



REPORT OF GROUP MANAGER PLANNING

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/11/01826/CMA

PROPOSAL: AMENDMENT AND EXTENSION OF SPOIL DISPOSAL SCHEME

LOCATION: THORESBY COLLIERY, EDWINSTOWE

APPLICANT: UK COAL MINING LIMITED

Purpose of Report

1. To consider a planning application for the amendment and extension of the colliery spoil disposal scheme at Thoresby Colliery, Edwinstowe. The key issues relate to visual impacts, potential effects on existing nature conservation including habitats and protected species within the application site and adjoining areas, surface and groundwater resources and noise. The recommendation is to grant planning permission, subject to the planning conditions set out at Appendix 1.

The Site and Surroundings

2. The proposed site comprises the existing colliery spoil disposal area and colliery pithead at Thoresby Colliery, situated between the villages of Edwinstowe to the south-west and Ollerton/New Ollerton to the east. The application site is contained by the A616 Worksop Road to the north, the B6034 Swinecote Road to the west and the A6075 Ollerton Road, beyond agricultural fields, to the south. The village of Edwinstowe is situated approximately 0.4km south of the permitted spoil disposal scheme boundary and the village of Ollerton approximately 1.5km to the east (see Plan 1).
3. The dominating characteristic of the local area is the large tract of continuous, mature woodland cover extending north and west of the site from Bilhaugh to Birklands. This area of woodland contains numerous sites of significant ecological value including a Special Area of Conservation (SAC) at Birklands and Bilhaugh to the north, Sites of Special Scientific Interest (SSSI) at Birklands West and Ollerton Corner and Birklands and Bilhaugh to the immediate north and west of the existing spoil disposal scheme and Sherwood Forest National Nature Reserve (NNR) to the west beyond Swinecote Road.
4. Parts of former restored spoil disposal areas to the immediate east and south-east of the colliery, at Cockglode and Rotary Wood and Sherwood Heath, have

been designated as Local Nature Reserves (LNR). Tracts of mature deciduous woodland bounding the site to the west and north are identified as a combination of ancient woodland and ancient replanted woodland.

5. Taken as a whole, including the permitted site and previously restored areas outside the permitted site, the total colliery spoil disposal area footprint at Thoresby extends to 106.5ha. The current permitted site extends to approximately 69.7ha including active and restored areas. The active spoil disposal area is located immediately north and north-west of the colliery pithead (see Plan 2). A haul road runs between the pithead area and the disposal site via a large coal stocking area. Fines are disposed of in the form of tailings in lagoons, which are constructed from dry colliery spoil. Once full, a lagoon has to be left to dry out before being capped with dry colliery spoil to allow final tip restoration.
6. Former tipping areas to the east of the active disposal site have since been restored to a mix of woodland and grassland afteruses. Parts of these areas have since been designated as a LNR.
7. The pithead area is contained to the north and west by the permitted disposal scheme and to the east and south-east by restored former disposal areas. To the south the pithead is bounded by the main coal stocking site with open, arable agricultural land extending further south to the A6075 Ollerton Road. The southern coal stocking site is enclosed by a large bund which screens views from the south.
8. A number of open areas surround the pithead buildings including the main staff car park to the north-west, the large coal stocking area to the north and the stores compound to the east.
9. The site is underlain by the Sherwood Sandstone formation and associated aquifer.

Planning History

10. Spoil from the colliery is currently being disposed of on-site in accordance with planning permission reference 3/97/0182 dated 8 May 1997 as granted by Nottinghamshire County Council (NCC) and Schedule of Conditions reference 3/93/0781. NCC, as the Minerals Planning Authority (MPA), has agreed a deferral to the ROMP (Review of Old Mineral Permissions) application for a new schedule of conditions at Thoresby Colliery in order to allow for the current application to be determined. An outline scheme for the restoration of the pithead area was approved under Part 20 Class A of the General Permitted Development Order 1995 on 14 October 1998, reference 3/97/1385.

Proposed Development

11. Colliery spoil is the waste material that is extracted in the process of deep mining coal. In the past, mining methods produced relatively little waste above ground as coal excavation by hand was highly selective and most waste was separated and left underground. However, nowadays coal is won at the face by machine

using long wall mining methods, and in doing so any dirt bands interspersed within the coal seams, together with some dirt from the top and bottom parts of the seam, are also extracted. The majority of spoil extracted and brought to the surface at a colliery is deposited in spoil heaps immediately adjacent to the mine.

12. This application proposes an eastward extension of the approved colliery spoil disposal scheme, incorporating tipping over previously restored colliery tip areas and a lateral extension into areas surrounding the colliery pithead to the south. The scheme would also result in land raising within the boundary of the permitted scheme. The planning application has been submitted with an Environmental Statement (ES), prepared in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
13. The approved scheme would result in a landform rising gradually from east to west to a maximum height of 120m Above Ordnance Datum (AOD). Approximately 1.54 million m³ of spoil disposal capacity remains within the approved scheme (as of June 2012).
14. The proposals would extend to 65.3ha in total, of which 44.3ha would be located within the boundary of the permitted scheme. 58.8ha of the scheme would be undertaken within areas where colliery spoil has previously been tipped. The proposed extension areas form a combined footprint of 6.5ha on land within the colliery pithead and on the soil stocking area towards the south-west corner of the site.
15. The proposed scheme would create an additional 5.1 million m³ of spoil disposal capacity in addition to the approximately 1.5 million m³ remaining within the approved scheme.
16. Spoil would be transported by dump truck from the coal preparation plant to the disposal site along unsurfaced internal haul roads. No use of the public highway would be required.
17. Spoil transport and disposal would take place between 0700-1900hrs Monday to Friday and 0700-1300hrs on Saturdays. During periods of increased spoil production, it is proposed to operate additional disposal operations from 1900-2300hrs Monday to Friday.

Proposed Landform Changes

18. Proposed changes to the permitted final landform of the site are as follows:
 - a. Raising of highpoint within the main body of the site, north-east of the colliery pithead, from 120m AOD to 135m AOD, with an associated increase in the extent of side slopes rising at a gradient of 1 in 4;
 - b. Existing restored areas to the immediate east of the permitted scheme would be raised from approximately 105m AOD to 115m AOD;

- c. At the south-west tip of the site existing restored areas would be removed and a spur of landform built up, to the north of the existing subsoil stockpile;
- d. The inner face of the tip, facing the pithead, would be extended beyond the current tip footprint across the colliery car park and stores area, with new slopes rising at a gradient of 1 in 4 to the main body of the tip. The shallower permitted scheme contours over the large coal stocking area would also be increased in gradient to 1 in 4; and
- e. At the south-eastern edge of the proposal existing restored tip areas would be removed and the landform raised from approximately 90m AOD to 105m AOD.

Proposed Extensions

- 19. In addition to proposed changes to the restored colliery tip areas, the following extensions to spoil disposal footprint are proposed:
 - a. South-west extension into land used for soil storage;
 - b. Southern extension into the existing pithead car park; and
 - c. South-east extension into the colliery stores yard.

Amendments to Existing Restored Areas

- 20. Existing vegetation within all previously restored areas where tipping is proposed would be cleared and soils stripped and stored for re-use. In total 5.82ha of existing established plantation woodland and 17.88ha of established pasture would be removed.
- 21. All clearance works, including the demolition of three storage buildings to the east of the pithead area would be carried out in accordance with timings and methods as set out in the Ecology section of the ES, in order to take account of protected species and other wildlife.

Restoration Proposals

- 22. The following principles of the approved restoration scheme would be applied in the proposed scheme:
 - a. The creation of wooded side slopes with more open upper areas;
 - b. The provision of a mix of native habitats that reflect the ecological importance of the local area, in particular heathland and woodland (21.4ha oak/birch woodland, 27.4ha lowland heath and 16.5ha acid grassland).
- 23. The technical detail of restoration treatments including soil depth, species and aftercare would generally remain as per the current permission.

24. A network of footpaths is proposed to extend across the restored site, creating linkages to surrounding areas and to the proposed Sherwood Forest Country Park Visitor Centre, allowing the site to become an important viewing point within the local area. The extent of the footpath network would be agreed with the Mineral Planning Authority (MPA) prior to implementation.
25. Further management of previously restored areas would be undertaken as part of the restoration proposals. In particular, the clearance of wooded rides to create heathland linkage to adjoining sites, eradication of Himalayan Balsam along the northern site boundary and removal of non-native tree species from existing restoration plantations.
26. Local seed sources would be used for establishment of the scheme where possible and all restored areas would be subject to a five year aftercare/maintenance period.

Consultations

27. **Newark & Sherwood District Council** – *The proposed increase in contours heights has the potential to produce a significant adverse effect on the landscape prior to amelioration through any restoration plans. In particular, the District Council (DC) notes that this may impinge into important local views, including from the new Sherwood Forest visitor centre in the future. Post restoration the DC is not of the view that there would be a significant adverse impact from alteration to the landform from the extension of the approved contours shown e.g. from 120m to 135m in the format proposed.*

The DC welcomes, in principle, the proposed phasing plans for restoration and notes the sustainability benefits from onsite disposal that avoids significant additional traffic movements using the local road network.

The DC has concerns about the duration of potential impacts from this site. The site is at present operating under an Interim Development Order wherein works are permitted by Condition 11.3 to extend for 30 years, until 2042. While other controls dealing with early site redundancy may see restoration of spoil heaps before that time, the potential duration of adverse impacts to landscape character and the visual amenity of the countryside is therefore very significant and also not justified by the described minerals capacity of the site and the expected capacity created by the proposed contours (which provide tipping capacity upto 2017/18).

The DC therefore requests that the County Council, in reaching its decision, give strong consideration to ensuring that the phasing and timescale for implementing restoration is strictly controlled to minimise the duration of adverse visual impacts if permission is granted. The DC believes it would be reasonable to shorten the timescale of any amended permission in line with the justification expressed in the Environmental Statement. The DC also note that the future of the site from a planning policy standpoint is presently being considered as part of the Minerals Local Plan review and would ask the County Council to consider the relevance of this.

