12. Access

Unless otherwise agreed with the MPA the sole access to and from the site for lorries associated with the development shall be by the route coloured solid green on Drawing No. 11139-285-1004/P2 (i.e. that route enclosed within the red outlined application area on the same drawing).

Notes Following Visit
The access to the site remains as the approved route on the approved plan.
**Condition Number and Description**

**Condition 13. Access**

Best practicable means shall be taken at all times to ensure that all vehicles leaving the site are in a condition such as not to emit dust or deposit mud, slurry or other debris on the public highway. In particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of operations and thereafter maintained and employed at all times during the operation of the site for cleaning the wheels of lorries leaving the site.

**Notes Following Visit**

The Mineral Planning Authority has not received any complaints regarding the condition of the public highway. A wheal cleaning pit is available to use near the main site entrance and a further wheel wash pit is located in the Wheal Jane yard.

Vehicles accessing and leaving the site via the public highway are usually limited to staff vehicles and deliveries of chemicals/substances for the treatment process which are considered unlikely to result in the transfer of materials onto the highway.

**Condition Number and Description**

**Condition 14. Floodlighting**

Any fixed lighting shall be screened or positioned in order to avoid glare or annoyance to local residents or users of the local public highway network.

**Notes Following Visit**

Lighting details were submitted as letter dated the 24th August 2000. There are no requirements for approval of these details but the information remains on file. The Mineral Planning Authority has not received any complaints regarding lighting.

**Condition Number and Description**

**Condition 15. Sludge Disposal**

The development hereby approved shall not be brought into use until such time as provision has been made in a manner to be approved in writing with the MPA for the disposal of sludge. If disposal of sludge takes place within the Clemow's Valley Tailing Dam, the Operators shall provide details of how disposal shall be integrated with the long term management of the facility.

**Notes Following Visit**

Details were submitted by letter as dated 11th July 2000. The MPA requested the submission of further details as letter dated the 2nd August 2000. These details were submitted as letter dated the 17th August 2000 and approved as letter dated the 11th September 2000.

**Condition Number and Description**

**Condition 16. Restoration/Aftercare**

As such time as the buildings/structures are no longer used for the purposes hereby approved, unless otherwise agreed with the MPA, all plant, machinery, buildings, fencing, hardstandings, access roads and other associated development on the site shall be removed and the land restored in accordance with details to be agreed.

**Notes Following Visit**

There were no redundant buildings or structures on site.
3. Compliance with Planning Conditions
PA10/08280 Proposed infill extension to create additional laboratory floor area approved 4th May 2011.

**Condition Number and Description**

**Condition 1**

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Notes Following Visit**

The extension had been built at the time of the visit as per the photograph below.

![Photograph showing the new laboratory infill](image)

**Condition Number and Description**

**Condition 2**

The development hereby permitted shall be carried out in accordance with the details in the submitted application and the following drawings:

- Drawing No 2654 02 In-fill Extension Location and Site Plans
- Drawing No 2654 01 In-Fill Extension: Existing and Proposed Plans and Elevations

**Notes Following Visit**

The development was in accordance with the approved plans.
3. Compliance with Planning Conditions
PA11/01371 Application to extend the time limit on planning permission reference
PA13/0483/08/B for proposed new office space and upgrading of some existing space
Approved 12th April 2011.

Permission was not implemented at the time of the visit.
3. Compliance with Planning Conditions

PA13/2204/06/B dated 3rd January 2007 – Revised external wall finish from light blue profiled steel as approved in PA13/1863/04/B 05/11/06 to blue cement render

Unconditional permission
3. Compliance with Planning Conditions  
PA13/1863/04/B dated 5th November 2004 – Erection of first floor office infill extension above former mine changing rooms

**Condition Number and Description**  
**Condition 1.**

The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

**Notes Following Visit**
Development implemented within approved timescale.

![Photographs showing first floor extension](image)

**Condition Number and Description**  
**Condition 2**

The retained buildings shall be used for office purposes as defined by the Town and Country Planning Use Classes Order 1987 in Class B1, and administrative and marketing purposes associated with the former mining activities of the Wheal Jane Site including the packing and dispatch of tin jewellery and mine related merchandise.

**Notes Following Visit**
The retained buildings remained used for the approved purposes.

**Condition Number and Description**  
**Condition 3.**

The parking of vehicles of all occupiers of, and visitors to the extension hereby approved shall at all times take place within the existing car park as hatched blue on the approved site plan and nowhere else within the Wheal Jane complex.

**Notes Following Visit**
Cars were parked within approved parking areas.
3. Compliance with Planning Conditions
02/00008/MIN - Decision Notice PA13/0095/99/N dated 29th March 2002- Mine offices
(Retention and use of redundant mining buildings for general office purposes. This
permission operates in conjunction with an Agreement under Section 106 dated 4th
October 2002.

