



**REPORT OF GROUP MANAGER PLANNING**

**BASSETLAW DISTRICT REF. NOS.: 1/38/12/00001 AND 1/12/12/00001**

**PROPOSALS: DISPOSAL OF PULVERISED FUEL ASH (PFA) BY MEANS OF LAND RAISING ON SOUTH LAGOONS AND MAINTAINING PFA DISPOSAL OPERATIONS IN THE SOUTH COAL STOCKS ASH LAGOON (1/38/12/00001), and VARIATION OF CONDITIONS 6,7,20,29,31,36,37 AND 38 OF PLANNING PERMISSION 1/12/06/00002 TO AMEND END DATES FOR RESTORATION AND DISPOSAL OF PFA (1/12/12/00001)**

**LOCATION: COTTAM POWER STATION, OUTGANG LANE, COTTAM**

**APPLICANT: EDF ENERGY (COTTAM POWER) LTD**

**Purpose of Report**

1. To consider two planning applications for the continued disposal of pulverised fuel ash (PFA) on areas known as the north and south lagoons at Cottam Power Station. One application seeks to vary a number of conditions on an existing planning permission with respect to operations on the north lagoons, while a full application on the south lagoons has been submitted due to significant changes proposed to the disposal operations. The second application also seeks to maintain PFA disposal operations in the South Coal Stocks Ash Lagoon. The key issues relate to the consideration of the proposals in relation to the waste hierarchy, the safeguarding of protected species, and landscape impact, particularly on the setting of Torksey Castle. The recommendation is to grant planning permission for both applications subject to the conditions set out in Appendices 1 and 2 of this report and the signing of a legal agreement with respect to an additional five years of aftercare.

**The Site and Surroundings**

2. Cottam Power Station, which in its entirety covers an area of approximately 240 hectares, is located close to the western bank of the River Trent (which forms the county boundary between Nottinghamshire and Lincolnshire) approximately ten kilometres east of Retford town centre (see Plan 1). There are two power generating plants on the site: a coal fired plant constructed in the 1960s and opened in 1969 which generates almost 2,000 megawatts of power; and a combined cycle gas turbine plant opened in 1999 with a generating capacity of 400 megawatts. The power station lagoons which are the subject of these two applications, and which are known as the north and south lagoons, are located

to the east of the main built development of the power station (see Plan 1). The north lagoons covers an area of approximately 38 hectares and the south lagoons extends to approximately 44 hectares.

3. Access to the site by the road network is by local roads which link to the A57 and then the A1 to the south, and the A620 to the north. A mineral railway line also serves the site from the west to allow for the delivery of coal by rail. The village of Cottam is to the immediate north of the power station, Rampton approximately 1.5 kilometres to the west, Treswell and South Leverton approximately 2.5 kilometres to the west, and Laneham and Church Laneham approximately three kilometres to the south (see Plan 1). The Lincolnshire village of Torksey is located on the eastern bank of the river opposite the power station and on the southern edge of the village, approximately 400 metres from the eastern edge of south lagoons, is Torksey Castle which is Grade I listed and designated as a Scheduled Ancient Monument (SAM). To the south of the castle is the site of the medieval town of Torksey which extends to approximately eight hectares and is also designated as a SAM. A railway viaduct, which is Grade II\* listed, crosses the river from Torksey to the power station, although it no longer carries a railway line (see Plan 2).
4. The predominant land use around the power station is agriculture with the land being predominately flat with the exception of flood banks running alongside the river, one of which forms part of the Trent Valley Way Footpath (see Plan 2). The north and south lagoons are largely separated by Treswell Bridleway Number 18 which runs east to west along the line of the former railway line which crossed the river via the aforementioned viaduct. The bridleway then heads northeastwards close to the south eastern edge of the north lagoons before crossing the Carr Drain and heading east as Treswell Bridleway Number 6 where it eventually joins the Trent Valley Way Footpath. Rampton Byway Open to All Traffic (BOAT) Number 13 runs along the southern boundary of the power station and to the south of which is the former Rampton sand and gravel quarry, large areas of which have been restored through the importation of PFA from the power station. To the west of the former quarry, approximately one kilometre from the western edge of the south lagoons, is the Fleet Plantation Moated Site SAM, a medieval moat. Rampton Footpath Number 6 and Treswell Footpath Number 5 run along the western boundary of the power station site (see Plan 2). The whole of the lagoons areas and the majority of the power station site lie in the floodplain.