Finally the DC notes that the scheme offers significant potential for enhancements to local biodiversity and rural recreation. In respect of the latter the DC would ask the County Council to maximise the benefits from the scheme to the local community, such as from improvements to the extension of the public footpath and permissive footpath networks, and ensure their earliest reasonable implementation as part of any phasing strategy.

28. **Edwinstowe Parish Council** – Some concerns regarding the potential negative impact on the site of the new Sherwood Forest visitor centre. However, no objections to the scheme.
29. **The Coal Authority** – No observations or specific comments to make on the development proposal.
30. **Health Protection Agency (East Midlands)** – The comparison of noise levels shows a predicted increase in noise arising from operations on the modified landform proposal. The report also suggests that controls on working hours should be implemented as the best way of mitigating these effects...The MPA should ensure that long-term patterns of noise levels from the site are monitored and any potential for 'creeping' increases as machinery and practices change are minimised.

The impact of the proposal on air quality has also been assessed...The operator proposes mitigation methods that appear sufficient to prevent any significant increase in the annual mean level of sub-10 micrometer particulate in the area...The MPA may consider the proposed monitoring programme a suitable method of controlling potential impacts on air quality.

31. **Environment Agency Midlands Region** – The Agency has no objections, in principle, to the proposed development but recommend a condition relating to the control of surface water run-off. In addition, notes to applicant regarding a sustainable drainage strategy are suggested.
32. **Natural England (NE)** – Do not object in principle to the development as proposed. This application is not likely to have a significant effect in respect of Birklands and Bilhaugh SAC and is not likely to cause damage and disturbance to Birklands West and Ollerton Corner SSSI or Birklands and Bilhaugh SSSI.

It is NE's view that there is currently no pSPA in Sherwood and therefore the Conservation of Habitats and Species Regulations 2010 and statutory policy governing pSPAs does not apply. However the possibility exists that it might occur in the future and this is presently being considered as part of a UK wide review of the SPA Series being led by Government. Therefore NE advocate a 'risk based approach' or similar to be adopted to provide a degree of future-proofing for decision taking until such a time that it is clear whether or not the statutory policies concerning potential SPAs apply to an area of Sherwood Forest.

Appropriate assessments demonstrate that there will be no likely significant effects on breeding nightjar, woodlark and honey buzzard populations and in the long term the restoration scheme should result in a mosaic of habitats that are

increased biodiversity and extent and should be favourable to the species mentioned.

The proposed scheme will result in the loss of plantation woodland and pasture, however these habitats are considered to be of low ecological value and it is therefore considered that the restoration scheme which will deliver Local Biodiversity Action Plan habitats including oak woodland, lowland heath and acid grassland will result in a net gain of biodiversity. NE support the general mitigation measures that will be employed to safeguard protected species and nature conservation interests...and welcome the preparation of a combined landscape and ecological masterplan.

Assurances are requested to ensure that the northern block of established woodland will be thinned towards the base of the slope. Creating a sparser canopy with scalloped edges, will encourage the heathland to spread from the rides and connect to the acid grass heath on the north side of the boundary fence. Himalayan balsam to the east of the restored area should be controlled as part of a regular programme. It is suggested that a management plan be prepared to ensure the positive management of the site post restoration.

The proposals include a network of footpaths across the site, which are intended to link up with the existing rights of way in the surrounding area. Therefore following restoration the site will create a valuable recreational resource and provide improved opportunities for access to the natural environment. The restored site would help to enhance the local green infrastructure network by delivering a multifunctional site that provides benefits for people and wildlife including landscape enhancement, increased biodiversity and improved access and recreation.

The restoration scheme will provide visual continuity between Sherwood Heath and Sherwood Forest and reinforce the historical character of the area. As a result, the proposed restoration scheme is appropriate to the character of the surrounding countryside and will help to conserve and reinforce local landscape character.

33. **Nottinghamshire Wildlife Trust** – *Do not object in principle to the development as proposed and is satisfied that the correct level of survey has been undertaken...Habitats that would be lost directly as a result of the proposed scheme are predominantly low ecological value and the proposals provide the opportunity to enhance the approved restoration scheme to create a greater area of heathland and acid grassland. It is proposed to place soils directly to their restoration locations, which is a better scenario than long periods of storage, progressive restoration should be secured by Condition in order to minimise the ecological impacts.*

A breeding Schedule 1 species, little ringed plover (LRP) uses the tip currently and there is a commitment by the applicant to ensure that vegetation is cleared outside the breeding season to avoid impacts on a range of breeding birds. With LRP, unfortunately, their preferred habitat can be bare spoil. Colliery staff have worked around this species before, and therefore a suitable method statement should ensure that the birds and their young are not killed or disturbed.

The increased noise levels that would be generated by the proposed scheme have the potential to disturb breeding birds on adjacent land. The noise assessment demonstrated that the 40dBA contour would grow substantially as a result of the proposed scheme, and the 48dBA contour would also move outwards, but to a far lesser extent. This difference is critical in assessing the impact of noise on birds, as it is where noise levels are >40dBA that an effect on breeding success is likely. However, given that the direct impact of loss of breeding and foraging habitat is relatively small for most species, the improvement of the remaining habitat, combined with the restoration phasing may be able to mitigate for the movement of birds seeking new territories as a result of noise.

NWT welcome the proposals for mitigation and suggest that they are secured by Condition or through the approval of the proposed Ecology and Landscape Masterplan. The applicant has undertaken specific surveys for nightjar and woodlark...NWT is satisfied that the proposed scheme would not result in the direct loss of breeding or foraging habitat for nightjar and woodlark. Noise modelling has helped to inform the assessment of likely impacts on nightjar and woodlark. Whilst nightjar are foraging close to the boundary of the tip, this will be at night, from dusk onwards, and so it is unlikely that they do so whilst there are operational noises from the tip. Thus as long as working hours for the tip are restricted, as at present, to before 7pm and after 6am, NWT is satisfied that the additional noise is unlikely to affect foraging nightjar.

In contrast, woodlark forage in the day time, and so both feeding and breeding might be affected by increased noise levels in the day. The significant increase in the 40dBA contour raises concerns in this regard, as it could affect woodlark across a wide area containing suitable habitat. However, as the greatest difference in the extent of the 40dBA contour between the approved and proposed schemes, lies to the east and south...where relatively high levels of disturbance and convergence of road points to the area results in this locality being unsuitable for breeding woodlark. Therefore, NWT conclude that there is a low likelihood of a significant detrimental effect on woodlark.

In terms of restoration, NWT support the mix of proposed habitats, and welcome the conversion of the existing species poor pasture to acid grassland.

34. **NCC Nature Conservation** – *Do not object in principle to the development as proposed. A number of ecological and landscape mitigation measures are proposed by the applicant, which should be secured by appropriate planning Conditions.*

The proposals provide an opportunity to re-visit the agreed restoration scheme for the site. It is indicated that the restoration scheme would create a mix of native habitats, with 21.4ha of oak-birch woodland, 27.4ha of lowland heath and 16.5ha of acid grassland. Overall, the proposed scheme is welcomed, subject to compliance with the details provided in Appendix 5 (Site Clearance and Restoration Method Statement) and to further restoration details being made available through appropriate planning Conditions.

In addition, it is requested that a pre-demolition survey for bats is undertaken for all buildings proposed to be demolished, including the Electrical Store and a method statement is produced relating to the presence of breeding little ringed plovers on the site.

35. **NCC Landscape** – *The Landscape and Visual Impact Assessment has been carried out to the accepted methodology. It has referred to the most recent Landscape Character Assessment information at a National and County level.*

The Landscape and Reclamation Team are in agreement with the conclusions of the assessment that the proposed scheme would not significantly alter the overall scale, appearance and character of the landform in comparison to the permitted scheme. NCC Landscape are in agreement with the scale of landscape and visual impacts on surrounding receptors that have been identified in the appendices.

36. **NCC Planning Policy** – *Proposals for colliery spoil disposal need to be in line with saved Policy M12.3 of the Nottinghamshire Minerals Local Plan and take account of saved Policy M12.4 where applicable. Due to the location of the site in this case, careful consideration must also be given to the impact the scheme could have on the surrounding designated areas, in line with policy in chapter 3 of the Plan – in particular Saved Policies M3.18, M3.19 and M3.20.*

The proposal would provide for the continued working of Thoresby Colliery. The National Planning Policy Framework states that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.

The location of the disposal area, adjacent to the coal workings, is considered preferable to a remote location in this instance as it removes the need to transport the spoil via the public highway (Saved Policies M3.12 – M3.15). It would appear that this short term solution is suitable to meet the needs of the current working before options for the long term future of the colliery are considered.

Provided that the proposals are environmentally acceptable, that there are no adverse impacts on the designated sites and that enough evidence has been submitted to prove that this option is the best reasonable option, there are no policy objections to the proposal, particularly in light of the supportive national policy outlined above. Conditions should be applied to any permission as set out in Saved Policy M12.3.

37. **NCC Highways** – *On the basis of the available information, the Highway Authority is content with the proposed development. In coming to this conclusion the Authority has considered issues of highway access, capacity and safety, parking, servicing and sustainability.*

38. **NCC Noise Engineer** – *Operational noise levels at surrounding residential receptors are predicted to comply with the daytime (0700-2300hrs) noise limits*

listed in the NPPF e.g. less than or equal to 55dB_Laeq,1 hour. The exception to this being the amenity space/picnic area at Cockglode and Rotary Wood. At this location maximum operational noise levels are predicted to reach 61dB_Laeq,1 hour some 6dB above the maximum daytime noise limit. This maximum operational noise level is anticipated to last for some 3-4 months.