**Condition Number and Description**

Condition 1.

The retained buildings shall be used for office purposes as defined by the Town and Country
Planning Use Classes Order 1987 in Class B1, and administrative and marketing purposes
associated with the former mining activities of the Wheal Jane Site including the packing and
dispatch of tin jewellery and mine related merchandise.

**Notes Following Visit**
The retained buildings remained used for the approved purposes.
3. Compliance with Planning Conditions
02/00009/MIN - Decision Notice PA13/0093/99/N dated 29th March 2002

Mine Office (Retain vacant mine workshops for general industrial purposes and change of use of mine changing rooms to provide industrial accommodation). This permission operates in conjunction with an Agreement under Section 106 dated 4th October 2002.

**Condition Number and Description**

**Condition 1**

The retained buildings shall be used for office purposes as defined by the Town and Country Planning Use Classes Order 1987 in Class B1, and administrative and marketing purposes associated with the former mining activities of the Wheal Jane Site including the packing and dispatch of tin jewellery and mine related merchandise.

**Notes Following Visit**
The retained buildings remained used for the approved purposes.
4. Legal Agreements


**Condition Number and Description**

**Condition 6.1**

To retain the car parking area on that part of the Land shown coloured green on Plan 2 annexed for the use by the Owner the Owners tenants and occupiers for the time being of the offices and workshops situate on the south side of the said car park on that part of the Land shown edged and hatched pink on Plan No 2 and not to permit or allow such tenants and occupiers as aforesaid to park on any other part of the Land.

**Notes Following Visit**

The offices north side car park and south side car park are retained on site. Cars were parked within the approved parking areas.

Photograph showing car parking areas at the site
**Condition Number and Description**

**Condition 6.2**

To carry out and thereafter to maintain the landscaping works on that part of the Land shown edged pink on and in strict accordance with the landscaping scheme specified on Plan No 2, the first phase of the works to be commenced and completed within six months of the date of this Agreement and each subsequent phase being commenced and completed in the respective six months subsequent thereto with the intent that the whole of the aforesaid landscape works shall be completed within two years of the date hereof.

**Notes Following Visit**

Trees were planted on the screening bank south of the Environment Agency’s treatment plant during the early part of 2010 although the planting was not in accordance with an approved planting scheme. Many of the trees failed and it was agreed that the most practical approach would be to replant the area in accordance with Plan 2 identified in this condition. Further tree planting was undertaken in 2011 and details of the tree planting are included in the Section 73 application (ref PA12/04692, validated 18th June 2012) which has been submitted and is pending determination.

![Photograph showing the tree planting on Lobby’s Yard](image-url)
5. Comments
None

6. Noise Monitoring Results
None

7. Blast Monitoring Results
None

8. Dust Monitoring Results
None

9. Other Matters
None

10. Issues to be Addressed

<table>
<thead>
<tr>
<th>Issues to be addressed by MPA</th>
<th>Designated Officer Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>NR/00/00002/ROMPS - CC13/1055/00/N [CK3.Env (4)] Approved on 30/04/2001</td>
<td>Ellis Crompton Brown 01872 504453 <a href="mailto:ecrompton@cornwall.gov.uk">ecrompton@cornwall.gov.uk</a></td>
</tr>
<tr>
<td>Condition 5, 16, 25, 26, 27, 31</td>
<td>The Mineral Planning Authority should determine the acceptability of the Section 73 application ref PA12/04692.</td>
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<tr>
<th>Issues to be addressed by Operator (Wheal Jane)</th>
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<tbody>
<tr>
<td>NR/00/00002/ROMPS - CC13/1055/00/N [CK3.Env (4)] Approved on 30/04/2001</td>
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<tr>
<td>Condition 25 (a) Heathland: Existing Areas (H1, H2, H3, H4)</td>
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<td>Condition 25(d) Mineshafts (MS1, MS2 and MS3)</td>
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<td>Condition 25(g) Control of Noxious Weeds</td>
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<td>Condition 27, 5.1 (d)</td>
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11. Summary

Wheal Jane is located near Baldhu near Truro and is the site of a former mining operation. Following the closure of the Wheal Jane Mine in 1991, mine water pumping ceased, and the mine flooded. A tunnel collapse in January 1992 subsequently polluted the Carnon River and Fal Estuary with acid mine water containing heavy metals. The Environment Agency was responsible for treating the contaminated mine water at Wheal Jane and in 2000 constructed a permanent mine water treatment facility at the Wheal Jane complex as covered by Decision Notice CC13/1521/98/N [CK3.2(3)] dated 6th May 1999. The Treatment Plant is now managed by Veolia Water Industrial Outsourcing Limited.

