

Mr Oliver Meek
Nottinghamshire County Council
Minerals & Waste Planning
Trent Bridge House
Fox Road
Nottingham
Nottinghamshire
NG2 6BJ

Our ref: LT/2017/122525/01-L01
Your ref: ES/3712

Date: 28 September 2017

Dear Mr Meek

**LAND OFF GREEN STREET MILL HILL AND LAND AT BARTON FABIS OFF
CHESTNUT LANE**

Thank you for referring the above application which was received on 1 September 2017.

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

Environment Agency Position

The Environment Agency has no objection to the proposed development subject to imposition of the following planning conditions.

Flood risk

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) titled 'Land at Mill Hill and Barton in Fabis Modelling Report' dated 10 January 2017, Rev D by Edenvale Young Associates Ltd and the following mitigation measures detailed within the FRA:

1. Excavated material will be utilised progressively such that stockpiled material will be used to backfill in a controlled sequence.
2. Ground elevations across the site after restoration will be the same as or lower than pre-development levels.
3. A stand-off distance of at least 20 metres will be maintained between the working face of the quarry and the landward toe of the flood embankment at Barton-in-Fabis village.
4. Temporary storage of excavated materials should be aligned where possible parallel to flood flows

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Reason

1. To prevent the loss of floodplain storage capacity.
2. To prevent flooding elsewhere by ensuring that storage of flood water capacity is maintained or increased.
3. To ensure the structural integrity of the existing flood defences thereby reducing the risk of flooding.
4. To not inhibit overland flood flow routes.

Groundwater protection

We have reviewed Appendix 03 of the Environmental Statement – *Hydrogeological and Hydrological Assessment for Proposed Mineral Extractions*, produced by Hafren Water, dated September 2016 (ref: 1846/HIA).

The report has identified a number of water features which could be impacted by the proposed site operations (e.g. dewatering of groundwater from excavations). Recommendations for groundwater and surface water monitoring during operation of the site were recommended.

Based on the information submitted, further permissions must be sought outside of the planning regime (i.e. environmental permits and licences etc.) – please see our informative below for more information.

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition

The development hereby permitted shall not be commenced until such time as a scheme for groundwater and surface water monitoring has been submitted to, and approved in writing by, the local planning authority.

Any such scheme shall include justified trigger levels for each monitoring point, frequency of monitoring, and plans for the actions to be undertaken in the event of a breach of these levels. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the local planning authority.

Reasons

To prevent unacceptable impacts to controlled waters and comply with the National Planning Policy Framework (NPPF). Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural environment. Protection of the water environment is a material planning consideration and proposals should ensure that new development does not harm the water environment.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

To prevent pollution of controlled waters and comply with the NPPF.

Informatives

Dewatering/ Groundwater abstraction

The physical act of dewatering is currently exempt from the abstraction licensing system. The Water Act 2003 has removed this and other exempt activities, but the commencement order has yet to be produced. Please be aware that all dewatering sites will have to apply for an abstraction licence, once the commencement order has been published.

Further, the reuse of groundwater from dewatering for the purpose of mineral washings (as indicated in the Environmental Statement) requires an abstraction licence. Please see the webpage below for more information and contact details of the Environment Agency:

<https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

Permits

The proposed discharges to watercourses will require an environmental permit, which must be in place prior to any discharge being made. Please see the webpage below for more information on environmental permits:

<https://www.gov.uk/topic/environmental-management/environmental-permits>

Please note that such permission could be withheld if a proposed discharge poses an unacceptable risk to the environment.

Above ground storage of oils, fuels or chemicals

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Prior to the submission of a declaration, it is difficult to comment in detail on proposals for materials re-use. It is the intention that under the Definition of Waste Code of

Practice (DoWCoP), the Qualified Person, acting in line with the CoP, will undertake the review of certain documents, which provides the EA with a necessary degree of assurance that the proposals to use excavated materials in that particular setting are appropriate.

With this in mind, we provide below some generic advice on the re-use of materials under the CoP:

1. Under the principles for the use of materials as non-waste in the DoWCoP, materials should only be used in the quantities necessary for that use, and no more. Where contaminated material is disposed of and has to be contained and managed to prevent pollution of the environment or harm to human health, then the material will be viewed as having been discarded as waste. This will be a landfill and require an Environmental Permit.
2. We turn the enquirer's attention to Questions 1 and 2 of the Frequently Asked Questions within Appendix 8 of Version 2 of the DoWCoP (March 2011). This sets out the difference between cover layers and engineered cells or caps designed to prevent harm to human health.

Contaminated materials

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Yours sincerely

Ms Charlotte Storr
Planning Advisor

Data Protection

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