Some areas of the land surrounding the colliery and spoil heap are inhabited by nightjar and woodlark during the bird breeding season. It is widely accepted that the threshold limit for potential bird disturbance during the breeding season is within the range 40 to 50dB(A). This range of noise levels being substantially exceeded at this location (see Table 10 of the ES and attached summary noise impact table). If breeding nightjar or woodlark are present it is suggested that works in this area are programmed to avoid the bird breeding season. Examination of the working scenario noise contour plans (Figs 3.1 – 3.8) for the proposed scheme reveal that the areas where an increase in noise are expected are predominantly to the south and east of the colliery and existing spoil heap. Noise levels to the more sensitive areas west and north of the site remain similar to those currently being generated for the existing/approved scheme.

The working scenario noise contour plans also show that the 50dB_Laeq,1hour (upper end of the noise range for potential disturbance to breeding nightjar and woodlark) is in the main confined to within the existing site boundary with only a limited extension of the contour to the north and west (see scenarios 7 and 8). Therefore, noise levels to be generated by this proposal will not result in any significant increase in disturbance to nightjar and woodlark populations.

At present the current hours of working are 0600-1700hrs Monday to Friday and 0600-1400hrs on Saturdays and Sundays. Predicted night-time noise emissions from the proposal have been found to exceed the night-time (2300-0700hrs) noise limit e.g. 42dB_Laeq,1 hour listed in the NPPF, with major noise impacts predicted to take place at properties on Ollerton Road and at Cockglode Cottages. Given this the applicant recommends a start time for operations of 0700hrs. Suitably worded conditions are recommended should planning permission be granted.

39. **English Heritage** – The application should be determined in accordance with national and local policy guidance, and on the basis of local specialist conservation advice.
40. **NCC Built Heritage** – There is an identifiable level of harm from the proposals on the setting and significance of designated heritage assets in the vicinity. ‘Any harm’ requires a ‘clear and convincing justification’, while ‘substantial harm’ should be ‘wholly exceptional’.

NCC Built Heritage do not believe the proposals will cause ‘substantial harm’ but some harm will occur and this must be put in context in terms of other planning considerations. The potential for mitigation has been referred to and could be introduced as a Condition. Mitigation also has the potential to enhance the intellectual access through a wider appreciation of the pre-colliery heritage of the area and would remove the ‘harm’ caused by the proposals altogether. The

applicant is encouraged to consider opportunities for a scheme of landscape heritage interpretation.

41. **National Planning Casework Unit, RSPB, National Grid (Gas), Western Power Distribution, Severn Trent Water Ltd, NCC Archaeology and NCC Countryside Access** have not responded. Any response will be reported orally.

Publicity

42. The application has been publicised by 17 site notices, a press notice and 52 neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement (SCI). Two letters of objection and one email objecting to the proposals have been received whereby concerns raised include the following:
- a. Height and speed at which the tip has grown in recent years;
 - b. Visual impact on Sherwood Forest could not be described as negligible;
 - c. Photomontages provided do not show the true impact of the tip from the surrounding area;
 - d. More effort should be put into pursuing remote disposal;
 - e. It is only a few miles to the Rufford Sand Quarry site by rail from the pithead, this site is remote from residential development and is linked with a purpose built site haul road direct onto the A617;
 - f. Tips are unpleasant landscape features which bring their own hazards;
 - g. The proposal threatens to damage attempts to raise the profile of Edwinstowe for residents and visitors alike;
 - h. Invasion on the local environment;
 - i. An admission that some loss of restored areas would have an impact on the physical landscape;
 - j. Threats to wildlife, and the loss of grassland/woodland habitats;
 - k. Air, noise and water pollution;
 - l. If and when the proposed relocation of the Sherwood Forest Visitor Centre goes ahead it would seem that the south-western area of the extended, raised pit would be close neighbours;
 - m. Potential for subsidence;
 - n. Little to justify the proposal is the best economic and environmental solution available;
 - o. Could the tip not be extended outwards as oppose to upwards;

- p. Deposit/restoration of the south-western 'toe' first should be controlled to ensure this takes place in a timely fashion.
- 43. The local County Councillor had been notified of the application.
- 44. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

- 45. This planning application proposes an eastward extension of the colliery spoil disposal scheme over previously restored land, a southern extension into areas around the colliery pithead and landform raising within the boundary of the permitted scheme. The final landform would be raised from 120m AOD to 135m AOD at its highest point and would create an additional 5.1 million cubic metres of spoil disposal capacity in addition to the 1.54 million cubic metres remaining within the approved scheme. The operator is now working the Deep Soft Seam (DSS) and, based on known reserves, expects to be working this seam until 2017/18. Remaining capacity within the approved spoil disposal scheme is not sufficient to meet the colliery's anticipated spoil disposal needs.
- 46. The proposed extension would allow for the continued working of Thoresby Colliery. The National Planning Policy Framework (NPPF) states that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which outweigh the likely impacts to justify the grant of planning permission. The proposal, as evaluated below, is considered to be environmentally acceptable subject to the use of conditions, and therefore the development accords with the requirements of the NPPF.
- 47. Whilst visual intrusion is the most obvious impact, noise, dust and water contamination may also occur. Spoil can also be disposed of at remote sites or backstowed underground, but this is rarely a viable or practical option.
- 48. Policy M12.3 (Colliery Spoil Disposal) of the Nottinghamshire Minerals Local Plan (MLP) adopted December 2005 states that when planning permission for colliery tipping is granted the County Council will impose Conditions to ensure that schemes are designed so that priority is given to the early construction and reclamation of the external visible faces; ensure that tipping profiles avoid 'engineered' or other alien landforms; take opportunities to improve the appearance of existing adjacent tipping schemes; ensure reclamation is phased to minimise visual impact and problems of surface water run-off and opportunities are taken to reclaim sites to suitable local Biodiversity Action Plan (BAP) priority habitats. These issues are considered within the following sections of the report.

Landscape/Visual Implications

- 49. The application site is located within the Sherwood Character Area as identified in the District Council Landscape Character Assessment, February 2010. The

Character Area includes Sherwood Forest and extensive parklands and estates of the Dukeries. The dominant features include extensive areas of woodland, heathland character, a unified landscape with a rolling landform, enclosed arable farmlands, narrow river corridors and ornamental parklands.

50. Core Policy 13 (Landscape Character) of the NSDC Core Strategy adopted March 2011 sets out actions for Landscape Policy Zones and suggests that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and should demonstrate that the development would contribute towards meeting landscape conservation and enhancement aims for the area. The colliery site lies within Landscape Policy Zone S PZ 25 (Birklands Wooded Estate Zone) which is referred to as SH25 and is identified as being of moderate condition with moderate sensitivity with an action of 'conserve and reinforce'.
51. Policy Zone S PZ 26 (Budby) referred to as SH26, lies immediately north of the site and is noted as being in good condition with high sensitivity and an action to 'conserve'.
52. The Landscape and Visual Impact Assessment as submitted, identifies the variation in landscape and visual impacts that would result from the construction and completion of the proposed colliery spoil landform and restoration scheme, compared with the construction and completion of the approved scheme. Of the designated sites within the application site, woodland planting in the Cockglode and Rotary Wood LNR would be affected. Short term impacts to the peripheral setting of Edwinstowe Conservation Area would occur where proposed spoil disposal extends across existing restored areas towards the village. However, progressive restoration and the establishment of woodland would reduce long term impacts to neutral or 'no change'.
53. The proposed development would result in the removal of certain landscape features. Woodland plantation and grassland habitats associated with previously restored areas would be affected, both within the permitted scheme boundary and across areas outside this boundary to the east. As landscape features they are both common to the area and easily re-established. Therefore, the initial loss of restored woodland and grassland is considered to be a slight adverse impact.
54. The restored and active colliery tips are an established and integral component of the local landscape character. The proposed amendment and extension of spoil disposal at Thoresby would not significantly alter the overall scale, appearance and character of the final landform in comparison with the permitted scheme. The proposed restoration scheme would be broadly similar to the permitted scheme and would result in the establishment of wooded/open heathland across the site. Short term impacts are likely where active tip operations are visible in the wider landscape or where local landscape character is affected, in particular the localised area to the north-east of Edwinstowe. However, in the long term the proposed scheme is predicted to have a neutral impact.
55. It is anticipated that more significant impacts are predicted to arise where new or more substantial changes occur within views. Properties that would experience

the most significant visual impact are situated on the north-eastern outskirts of Edwinstowe. Extension of tip operations to the south-west and south would affect views from properties resulting in short term, moderate adverse impacts. A limited number of residential properties at Ollerton would obtain views of active tip working seen above the existing wooded horizon with slight adverse impact.

56. Proposed restoration measures would be effective in mitigating impacts. Carefully planned phasing and progressive restoration would help to minimise the significance and extent of predicted short term impacts. In the long term following restoration and aftercare no significant change would occur in views from surrounding receptors compared to the permitted scheme.
57. NCC's Landscape Team are satisfied that the Landscape and Visual Impact Assessment has been carried out to the accepted methodology and are in agreement with the conclusions of the assessment that the proposed scheme would not significantly alter the overall scale, appearance and character of the landform in comparison to the permitted scheme. Therefore, the proposals accord with Core Policy 13 (Landscape Character) of the NSDC Core Strategy and Policy M3.3 (Visual Intrusion) of the Nottinghamshire MLP as the assessment undertaken positively addresses the implications of the Landscape Policy Zones and demonstrates that the development would continue to conserve and reinforce the landscape and contributes towards meeting landscape conservation and enhancement aims for the area.