The treatment plant removes the heavy metals from the mine water and the sludge is deposited on the existing tailings dam. The ROMP CC13/1055/00/N[CK3.Env(4)] dated the 30th April 2001 permitted the continued deposition of mineral waste (in the form of sludge from the mine water treatment plant) as well as providing long term restoration requirements. A review of the existing ROMP permission is due in 2016.

Since this date a number of permissions have been granted for developments related to the retention and change of use of buildings to office accommodation and industrial workshops and renewable energy developments.

The main issues arising from the site visits relate to operational changes which have taken place since the ROMP was issued in 2001. This as well as changes to the approved restoration and landscaping measures have meant that some of the conditions attached to the approved decision notice are no longer appropriate. For this reason the Operator submitted a Section 73 application (ref PA12/04692, validated 18th June 2012) to apply to vary Condition No's. 5, 16, 20, 25, 26, 27 and 31 of the ROMP consent. The acceptability of this application is currently being considered by the Mineral Planning Authority.

In the meantime, the Mineral Planning Authority acknowledges that whilst the terms of these conditions have not been met and they have been identified in breach, the resolution of these issues has been deferred until a decision has been made on the acceptability of the Section 73 application.
Appendix 4
Wheat Jane Mine: Habitat Management Measures (See Plan 3a for specific locations)

This appendix has been drafted by the MPA to introduce key recommendations of the applicants habitat survey. See also condition 24 relating to the retention of “the Coffin”.

a) Heathland

Existing Areas (H1, H2, H3, H4)

1. There shall be no stockpiling of soils or inert materials, or any other operations which might cause disturbance to the existing heathland areas (other than the management measures specified below) unless mitigation measures have been submitted to and approved by the MPA.

2. There should be no tree planting within the established heathland areas H1, H2 and H4.

3. Heathland vegetation/soils from area H3 shall be used as materials for heathland restoration to the north of the main site access road in accordance with the scheme in Appendix 5.2.a.

4. The operator should carry out a programme of removal of invasive scrub, as necessary, on an annual basis.

Potential future areas

1. Bracken should be cleared as necessary within skeletal soil area S1 to encourage heathland growth. [NB The existing long term restoration material stockpiles are excluded from area S1 as there will be an ongoing need to remove materials for tailings dam capping and other restoration purposes].

2. All available skeletal soils from S2 shall be used for restoration purposes elsewhere on the site prior to any repprofiling and planting.

3. Future heathland areas regenerating naturally, or consequent to the restoration scheme, should be kept clear of invasive scrub, using recognised methods, as necessary, on an annual basis.

b) Unimproved grassland sward (The field)

1. The field shall be retained as an unimproved grassland sward (and not planted as was proposed in the original restoration submission). Bracken should be cleared as necessary, on an annual basis, from the stone hedge to the north of the field and from the field itself to encourage mosses, lichens and invertebrates, and to maintain an unimproved grass sward.

c) The tailings dam

1. An area of bare rock shall be retained along the lower tiers of the south western dam wall (the toe wall) to encourage bryophyte growth. [The exact area to be retained should be determined by engineering requirements. See Appendix 5.1.d].

2. The western dam wall should be soiled to encourage vegetation growth. [See Appendix 5.1.d].

Dated the 30th day of April 2001

David Pollard
County Hall, Truro
Planning Director (The Officer appointed for this purpose)
d) Mineshafts (MS1, MS2 and MS3).
   1. These should not be capped or otherwise closed unless a full underground bat
      survey is completed and measures installed to allow free movement of bats, as
      necessary. [Fencing or creation of Cornish Hedges are the preferred safety
      improvement methods, should improvements be required. See Appendix 5].

   2. Bracken clearance and/or controlled burning should be carried out as necessary
      on an annual basis following clearance of any tipped debris to encourage the
      colonisation of heathland species.

e) Existing woodlands (W1, W2, W3)
   1. Some deadwood should be retained to provide a habitat for invertebrates.
   2. A small amount of tree thinning should be carried out (amongst the Sitka Spruce)
      in W1 and W2 to encourage the development of a more diverse ground flora.
      [However, this should not compromise the visual screen created by W1 when the
      site is viewed from the road].

f) Solitary Mining Bee Habitat
   1. This bare, cliff-like sandy substrate should not be disturbed.

g) Control of Noxious Weeds
   1. During the operation of the site and the aftercare period noxious weeds, in
      particular Japanese Knotweed shall not be allowed to colonise the site.
      Recognised control measures shall be implemented as soon as practicable
      following infestation and shall continue until clearance has been achieved.