## **Planning History**

5. As part of the construction of the coal fired power station in the 1960s, a number of borrow pits were excavated on site to source aggregate in order to raise ground levels across the station as a precaution against flooding, and to construct the lagoon embankments. These borrow pits created the lagoons which are now subject to these applications (see Plan 2) and were originally used to receive PFA slurry. The north lagoons were largely filled, subsequently drained, and then restored to grassland and used for grazing. Cottam Bridleway Number 2 crosses the north lagoons from east to west (see Plan 2), although it is presently closed due to operations taking place there. At the eastern end

there is an area of wetland and wet grassland which has been designated as Cottam Ponds Site of Importance for Nature Conservation (SINC), described as “ponds supporting a notable marginal and aquatic flora” (see Plan 2). Beyond the eastern end of the north lagoons is an area known as North Lagoon Area 4 which contains soils stripped from the north lagoon area prior to PFA disposal taking place (see Plan 2). Area 4 is covered with semi-improved grassland.

6. The south lagoons were not completely filled with PFA either and some low lying wetland areas have formed, particularly at the eastern end, towards the north eastern corner and on the southern edge where there are linear water features. The lagoon system drains to the pond at the eastern end with the water passing through a reedbed prior to discharge into the River Trent. The south lagoons now consists of a mixture of grassland, scrub planting and wetland areas and, along with further land to the south and North Lagoon Area 4, has been designated as the Cottam Wetlands SINC, described as “an excellent wetland mosaic comprising lagoons, marshy grassland, swamp and a representative length of the River Trent” (see Plan 2). At the western end of the south lagoons, outside the SINC designation, are two stockpiles of conditioned PFA (PFA mixed with a small amount of water to suppress the generation of dust).
7. In the southwest corner of the south lagoons, to the south of the PFA stockpiles, is an established Education Centre which has fully equipped classrooms available for a wide range of activities and groups with experienced rangers available to help teach environmental subjects. To the south of this is an area which was recently granted planning permission for the construction and operation of plant which blends furnace bottom ash (FBA) with PFA to produce a secondary aggregate used in the construction industry.
8. To the west of the PFA stockpiles is an area known as the South Coal Stocks Ash Lagoon into which slurried PFA is pumped for settlement (see Plan 2). The power station handles most of its PFA production using dry dusting equipment which allows for the handling of PFA in a predominately dry state with water sprayed on it to suppress dust. However, some PFA is handled in slurried form, particularly when there is high PFA production or breakdowns in the dry dusting equipment. To the north of the South Coal Stocks Ash Lagoon is the main coal stocking area where coal delivered by rail and road is stocked prior to its use in energy production.
9. The documents submitted with the applications state that Cottam Power Station generates approximately 10,000 gigawatt hours of electricity per annum. This requires four million tonnes of coal which, when burnt, generates approximately 600,000 tonnes of ash, of which around 70,000 tonnes is furnace bottom ash FBA and the remainder PFA. All of the FBA and around half of the PFA is sold and reused offsite as a secondary aggregate, such as in engineering operations and also as a cement replacement material in the construction industry. However, the production of PFA continually outstrips its demand as a secondary aggregate and so some needs to be disposed of. In the past, in addition to pumping PFA slurry into the north and south lagoons, it has been pumped through a pipeline to former mineral workings at Sutton cum Lound to the north of Retford and has also been used to restore much of the mineral workings at the adjacent former Rampton quarry. However, by the middle of the last

decade, Rampton quarry had been completely restored and a new PFA disposal solution was required.