Ecological Impacts

58. The applicant commissioned suitably qualified ecologists to undertake an extended phase 1 habitat survey, a protected species survey and a breeding bird survey, whereby the nature and extent of survey and assessment work undertaken was agreed with Natural England (NE) and Nottinghamshire Wildlife Trust (NWT) in advance. The amendment and extension of the colliery spoil deposit at Thoresby would result in the loss of predominantly low value habitats across the site. However, the loss would be short term and would be offset by mitigation and habitat creation measures implemented as part of the site restoration scheme.
59. The application site is located adjacent to designated sites of high nature conservation value. Environmental impacts associated with the proposed spoil disposal scheme e.g. visual, noise and dust etc, would not significantly differ from those impacts which arise from the existing scheme and so it is not anticipated that there would be a significant increase in environmental impacts on local designated sites. NE is satisfied that the development is not likely to have a significant effect in respect of the Birklands and Bilhaugh SAC and is not likely to cause damage and disturbance to the Birklands and Ollerton Corner or the Birklands and Bilhaugh SSSIs, therefore the development accords with Policy M3.18 (Special Areas of Conservation) and Policy M3.19 (Sites of Special Scientific Interest) of, the Nottinghamshire MLP. The current on-site buffer which is to remain intact is sufficient to safeguard the northern parcel of the SAC at the closest point to the proposed works.

60. A number of mitigation measures have been proposed by the applicant in order to protect nature conservation interests and to restore the site in a way which would benefit the long term ecological value of the site including the provision of new heathland, woodland and acid grassland habitats. Measures include clearance works timed to avoid the bird breeding season; demolition of three buildings to the east of the pithead area completed in accordance with suitably worded bat method statements; employees briefed on the management of reptiles should they be found during site clearance works; known protected species checked and managed prior to works commencing and progressive restoration. The applicant has stated that a combined Landscape and Ecological Masterplan would be produced for the site and this is welcomed by NE, NWT and NCC's Conservation Team. The detail of the Masterplan can be requested through Conditions attached, and approval would be subject to consultation with the above parties.
61. The application site is located within the prospective Special Protection Area which has been proposed due to its high populations of breeding nightjar and woodlark. However, it is NE's view that there is currently no potential Special Protection Area (pSPA) in Sherwood and therefore the Conservation of Habitats and Species Regulations 2010 and statutory policy governing pSPAs does not now apply. However the possibility exists that it might occur in the future and therefore NE advocates a 'risk based approach' to be adopted. NE is satisfied with the assessment that has been undertaken to identify the potential impacts of the scheme on populations of nightjar and woodlark and agrees with the conclusions that there would be no likely significant effects on breeding nightjar or woodlark and in the long term the proposed restoration scheme would result in the creation of habitats favourable to both these species.
62. The noise survey submitted in support of the application demonstrates likely impacts on nightjar and woodlark. Evidence suggests that nightjars forage close to the boundary of the tip from dusk onwards, and so it is unlikely that they would be foraging whilst the tip is operational. As a result, NWT request that working hours for the disposal of colliery spoil be restricted to 0600hrs – 1900hrs so as not to affect foraging nightjar. Therefore, it is considered appropriate to limit the hours of operation to protect foraging nightjars. In contrast, woodlark forage during daytime hours and so there is the potential that feeding and breeding by this species could be affected by an increase in noise levels during the working day. However, as the greatest difference in the extent of the 40dBA contour between the approved and proposed schemes lies predominantly to the east and south where the locality is considered generally unsuitable for breeding woodlark, NWT is satisfied that there is a low likelihood of a significant detrimental effect on woodlark.
63. The breeding bird survey established that the application site is valuable to a range of breeding birds and so mitigation measures (to be included within the Landscape and Ecological Masterplan) have been proposed to help minimise the potential negative effects of the development on local populations of breeding birds. NWT is satisfied that the survey was carried out to the correct methodology and note that a breeding Schedule 1 species, little ringed plover (LRP), uses the colliery tip and whose preferred habitat can be bare spoil as opposed to vegetation. NWT recommends that a method statement be provided

to ensure that the birds and their young are not killed or disturbed. This can be secured through a Condition attached to any permission granted.

64. Increased noise levels generated by the proposed scheme have the potential to disturb breeding birds on surrounding land. However, NWT is satisfied that given the direct impact of loss of breeding and foraging habitat is relatively small for most species, the improvement of the remaining habitat, combined with the restoration phasing, would reasonably mitigate for the movement of birds seeking new territories as a result of noise. In addition, NWT is satisfied that the proposals would not result in the direct loss of breeding or foraging habitat for nightjar and woodlark.
65. Current levels of dust, surface water run-off and variations in groundwater levels are not having a negative detrimental impact on the adjacent SAC/SSSIs. The proposed development would continue at the same levels and the site would be managed in the same way and therefore it is unlikely that impacts from dust, surface water run-off or variations in groundwater levels would have any impact on these designations.
66. The proposed development would take place within areas of current or restored colliery spoil disposal and on land which has previously been stripped and/or developed. The overall ecological value of the site, is considered to be low and habitat losses arising from spoil disposal are considered to be low adverse and of a short term impact, with losses offset by proposed mitigation and habitat creation measures during site restoration. NE, NWT and NCC's Conservation Team are satisfied that ecological impacts as a result of the proposed amendment and extension of the colliery tip would be acceptable and therefore the proposals accord with Core Policy 12 (Biodiversity and Green Infrastructure) of the NSDC Core Strategy and Policy M3.17 (Biodiversity) of the Nottinghamshire MLP which seek to protect existing biodiversity on development sites, subject to the submission of a comprehensive Ecological and Landscape Master Plan and suitably worded Conditions attached to any permission granted in order to mitigate those anticipated impacts.

Surface and Groundwater Resources

67. The application site is underlain by the Sherwood Sandstone strata and associated aquifer. The local area is drained by the River Meden to the north and by the River Maun to the south. Thoresby Colliery has been active since approximately 1926 with tipping taking place over the Sherwood Sandstone aquifer. Therefore, on-going colliery spoil disposal would be isolated from the underlying aquifer by existing layers of compacted colliery spoil. In the areas where the footprint of the tip would be extended, the aquifer would be given additional protection by the construction of an engineered base layer using a blend of coarse discard and dewatered fines. The base layer would be compacted in layers to produce a protective cap approximately 1m deep with a permeability of less than 10^{-9} m/s.
68. In addition to precipitation, water is introduced to the site through the pumping of thickened tailings from the coal preparation process into lagoons and through dust suppression. The water used to transport fines to lagoon areas is usually

recovered following settlement and re-circulated to the coal preparation plant. Dust suppression water either evaporates or is collected by the existing tip drainage system.

69. Surface water run-off from the current tip is shed towards the south-eastern side of the site into a purpose built settlement pond. Post settlement, run-off continues along open ditches before reaching storm water tanks. Additional settlement takes place prior to water overflowing into a final settlement pond. Water within the final settlement pond is an effluent consisting of mine water, yard drainage and dirt tip run-off. From the final settlement pond water is either re-used for coal washing purposes or discharged, subject to quality, to the River Maun. Along the north-western boundary of the site, surface water run-off is channelled via lined ditches to a holding pond in the north-western corner of the site. Water from this pond is used for dust suppression or is removed by bowser.
70. Surface water at the site would continue to be managed in accordance with a water management plan and discharged when necessary in accordance with the existing Environment Agency (EA) consent. The proposed development would require minor alterations to the existing surface water management system and progressive restoration would further attenuate the rate of run-off. No increased environmental impact is predicted to arise for either ground or surface water resources and therefore the development accords with Core Policy 9 (Sustainable Design) of the NSDC Core Strategy and Policy M3.8 (Water Environment) of the Nottinghamshire MLP. The EA raise no objections to the proposal subject to the submission, approval and implementation of a suitable scheme to manage surface water run-off.

Noise

71. It is proposed to continue to deposit colliery spoil at present rates, to raise the height of the spoil heap from 120m to 135m above AOD and to extend colliery spoil disposal in a south-easterly direction. Deep mine operations occur over a 24 hour period and the transport and deposit of colliery spoil takes place between 0600hrs – 1700hrs on weekdays and 0600hrs – 1400hrs on Saturdays and Sundays. The deposit of colliery spoil prior to 0700hrs is considered night-time hours, and therefore more restrictive noise limits normally apply.
72. Noise from the deposit of colliery spoil has the potential to cause loss of amenity and nuisance to local residents and other noise sensitive receptors. The existing and proposed operations include limited night-time operations between the hours of 0600hrs – 0700hrs. The development would establish operations closer to sensitive receptors to the south-east, in particular dwellings on Mansfield/Ollerton Road (A6075) e.g. Woodside Cottage and Cockglode Cottage.
73. Noise from the existing and proposed colliery spoil operations arises from the haulage, deposit and spreading of material. Plant and equipment used for these operations include dump trucks and a small bulldozer. It is not proposed to alter or change the method of transportation and disposal as a result of the proposals.

74. A noise impact assessment for the proposed development has been undertaken by the applicant. Background noise levels have been established at four locations around the development site agreed in advance with NCC and the Environmental Health Department of NSDC.
75. Operational noise levels have been predicted in accordance with methods specified in BS5228: 2009 *Code of practice for noise and vibration control on construction and open sites*. The assessment consisted of four pairs of operational scenarios relating to both the approved and proposed development in order to assess the significance of the proposal and the change in noise exposure compared to existing conditions.
76. The results of the noise assessment indicate that the greatest increase in noise is predicted to occur at Cockglode Cottages to the south-east of the colliery spoil tip. However in most cases, noise from the proposed scheme would be lower at sensitive dwellings in comparison to the existing scheme. Daytime noise impacts are likely to be within the noise criteria recommended within the NPPF. During the daytime, noise from the proposed spoil heap operations is likely to be insignificant or of minor adverse significance at all sensitive receptors. Noise at night is predicted to exceed the World Health Organisation (WHO) sleep disturbance criterion outside dwellings. This is likely to be of moderate to major adverse significance if operations are permitted before 0700hrs. Therefore, the noise assessment suggests that spoil heap operations should be avoided between 2300hrs and 0700hrs.
77. In terms of predicted noise impacts on potential local nightjar and woodlark populations, results indicate that areas where an increase in noise is expected would be on less sensitive land to the south with impacts in the more sensitive areas west and north of the site remaining similar to that of the approved scheme.
78. In order to mitigate potential noise impacts the applicant is proposing the following mitigation measures:
 - a. Restriction of operations on the colliery spoil tip to between 0700hrs and 1900hrs (a reduction in the start time from current spoil disposal activities which commence at 0600hrs);
 - b. Routeing of haul roads as far from the site boundary as possible and to minimise steep gradients and excessive circuits;
 - c. Selection of suitable plant and machinery including the use of a small, quieter dozer;
 - d. A programme of planned preventative maintenance to ensure that all plant and equipment, particularly engine cowlings and exhausts, are adequately maintained;
 - e. Fitting of smart audible alarms adjusted to the background noise;
 - f. Controlling layout where practicable e.g. to screen receptors from line-of-sight of haul roads to minimise noise from the site;

- g. Conducting operations in accordance with an Environmental Management System; and
 - h. A scheme of noise monitoring shall be agreed with NCC if required, to demonstrate compliance with planning Conditions.
79. NCC's Noise Engineer is in general agreement with the findings of the noise assessment undertaken on behalf of the applicant and raises no objection to the proposals subject to suitably worded Conditions attached to any permission granted which relate to hours of working, works during the bird breeding season, securing the above list of mitigation measures and ensuring that in the event of a complaint that noise monitoring and remediation measures are proposed and adhered to. The development therefore accords with Policy M3.5 (Noise) of the Nottinghamshire MLP.