Dated the 30th day of April 2001

[Signature]

County Hall, Truro
Planning Director
(The Officer appointed for this purpose)
Appendix 5

Wheat Jane Mine: Phased reclamation, landscaping and restoration works
(See Plan 3a for locations of specific measures)

This appendix has been drafted by the MPA to incorporate additional requirements for the submission of further detailed schemes, appropriate timescales for restoration and additional demolition/reinstatement provisions to those put forward by the applicants.

1. Requirement for additional surveys and detailed schemes and measures for health and safety and landscaping and restoration purposes:

a) The operators shall carry out a detailed mine shaft audit (covering both geotechnical and contaminated land aspects) to confirm the location and condition of any mine workings. The findings, together with any proposals (including a timetable for implementation) to implement safety and stabilisation measures in the vicinity of the shafts shall be submitted to the MPA for approval within twelve months of this determination, for implementation within six months of the date of approval of the scheme. [See Appendix 4 and conditions 21 and 23]. There should not be any tree planting in the immediate areas around the coffin or any mine shafts.

* The word shaft in this context includes any mine feature likely to affect the surface (adits, stopes etc).

b) The operators shall submit detailed proposals and a timetable for remediation and landscaping of the steep bank to the North of Lobby’s Yard and to the north of the tailings dam (to include, as appropriate, the infilling of the slope to the south of the bank, surface treatment and tree planting) before a date twelve months from this determination. This should be based upon the findings of a geotechnical assessment (and, as necessary, a survey of potential contaminants) of the stability of the banks which shall have been carried out by the operators before that date. [Should part of the area have previously been the subject of an approved scheme by Carrick District Council, the relevant area shall fall outside the provisions of this scheme].

c) Further soil contamination testing shall be conducted by the operator in Lobby’s Yard. Detailed proposals for the restoration of Lobby’s Yard, informed by the findings of the tests, shall be submitted to the MPA for approval, within six months of this determination. The scheme shall include proposals for profiling (as necessary), surface treatment, planting (to incorporate seeding of the flatter areas and tree planting of the peripheral slopes), measures to safeguard water quality in Clemow’s Stream and a timetable for implementation. Implementation shall subsequently be in accordance with the approved scheme.

Dated the 30th day of April 2001
d) A survey of the extent of the acid rock drainage on each face of the dam and of levels on the dam wall benches shall be implemented to establish current drainage conditions. A detailed restoration scheme for the dam walls having regard to the following factors shall be submitted to the MPA within six months of this determination for approval and subsequent implementation:

- the findings of the survey
- the geotechnical and landscaping objectives of the closure plan, including maintaining suitable drainage, and lessening the visual impacts of the stark engineered appearance of the embankments, through appropriate surface treatment (such as the creation of gentle slopes by the deposition, profiling and planting of appropriate additional materials on the currently flat benches)
- the habitat management measures in Appendix 4 to retain an area of bare rock as a bryophyte habitat, and to encourage vegetation on the remaining areas

2. Other requirements for detailed schemes and phased landscaping, reclamation and restoration measures:

a) Following compliance with any requirements of condition 22 in relation to these structures, the overland conveyor and associated structures shall be dismantled and removed (with the exception of the crusher house which may be retained for the purpose of storing any plant and machinery, if required for a longer period during the period of dismantling and clearance of other structures at the mineral site on the written agreement of the MPA) and the land reinstated to a smooth and even surface for heathland regeneration within twenty four months of the date of determination. Heathland creation and management measures shall be implemented in accordance with a scheme to be submitted to the MPA for approval within six months of this determination.

[Advisory Note: Removal work should be completed at the earliest possible opportunity but the MPA may agree to extending the period for retaining the crusher house if this facilitates the early removal of the Concentrator and Mill Buildings or restoration of other prominent parts of the site].

b) Following compliance with any requirements of condition 22 in relation to these structures, the Baldhu Office and adjacent Car Park shall be removed and the land re-instated within one year of this determination, in accordance with a detailed restoration scheme to be submitted to the MPA for approval within six months of this determination. [The details should be integral to the scheme submitted under paragraph i) below].

[Advisory Note: In the event of a grant of permission for retention and change of use of these structures, this condition shall be superseded by that change of use].

Dated the 30th day of April 2001

David Pollard
County Hall, Planning Director
Truro (The Officer appointed for this purpose)
g) Ongoing reclamation of the surface of the tailings dam shall take place in accordance with the principles illustrated in Figures 3, 4 and 5 in Part 2 of the applicants' submission under the Environment Act 1995. Within 6 months of the date of determination, the operators shall submit to the MPA for approval a detailed scheme and timetable for implementation for the reclamation and landscaping of the peripheral area of the tailings dam surface between the outer limit of cell construction and the embankment walls, and for interim profiling and treatment of the steep face between the plant area and the tailings dam surface.

Dated the 30th day of April 2001

[Signature]

David Pollard

County Hall, Planning Director
Truro
(The Officer appointed for this purpose)