Air Quality

80. The rate of production of colliery spoil would not increase in comparison with the approved scheme which has been operational for many years without cause for complaint. It is proposed to continue to deposit approximately 127,500 tonnes of colliery spoil per calendar month. The proposed development would generate dust and particulate matter, and vehicle exhaust emissions from mobile plant would also contribute to local air pollution. The proposals have the potential to affect sensitive receptors in the area due to an increase in airborne particle pollution and dust deposition.
81. An air quality assessment for the proposed development has been undertaken by the applicant. Predicted dust, particulate matter and vehicle emissions are not expected to change significantly from those created by the existing development and are considered to be acceptable in terms of current guidance and standards (European Union Directive 2008/50/EC). Whilst, the assessment has established that minor adverse change is predicted for properties on Mansfield Road, south-east of the proposed site, this could, however, be addressed by the implementation of dust mitigation measures.
82. In addition, air quality impacts on adjacent high value nature conservation sites are not predicted to change significantly from effects arising from the existing development. A programme of mitigation measures would be implemented through a Dust Action Plan submitted to and approved by the MPA to ensure that emissions from the development would be managed to an acceptable standard. The applicant is proposing effective dust management in the following ways:
- a. Through design and engineering control to minimise impacts from each phase of the operations including: location of haul roads and other dusty activities away from sensitive receptors; selection and use of appropriate plant; and dust suppression systems;
 - b. Effective process supervision, to ensure that staff are adequately trained and aware of their environmental responsibilities; and

- c. Effective monitoring and review to ensure that any negative detrimental impacts in the operation of the spoil heap operations are quickly identified and resolved.
83. The mitigation measures as proposed by the applicant are supported by the MPA and HPA. The measures listed, in particular the regular monitoring and review of dust emissions would ensure that the development would not lead to unacceptable impacts as required by Policy M3.7 (Dust) of the Nottinghamshire MLP. The details of a Dust Action Plan can be secured through the use of appropriately worded Conditions attached.

Built Heritage

84. There are designated and undesignated heritage assets within the vicinity of the colliery. Whilst no heritage assets would be physically affected, there would be a degree of impact on the setting of these assets. The designated heritage assets most likely to be affected, either because of their significance e.g. grade I and II* assets and/or proximity to the proposals are:
- a. Thoresby Registered Historic Park (grade II*);
 - b. St. Mary's Church, Edwinstowe (grade I);
 - c. Thoresby Hall (grade I);
 - d. Buck Gates (grade II);
 - e. Ollerton Hall (grade II*);
 - f. Edwinstowe Hall (grade II); and
 - g. Edwinstowe Conservation Area.
85. The information supplied by the applicant in terms of impact on setting is sufficient to satisfy the requirements of the EIA. The NPPF states that *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*
86. The ES submitted with the proposals assessed the impact of the scheme on heritage assets, both during the construction phase and following restoration, and determined this to be 'slight adverse' or of a negligible impact.
87. NCC's Historic Buildings Officer in the main agrees with the findings, in that the impact of the proposals on the setting of the surrounding heritage assets is, for the most part, negligible. However, in the short term the development would have an impact on the skyline that would be visible within the setting of many designated heritage assets, although in the long term, the impact on these views would be negligible and would be no more harmful than the approved scheme, with one exception.

88. The significance and proximity of the Thoresby Park estate and hall heightens the sensitivity to impacts from the proposals. Historic maps show that the pre-colliery landscape was part of a planned parkland of Thoresby. The presence of a designed landscape feature is clear from modern maps and it is also clear that the existing colliery tip has cut off the Chestnut Avenue feature and occupies the location of the Avenue Plantation that formed the southern extremity of the estate parkland.
89. The presence of the Buck Gates (grade II listed) at a cross point on Chestnut Avenue and their orientation indicate that the avenue was an important route within the parkland estate during the C19th. The view through this gate and along the avenue is part of the setting of the gates and still exists but has been truncated and eroded primarily by forest planting. This forestry should be viewed as largely temporary and reversible, whereas the change in the landscape created by the present and proposed tips must be considered as permanent and of much greater 'harm' as a result.
90. NCC's Historic Buildings Officer is of the opinion that the C19th Avenue that included the Buck Gates could be re-established in the future through the Thoresby estate and out onto the colliery tips. It is suggested that this could be achieved through a felling programme that re-created the Avenue and further reinforced by interpretation and directional installations at any publicly accessible point along its length. Whilst feasible in part, requiring works to be carried out beyond the site boundary is not possible by Condition.
91. Mitigation also has the potential to enhance the intellectual access through a wider appreciation of the pre-colliery heritage of the area and would remove the 'harm' caused by the proposals altogether. This could be achieved through a carefully designed educational/information board located alongside the main viewing platform on the restored site. This could be incorporated through the use of an appropriately worded Condition attached.
92. The heritage assets identified contribute towards the rich and distinctive environment of Newark and Sherwood. Core Policy 14 (Historic Environment) of the NSDC Core Strategy seeks to protect the historic environment, including effects on the setting of cultural and heritage assets. The construction phase of the development would affect the setting of those heritage assets listed, however impacts are not considered to be above and beyond those currently experienced from the existing scheme, and restoration of the site in the long term would result in negligible impacts. Therefore, the development would accord with the principles of Core Policy 14 (Historic Environment) of the NSDC Core Strategy as heritage assets in the locality would continue to be preserved and the use of suitably worded Conditions attached would contribute towards enhancing the character, appearance and setting of the heritage assets.

Restoration

93. The colliery tip would be restored using a combination of existing approved methods and a series of new techniques and ideas. Of the existing approach it is still the intention to create wooded side slopes with more open upper areas and to make provision for a mix of native habitats that reflect the ecological

importance of the local area, in particular heathland and open woodland. It is proposed to create 21.4ha of oak/birch woodland, 27.4ha of lowland heath and 16.5ha of acid grassland.

94. Within the proposed scheme the extent and location of woodland has been modified slightly to reflect the revised landform, in order to soften the interface between the side slopes and upper areas. Whilst NWT have suggested a reduction in tree planting by pulling back large planting blocks to a lower elevation to enable the establishment of more heathland, this would have a negative bearing on visual impacts. Pasture would be established as low fertility acid grassland with the option to retain as pasture or encourage natural colonisation to additional heathland with intermittent trees.
95. The development would be constructed in phases, working back from the outer edges to allow early restoration of the outer tip slopes in accordance with Policy M12.3 (Colliery Spoil Disposal) of the Nottinghamshire MLP. As a general principal, across all working phases, the works would be timed to allow existing soils to be stripped and deposited directly to new final positions where practicable, avoiding the need for double handling or lengthy storage periods as encouraged by Policy M4.3 (Soil Conservation) of the Nottinghamshire MLP. NWT have requested assurances that soils from later phases would not be stripped until earlier phases have been restored, so that the ecological effects of losing pasture can be minimised by the establishment of earlier restored areas that would be of value to species such as skylark and meadow pit. Detail regarding the stripping and restoration of phases throughout the development would be required to be submitted to and approved by the MPA and can be secured by a Condition attached.
96. A network of footpaths would be established across the site to create linkages with the surrounding locality and more specifically with the proposed Sherwood Forest visitor centre enabling the site to become an important viewing point in the local area. These proposals are supported by NSDC. Final routes would be agreed with the applicant, MPA and nature conservation bodies to achieve the most suitable balance between public access and ecological interests, and a suitably worded Condition has been attached to ensure this, should permission be granted.
97. In addition to the restoration proposals, further work would be carried out on previously restored areas. In particular, the clearance of woodland rides to create heathland linkages with adjoining sites, the eradication of Himalayan Balsam along the northern site boundary and the removal of non-native tree species from existing restoration plantations. NE welcome the additional works proposed by the applicant, but request that the northern block of established woodland be thinned towards the base of the slope to create a sparser canopy which would encourage the heathland to spread from the rides and connect to the acid grass heath on the northern side of the boundary fence. This can be secured through an appropriately worded Condition attached to any permission granted.
98. Local seed sources would be used for establishment of the scheme where possible and all restored areas would be subject to a five year aftercare period in

accordance with Policy M4.9 (Aftercare) of the Nottinghamshire MLP. However, NE suggest that Alder is uncharacteristic of the area and request that it be removed from the mix and be replaced with a higher proportion of Silver Birch. It is also suggested that the proposed stocking rate of 2,500 stems per hectare is high and on par with that used for commercial forestry, and so it is recommended to reduce the stocking rate to 1,100 stems per hectare to enable better canopy development and establishment of understorey vegetation. This can also be secured through an appropriately worded Condition attached to any permission granted.

99. When restored, the site would provide suitable alternative natural green spaces which would help to alleviate recreational pressure on more sensitive habitats in the locality, a primary objective of Core Policy 12 (Biodiversity and Green Infrastructure) of the NSDC Core Strategy. The site would also provide visual continuity between Sherwood Heath and Sherwood Forest, reinforcing the historical character of the area. Therefore, the proposed restoration scheme is appropriate to the character of the surrounding countryside and would help to conserve and reinforce local landscape character in accordance with Core Policy 13 (Landscape Character) of the NSDC Core Strategy and Policy M4.4 (Landscape Treatment) of the Nottinghamshire MLP.

Life of the Site

100. Spoil from the colliery is currently being disposed of on-site in accordance with planning permission reference 3/97/0182 dated 8 May 1997 as granted by NCC and Schedule of Conditions reference 3/93/0781. Condition 11.3 of Schedule of Conditions reference 3/93/0781 states that *"the disposal of colliery waste hereby permitted shall cease on 21 February 2042 unless such longer periods of time have, in the meantime, been agreed in writing by the MPA to enable the agreed profile to be achieved"*. NSDC have raised concerns regarding the duration of potential impacts from the site, in particular the impacts to landscape character and the visual amenity of the countryside.
101. Therefore, the DC have requested that the expiry date for the disposal of colliery spoil be reviewed based on the minerals capacity of the site and the expected capacity to be created by the proposed contours (extending works to 2017/18). The MPA agree with the DC in principle and consider that a reasonable expiry date for the disposal of colliery spoil at Thoresby, based on the evidence contained within the Environmental Statement, be amended to 2022 (10 year permission), which includes scope for a buffer should operations be delayed.

Other Options Considered

102. A range of different disposal options have been considered by the applicant which include variations to the proposed scheme, new Greenfield disposal options, off-site disposal and underground disposal.
103. Consideration has been given to amend/raise the approved restoration contours within the permitted scheme boundary, to amend/raise the approved restoration contours within the permitted scheme boundary including extensions into previously restored disposal areas to the east and into less intensively used

areas of the pithead and combinations of both including new Greenfield disposal sites on agricultural land in the applicant's ownership to the immediate south of the colliery.

104. Lateral extension of the existing tip footprint to the north, west and east is not considered to be an environmentally acceptable option due to the presence of high value ecological assets. In addition, the close proximity of the B6034 and A616 roads are significant constraints.
105. Greenfield disposal is not considered to be an appropriate option based on the environmental impacts associated with colliery spoil disposal on Greenfield land. This method of disposal would result in the loss of agricultural land and would increase landscape and visual impacts as a result of being detached from the existing site. Colliery spoil would need to be transported further either by conveyor or haulage road.
106. Whilst remote disposal is a possible option and one which has been raised during the consultation process, there are limitations associated with this method of disposal which include the following:
 - a. Handling difficulties associated with moving fine waste in the form of tailings by rail transport;
 - b. Requirement to use the majority of coarse discard at the existing site to allow disposal of tailings through lagoon or cell construction, capping and construction of acceptable restoration profiles that cannot be achieved using fine waste alone;
 - c. Delays to progressive restoration at the existing site;
 - d. Remote disposal results in the duplication of environmental impacts at both the existing and receptor sites whilst offering little or no benefit at the existing site;
 - e. Increased operational costs due to plant and management operations at two disposal sites and the double handling and increased transport involved with moving spoil to the receptor site; and
 - f. Limited availability of suitable receptor sites when access (railhead/road) and environmental considerations are taken into account.
107. It is accepted by all parties including NSDC that movement of colliery spoil (127,500 tonnes per month) by HGV on public roads would not be an acceptable option due to the associated environmental impacts and concerns regarding highway safety (6,000 HGV movements per month). Therefore, potential receptor sites within the control of the applicant and which have rail connections include Rufford Colliery tip and Welbeck Colliery tip. However, even if the practical shortfalls could be overcome, transportation of colliery spoil by rail would not be an economically viable option for the applicant under these circumstances.

108. The use of colliery spoil in engineering operations e.g. road construction or land reclamation, is possible, however this is usually a windfall arrangement rather than a more permanent means of disposal.
109. The technology does not exist for the practical, commercial or safe application of backstowing (the deposition of colliery spoil underground within the void space created by the extraction process).
110. Of the available disposal options discussed, the applicant considers the amendment of contours within the footprint of the existing site/tip including minor lateral extensions into the pithead area represents the most suitable environmental and economic solution available. The MPA considers the proposals to be the most suitable environmental solution available.

Human Rights Act Implications

111. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposed development has the potential for visual impacts, surface and ground water implications and undue noise and dust upon local residents and the surrounding locality.
112. However, these considerations need to be balanced against the wider benefits the proposals would provide in light of Thoresby's continued contribution to the national supply of coal and energy supplies and the local economic benefits. In addition, the colliery spoil tip would be progressively restored to create a mix of native habitats that reflect the ecological importance of the local area, in particular heathland and open woodland. On-site operational procedures would be managed and controlled through the use of appropriately worded Conditions e.g. mitigation measures for dust, noise and surface water run-off. Members will need to consider whether the benefits of mineral extraction and colliery spoil disposal at Thoresby outweigh the potential impacts previously listed.

Statutory and Policy Implications

113. This report has been compiled after consideration of implications in respect of equal opportunities, crime and disorder, human rights and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

114. The development would predominantly take place within the confines of an existing site. Vehicle access into Thoresby colliery is gained via the A6075 Ollerton Road, at which point there is a security office and barrier system in place. The site offices and colliery pithead benefit from security lighting and cameras. Boundary treatments consist of a mix of different fence and gate types including mixed hedgerows. Land adjacent to and adjoining the colliery is

actively farmed and so there is an element of natural surveillance at times when the site is unmanned.

Conclusions

115. Spoil from Thoresby Colliery is currently being disposed of at an existing facility on-site. The applicant is working the Deep Soft Seam and, based on known reserves, expects to be working this seam until 2017/18. Remaining capacity within the approved spoil disposal scheme is not sufficient to meet the colliery's spoil disposal needs. The applicant has explored a number of different options to achieve the required disposal capacity, and the MPA considers that the amendment of contours within the footprint of the existing tip combined with a lateral extension into the pithead area represents the most sustainable option available.
116. The development would be constructed and restored in accordance with a progressive phasing scheme, addressing visual impacts on the outer flanks and gradually reducing the extent of active spoil disposal area over time. On completion of spoil disposal the site would be restored to a mosaic of native habitats including 21.4ha of oak/birch woodland, 27.4ha of lowland heath and 16.5ha of acid grassland and would be managed primarily for wildlife purposes based on the presence of high value nature conservation sites in the immediate vicinity and would also be open for public access.
117. The development would provide sufficient spoil disposal capacity for Thoresby Colliery to complete the working of available coal reserves, providing a nationally valuable mineral reserve and employment to the immediate and surrounding community. Whilst the operation would result in the continuation of existing environmental impacts for a longer period of time no significant adverse environmental impacts would arise as a result of the development. Mitigation measures have been proposed to deal with the environmental impacts identified and suitably worded Conditions attached to any permission granted would ensure that these measures are implemented.

Statement of reasons for the decision

118. The proposed extension would allow for the continued working of Thoresby Colliery. The National Planning Policy Framework (NPPF) states that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which outweigh the likely impacts to justify the grant of planning permission. The proposal is considered to be environmentally acceptable subject to the use of conditions, and therefore the development accords with the requirements of the NPPF.
119. The proposed scheme would not significantly alter the overall scale, appearance and character of the landform in comparison to the permitted scheme. Therefore, the proposals accord with Policy M3.3 (Visual Intrusion) of the Nottinghamshire Minerals Local Plan (MLP) adopted December 2005 and Core Policy 13 (Landscape Character) of the Newark and Sherwood District Council (NSDC)

Core Strategy adopted March 2011 as assessments undertaken positively address the implications of the Landscape Policy Zones and demonstrate that the development would continue to conserve and reinforce the landscape and contribute towards meeting landscape conservation and enhancement aims for the area.

120. The proposed development has been assessed as not having a significant impact upon any designated or non-designated sites of nature conservation interest and would not impact upon any protected species. In addition, the development would result in the generation of a range of new habitats, including BAP Priority habitats. As such, the development is in accordance with Policies M3.17 (Biodiversity), M3.18 (Special Areas of Conservation) and M3.19 (Sites of Special Scientific Interest) of the Nottinghamshire MLP and Core Policy 12 (Biodiversity and Green Infrastructure) of the NSDC Core Strategy.
121. The applicant has demonstrated that the development would not result in an unacceptable risk of contaminating ground or surface water, and therefore the development is assessed as being in accordance with Policy M3.8 (Water Environment) of the Nottinghamshire MLP and Core Policy 9 (Sustainable Design) of the NSDC Core Strategy which both seek to protect ground and surface water resources.
122. Policy M3.5 (Noise) of the Nottinghamshire MLP seeks to ensure that development does not result in unacceptable levels of noise. The development has been assessed as being acceptable from a noise perspective for both operations and the transport of colliery spoil across the site, with suitable Conditions to control noise. The development is therefore in accordance with Policy M3.5.
123. There is the potential for dust to be generated by the construction phase of the development, however, mitigation measures are the subject of Condition which will ensure that dust is minimised to an acceptable level. In addition, Conditions will ensure that pollution from plant, equipment and vehicles is minimised. As such, the development is in accordance with Policy M3.7 (Dust) of the Nottinghamshire MLP.
124. The construction phase of the development would affect the setting of several heritage assets, however impacts are not considered to be above and beyond those currently experienced from the existing scheme, and restoration of the site in the long term would result in negligible impacts. Therefore, the development would accord with the principles of Core Policy 14 (Historic Environment) of the NSDC Core Strategy as heritage assets in the locality would continue to be preserved and the use of suitably worded Conditions attached would contribute towards enhancing the character, appearance and setting of the heritage assets identified.
125. The development would be constructed in phases, working back from the outer edges to allow early restoration of the outer tip slopes in accordance with Policy M12.3 (Colliery Spoil Disposal) of the Nottinghamshire MLP. As a general principle, across all working phases, the works would be timed to allow existing soils to be stripped and deposited directly to new final positions where

practicable, avoiding the need for double handling or lengthy storage periods as encouraged by Policy M4.3 (Soil Conservation) of the Nottinghamshire MLP.

126. When restored, the site would provide suitable alternative natural green spaces which would help to alleviate recreational pressure on more sensitive habitats in the locality and would provide visual continuity between Sherwood Heath and Sherwood Forest, reinforcing the historical character of the area. All restored areas would be subject to a five year aftercare period in accordance with Policy M4.9 (Aftercare) of the Nottinghamshire MLP.
127. The NPPF sets out a presumption in favour of sustainable development. There are no material considerations that indicate that the decision should be made otherwise than in accordance with the above. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

RECOMMENDATIONS

128. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

SALLY GILL

Group Manager (Planning)

Constitutional Comments

Committee has power to decide the Recommendation

[SHB.23.08.12]

Comments of the Service Director - Finance

The contents of this report are duly noted, there are no financial implications.

[DJK 24.08.12]

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Rufford

Report Author / Case Officer
Thomas Cox
0115 9696512

For any enquiries about this report, please contact the report author.

W000906 – DLGS REFERENCE

PSP.EP5344 – COMMITTEE REPORT FOLDER REFERENCE

29 August 2012 – Date Report Completed by WP Operators

APPENDIX 1

RECOMMENDED PLANNING CONDITIONS

Extent of planning permission

1. This permission relates to land within the red line on Drawing No. 2256.B01 titled 'Planning Application Boundary' dated October 2011 and received by the MPA on 30 November 2011.

Reason *To define the extent of the planning permission.*

Commencement and duration of the development

2. The development hereby permitted shall be begun within three years from the date of this permission.

Reason *To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

3. The Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement at least seven days, but not more than 14 days, prior to the commencement of development.

Reason To enable the MPA to monitor compliance with the Conditions of the planning permission.

4. The disposal of colliery waste hereby permitted shall cease no later than 30 September 2022. The MPA shall be notified in writing of the date on which colliery waste disposal ceases within 14 days of its occurrence.

Reason To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy M12.3 (Colliery Spoil Disposal) of the Nottinghamshire Minerals Local Plan.

5. All restoration operations in accordance with Conditions 41 – 43 shall be completed within twelve months of the cessation of colliery waste disposal, as notified under Condition 4 above, unless otherwise agreed in writing beforehand by the MPA in the event that ground conditions make final profiling and soil replacement impossible to achieve whilst ensuring soil is handled in a suitable condition such that it is not damaged.

Reason To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy M12.3 (Colliery Spoil Disposal) of the Nottinghamshire Minerals Local Plan.

Approved details and plans

6. The development hereby permitted shall only be carried out in accordance with the following documents, unless otherwise agreed in writing by the MPA, or where amendments are made pursuant to other Conditions:
 - a. Planning Application Forms (MD1) dated 29 November 2011 and received by the MPA on 30 November 2011;
 - b. Environmental Statement including Appendices 1 – 5 titled 'UK Coal Mining Ltd Thoresby Colliery Amendment & Extension of Spoil Disposal Scheme' Version No.3 dated 3 November 2011 and received by the MPA on 30 November 2011;
 - c. Drawing No. 2256.01 titled 'Location Plan' received by the MPA on 30 November 2011;
 - d. Drawing No. 2256.02 titled 'Aerial Photograph of Existing Site' received by the MPA on 30 November 2011;
 - e. Drawing No. 2256.03 titled 'Existing Site (based on tip survey dated 2 July 2010)' dated November 2010 and received by the MPA on 30 November 2011;

- f. Drawing No. 2256.04 titled 'Permitted and Proposed Contours' dated November 2010 and received by the MPA on 30 November 2011;
- g. Drawing No. 2256.05 titled 'Proposed Scheme – Existing Restored Areas to be Removed' dated November 2010 and received by the MPA on 30 November 2011;
- h. Drawing No. 2256.06 titled 'Proposed Scheme – Amended Restoration Proposals' dated November 2010 and received by the MPA on 30 November 2011;
- i. Drawing No. 2256.07 titled 'Proposed Scheme – Cross Sections' dated October 2010 and received by the MPA on 30 November 2011;
- j. Drawing No. 2256.08 Rev A titled 'Phasing Plan' dated September 2011 and received by the MPA on 30 November 2011; and
- k. Drawing No. 2256.28 titled 'Surface Water Management' dated September 2011 and received by the MPA on 30 November 2011.

Reason For the avoidance of doubt.

- 7. From the commencement of the development to its completion, a copy of this permission, including all plans and documents hereby approved and any other plans and documents subsequently approved in accordance with this permission and its Conditions shall always be available at the site offices for inspection by the MPA during normal working hours.

Reason To enable the MPA to monitor compliance with the Conditions of the planning permission.

Hours of Working

- 8. Except in the case of emergency when life, limb or property are in danger (such instances which are to be notified in writing to the MPA within 48 hours of their occurrence), or with the prior written agreement of the MPA the development hereby permitted shall only take place within the following hours:

Colliery spoil disposal and on-site transportation	Monday to Friday	0700hrs to 1900hrs
	Saturdays	0700hrs to 1400hrs
No working on Sundays, Bank or Public Holidays		

Reason In the interest of amenity and in accordance with Policy M3.5 (Noise) of the Nottinghamshire Minerals Local Plan.

Ecology

9. Prior to the commencement of the development measures for the protection of breeding birds shall have been submitted to and approved in writing by the MPA, details of which shall include but not necessarily be limited to:
- a. Locations of open fronted and hole nest boxes within areas of retained woodland;
 - b. Areas of grassland/woodland to be retained;
 - c. Monitoring measures along the northern site boundary, with regard to nightjar utilising heathland adjoining the site;
 - d. Methods to avoid high intensity lighting and light spillage into land outside of the application site; and
 - e. Areas to be sown with wild bird cover to supplement foraging habitats in the short term.

Mitigation measures shall thereafter be implemented in full accordance with the approved details for the duration of the permission.

Reason *To ensure the protection of breeding birds in the interest of nature conservation and to accord with Policy M3.17 (Biodiversity) of the Nottinghamshire Minerals Local Plan.*

10. Prior to the demolition of any building on-site, it shall be surveyed by a suitably qualified ecologist for the presence of bats. Should evidence of any bats be found within any building, then no demolition shall take place until a scheme of mitigation has been submitted to and been approved in writing by the MPA. The approved scheme of mitigation shall be carried in full prior to the demolition of the building.

Reason *To safeguard protected species.*

11. Prior to the commencement of the development measures to ensure that protected species cannot be trapped within any excavation on-site shall be submitted to and be approved in writing by the MPA. The scheme shall be implemented in accordance with the approved details.

Reason *To safeguard protected species.*

12. Prior to the commencement of the development a method statement for the protection of Little Ringed Plover (whose habitat can be bare shale) shall be submitted to and be approved in writing by the MPA. The scheme shall be implemented in accordance with the approved details.

Reason *To safeguard protected species.*

13. Should any protected species be found on-site during the course of the development hereby permitted, operations shall immediately cease until a

suitable mitigation scheme has been implemented in full accordance with details previously submitted to and approved in writing by the MPA.

Reason To safeguard protected species.

14. Within three months of the date of commencement of the development hereby permitted, as notified under Condition 3 above, a de-silting scheme for the ponds on-site shall be submitted to the MPA for approval in writing. The scheme shall be implemented in accordance with the approved details.

Reason To encourage the re-establishment of pond life in accordance with Policy M3.17 (Biodiversity) of the Nottinghamshire Minerals Local Plan.

Noise

15. All mobile plant on-site shall be fitted with effective silencers in accordance with the manufacturers' recommendations and maintained in accordance with the manufacturers' specifications.

Reason To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 (Noise) of the Nottinghamshire Minerals Local Plan.

16. All mobile plant on-site shall be fitted with smart audible alarms adjusted to background noise levels at all times.

Reason To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 (Noise) of the Nottinghamshire Minerals Local Plan.

17. Noise levels shall not exceed the following limits:

Site noise limit dB LA_{eq}, 1 HOUR

Location	Site noise limit dB (A)
Maythorn Grove	43
Ollerton Road	47
Cockglode Nature Reserve	61
Cockglode Cottage	46
Woodside Cottage	46

Reason To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 (Noise) of the Nottinghamshire Minerals Local Plan.

18. For temporary operations such as site preparation, soil stripping, bund formation and removal, and final restoration, the free-field noise level due to operations at the site at the nearest point to each of the noise sensitive locations listed in Condition 17 above shall not exceed 70 dB LA_{eq}, 1hr free-field expressed in the same manner as for Condition 17 above. Temporary operations shall not exceed a total of eight weeks in any 12 month period for operations close to any individual noise sensitive localities.

Reason To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 (Noise) of the Nottinghamshire Minerals Local Plan.

19. Measures shall be taken to minimise the generation of noise from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:
- a. Routeing of haul roads as far from the site boundary as possible and to minimise steep gradients and excessive circuits;
 - b. Selection of suitable plant and machinery including the use of a small, quieter dozer; and
 - c. Controlling layout where practicable e.g. to screen receptors from line-of-sight of haul roads to minimise noise from the site.

Reason To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 (Noise) of the Nottinghamshire Minerals Local Plan.

Dust

20. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:
- a. The use of water bowsers to dampen haul roads, coal stockpiles, exposed spoil material and other operational areas of the site;
 - b. The regular re-grading of internal haul roads;
 - c. The fitting of all mobile plant with exhaust systems which cannot be emitted in a downward direction;
 - d. The grading and seeding of all soil storage mounds;
 - e. The minimisation of exposed surfaces on the spoil mound, both the working area and the area being restored;
 - f. Upon the request of the MPA, the temporary suspension of colliery spoil disposal or soil movement during periods of unfavourably dry or windy weather conditions.

Reason To ensure that dust impacts associated with the operation of the development are minimised in accordance with Policy M3.7 (Dust) of the Nottinghamshire Minerals Local Plan.

21. Dust monitoring shall be carried out on-site in accordance with a dust monitoring scheme which shall have been submitted to and approved in writing by the MPA within one month of the date of commencement of the development. The dust monitoring scheme shall include:
- a. Details of the method of dust monitoring;
 - b. The location of the dust monitoring points;
 - c. The frequency of the dust monitoring inspections;
 - d. The method of analysis;
 - e. The logging of dust monitoring results;
 - f. The submission of dust monitoring results to the MPA; and
 - g. Procedures for implementing corrective actions.

Reason To ensure that dust impacts associated with the operation of the development are minimised in accordance with Policy M3.7 (Dust) of the Nottinghamshire Minerals Local Plan.

Prevention of pollution of surface and ground water

22. Within three months of the commencement of the development, a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to, and approved in writing by, the MPA. The submitted scheme shall include the following details:
- a. Calculations to demonstrate existing surface water run-off rates;
 - b. Calculations to demonstrate how the proposed surface water management scheme shall maintain existing surface water run-off rates;
 - c. Detailed design drawings for sustainable drainage features; and
 - d. Details of how the scheme shall be maintained and managed after the restoration of the site following the completion of the development.

The scheme shall be implemented and maintained in accordance with the approved details.

Reason To prevent the increased risk of flooding.

23. Prior to the deposit of colliery spoil on land beyond the existing footprint of the tip, namely the pithead car park and stores yard, a scheme for the protection of ground water shall be submitted to the MPA for approval in writing. The scheme shall be implemented in accordance with the approved details.

Reason To protect ground water from pollution in accordance with Policy M3.8 (Water Environment) of the Nottinghamshire Minerals Local Plan.

24. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate storage capacity of all storage containers. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

Reason To protect ground and surface water from pollution in accordance with Policy M3.8 (Water Environment) of the Nottinghamshire Minerals Local Plan.

Soil stripping, handling and storage

25. The MPA shall be notified in writing at least 5 working days, but not more than 10 working days before soil stripping is due to commence in any phase, or part

phase in the event that a phase is not stripped in its entirety in one stripping campaign.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

26. No turf, soils or overburden shall be removed from the site.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

27. A detailed soil-handling scheme for each relevant phase of the development shall be submitted to the MPA for its approval in writing at least one month prior to the stripping of any soil from each of the phases of the site. Such a scheme shall include the following details:

- a. The size, locations, volume and composition of soil storage mounds;
- b. A methodology statement for the stripping, storage and replacement of soil;
- c. The types of machinery to be used;
- d. The routes to be taken by plant and machinery involved in soil handling operations;
- e. The depths of soils to be stripped/replaced; and
- f. The spacing and depth of any post-replacement soil ripping and cultivations.

The development of that phase shall thereafter be carried out in accordance with the approved scheme.

Reason To ensure satisfactory restoration of the site, in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

28. Site clearance operations that involve the destruction and removal of vegetation on-site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA.

Reason To ensure that breeding birds are not adversely affected by the development.

29. All soils and any overburden shall be stripped separately to their full depths.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

30. No plant or vehicles shall cross any area of unstripped soils or overburden except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this Condition. No part of the site shall be excavated or traversed or used for a road, or storage of soils or overburden, until all available soils and overburden have been stripped from that part.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

31. Soil stripping shall not commence until any standing crop or vegetation has been cut and removed.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

32. Soils and any overburden shall only be stripped when they are in a dry and friable condition and movements of soils shall only occur:

- a. When all soils above a depth of 300mm is in a suitable condition that is not subject to smearing;
- b. When topsoils are sufficiently dry that they can be separated from subsoils or overburden without difficulty; and
- c. When there is not standing water on the areas to be stripped.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

33. All soil storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded during the first available sowing season in accordance with a seed mixture which has been agreed in writing beforehand by the MPA. The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

34. Unless otherwise agreed in writing by the MPA, all soil storage mounds shall be no more than 3 metres in height above adjacent ground level.

Reason To safeguard the amenities of the area and to ensure the satisfactory working of the site in accordance with Policy M3.3 (Visual Intrusion) of the Nottinghamshire Minerals Local Plan.

35. Details of the volumes and location of soils and overburden stored on the site shall be submitted to the MPA by 31 December each year along with a plan

showing the status of the site and an assessment of the soils necessary to complete restoration in all unrestored areas of the site in accordance with the approved details.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

Soil Replacement

36. The MPA shall be notified in writing at least 5 working days before each of the following, where applicable:

- a. Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
- b. When subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out; and
- c. On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

37. Soils and any overburden shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, respreading, levelling, ripping or loosening of overburden or soils shall occur.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

38. Plant and vehicles shall not cross any area of replaced and loosened ground or replaced soils except where essential and unavoidable for purposes of carrying out soil replacement, ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

39. Prior to the replacement of soils and any overburden, the final profile of the colliery spoil heap shall be ripped using overlapping parallel passes:

- a. To provide loosening to a minimum depth of 450mm with tine spacings no wider than 0.6m; and
- b. Any rock, boulder or larger stone greater than 100mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final contours.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

- 40. Only low ground pressure machinery shall work on re-laid soils to replace and level soils.

Reason To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

Restoration

- 41. Notwithstanding the generality of Drawing No. 2256.06 titled 'Proposed Scheme Amended Restoration Proposals' dated November 2010 and received by the MPA on 30 November 2011, the following details shall be submitted to the MPA for approval in writing within six months of the date of commencement of the development hereby permitted, as notified under Condition 3 above:

- a. The extent and layout of the footpath network;
- b. Measures to improve existing woodland on-site. In particular, the thinning of the northern block of woodland towards the base of the slope;
- c. Amendments to the woodland planting mix. (The removal of alder, replaced with a higher proportion of silver birch. Pedunculate Oak should predominate over Sessile Oak e.g. 20% Pedunculate and 10% Sessile Oak. The amount of Rowan should be reduced to 5% with the remaining 10% distributed between Silver Birch and the two Oak species);
- d. Amendments to the stocking rate, preferably 1,100 stems per hectare;
- e. A management plan to control Himalayan balsam;
- f. Timetable for the removal of non-native tree species from existing restoration plantations;
- g. A greater extent of heathland restored, through conversion of some of the acid grassland on the eastern side of tip;

- h. The seed source to be used;
- i. Methods for heathland and acid grassland establishment; and
- j. Landscape heritage interpretation (information/education) board.

The maintenance and restoration of the site shall be carried out in accordance with the approved plan incorporating the agreed details as listed above.

Reason To ensure the satisfactory restoration of the site in accordance with Policy M4.4 (Landscape Treatment) of the Nottinghamshire Minerals Local Plan.

42. Landscape planting shall be undertaken during the first seeding and planting seasons following placement of soils in each phase. Any seeding and planting that dies or becomes diseased, damaged or removed within 5 years shall be replaced during the first planting season thereafter with others of similar size and species and maintained, unless the MPA gives written consent for a variation to be replanted.

Reason To ensure the satisfactory restoration of the site in accordance with Policy M4.4 (Landscape Treatment) of the Nottinghamshire Minerals Local Plan.

43. The MPA shall be notified of the completion of restoration works required by Conditions 41 and 42 above.

Reason To ensure the satisfactory restoration of the site.

Aftercare

44. Following restoration the site shall undergo aftercare management for a 5 year period.

Reason To provide for aftercare of the restored site, in accordance with Policy M4.9 (Aftercare) of the Nottinghamshire Minerals Local Plan.

45. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA. The 5 year aftercare period shall run from the agreed date.

Reason To provide for aftercare of the restored site, in accordance with Policy M4.9 (Aftercare) of the Nottinghamshire Minerals Local Plan.

46. Within six months of the date of commencement of the development hereby permitted, as notified under Condition 3 above, an aftercare scheme and strategy shall be submitted to the MPA for its approval in writing. The strategy shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is restored and

brought back to a satisfactory condition. The aftercare scheme shall include but not necessarily be restricted to details of the following:

- a. Cultivations;
- b. Weed control;
- c. Sowing of seed mixtures;
- d. Soil analysis;
- e. Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;
- f. Drainage amendments;
- g. Subsoiling and underdrainage proposals;
- h. Management practices such as the cutting of vegetation;
- i. Tree protection;
- j. Remedial treatments;
- k. Irrigation; and
- l. Fencing.

Reason To provide for aftercare of the restored site, in accordance with Policy M4.9 (Aftercare) of the Nottinghamshire Minerals Local Plan.

47. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 46(e) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

Reason To provide for aftercare of the restored site, in accordance with Policy M4.9 (Aftercare) of the Nottinghamshire Minerals Local Plan.

48. The aftercare programme shall be implemented in accordance with the details approved under Condition 46 above, as amended following the annual site meeting referred to in Condition 47 above.

Reason To provide for aftercare of the restored site, in accordance with Policy M4.9 (Aftercare) of the Nottinghamshire Minerals Local Plan.

Alternative restoration

49. Should, for any reason, tipping cease for a period in excess of 6 months, then, within three months of the date of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted in writing to the MPA for its approval. Such a scheme shall include details of the final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these Conditions and also provide details of the aftercare proposal in a similar manner to Condition 46. The revised restoration proposals shall be implemented within 12 months of their approval by the MPA and thereafter managed for a period of 5 years in accordance with the approved aftercare details.

Reason To secure proper restoration of the site within an acceptable timescale.

Notes to Applicant:

1. The drainage scheme proposed should provide a sustainable drainage strategy to include SUDS elements with attenuation, storage and treatment capacities incorporated as detailed in the CIRIA SUDS Manual (C697).
2. The local Environment Officer for the area (Darren Martin tel. 01773 547009 email Darren.martin@environment-agency.gov.uk) requests a site visit prior to the commencement of activities. The purpose of the visit is to ensure that all precautions are in place to avoid surface water run-off causing silt pollution of local watercourses.