10. In March 2006, a planning application (reference 1/12/06/00002) was submitted to the County Council to dispose of up to four million tonnes of conditioned PFA on the north and south lagoons over a period lasting until the then anticipated end life of the power station, approximately 2021. The application was granted planning permission in December 2006 and tipping on the north lagoons commenced in March 2007.
11. It was anticipated that the deposit of PFA on the north lagoons would be at a rate of between 250 – 300,000 tonnes per annum, although the average rate of disposal has been closer to 200,000 tonnes per annum. By the end of September 2011, approximately 1.2 million tonnes of PFA had been disposed on the north lagoons, although the economic downturn, which has resulted in reduced sales of PFA, has seen disposal requirements increase to approximately 275,000 tonnes in 2011. The permission granted allows for disposal to agreed contours up until the end of 2014, with the maximum permitted height of the tipped PFA on the north lagoons being 17 metres above ordnance datum (AOD). Tipping has progressed on a phased basis from west to east with phase 1, which is closest to the village of Cottam, now restored and planted with trees with restoration in phase 2 having been commenced. Site clearance has taken place in phase 3 and disposal operations have commenced (see Plan 3).
12. The approved restoration scheme for the north lagoons provides for areas of species rich grassland, damp grassland, exposed areas to allow for natural colonisation, scrub and woodland planting and an area of wetland and open water in the south east corner of the lagoons. The restoration scheme also provides for the permanent diversion of Cottam Bridleway Number 2 along the northern boundary of the lagoons.
13. Whilst the existing permission seeks to concentrate PFA disposal on the north lagoons, it also provides for disposal on the south lagoons if required although no tipping in this area has yet taken place. Should tipping commence on the south lagoons, the planning permission requires tipping to cease by the end of 2021 and allows for tipping across the entire lagoons area up to a maximum height of 12.5 metres AOD. The approved restoration scheme for the south lagoons is to a mixture of species rich grassland, damp grassland, wetland areas and ponds, and scrub and woodland.
14. Condition 5 of the 2006 permission does not allow for any deposited PFA to be excavated from the permission area and removed from the site without the prior permission of the Waste Planning Authority (WPA). However, the amount of wet PFA produced by the power station has been much greater than envisaged at the time of the application for the 2006 permission being submitted and so, once dried, has been subject to continuous excavation from the south Coal Stocks Ash Lagoon in order to provide sufficient capacity for further wet PFA disposal.

## **Proposed Development**

15. The applicant has recently carried out a review of its ash disposal requirements in light of a number of factors. This review has been prompted by recent reductions in PFA sales, the discovery of great crested newts (GCNs) on the north lagoons, and a recalculation of the floodplain compensatory areas required. This has already required a revision to the restoration scheme for the north lagoons in order to allow for the retention of existing ponds and ephemeral habitats and has resulted in the loss of approximately 300,000 tonnes of disposal capacity (see Plan 3). In addition to this, the life of the power station has been extended and it is expected to continue generating power until at least the end of 2023. As detailed above, the existing planning permission requires ash disposal to cease by the end of 2021.
16. Two planning applications have been submitted as a result of this review. The first application seeks to vary a number of conditions on the existing planning permission 1/12/06/00002. Whilst that permission covers both the north and the south lagoons, and the variations being sought relate to both lagoons, in effect the variations would provide for relatively minor changes to the working and restoration of the north lagoons only. This is because the changes being sought with respect to the south lagoons are more significant and, following discussions with the County Council, it was agreed that these changes not only needed to be reflected through the variation application but also needed to be assessed through a full planning application. The second application therefore relates to the south lagoons only and seeks to supersede the planning controls in place for those lagoons on the existing permission (the extent of the south lagoons application area is detailed on Plan 4).

#### North Lagoons

17. The variation application would allow for extended periods of time for PFA tipping on the north and south lagoons of two years with the timeframes for the completion of restoration on each lagoon similarly extended. Variations are also being sought with respect to the final restoration proposals for each of the lagoons. It is also proposed to revise the method by which soils required for restoration purposes on the north lagoons would be removed from the North Lagoons Area 4.
18. For the north lagoons, the main changes proposed to the restoration scheme already approved are to Area 4 with some minor amendments to planting blocks elsewhere. As presently approved, Area 4 would be excavated of soils for restoration purposes on the remainder of the north lagoons and Area 4 restored to one large lake and one smaller lake with surrounding damp grassland, wet grassland, wetland scrub and woodland. The variation application seeks to amend the restoration of Area 4 insofar as fewer soils would need to be excavated for restoration purposes allowing for the restoration of the area to a series of smaller ponds of various sizes suitable for amphibians; scrapes, wetlands and wet grassland for the benefit of wading birds, invertebrates, amphibians and reptiles; the extension of a pond between Area 4 and the south lagoons and the creation of a shallow scrape for wading birds; creation of habitat for amphibians, reptiles and invertebrates; and managed grassland.

19. The existing permission allows for soils to be removed from North Lagoons Area 4 as required using articulated dump truck (ADTs) and an indicative dedicated crossing point on Treswell Bridleway Number 18 was submitted with that permission. Due to the required changes to the final landform for the north lagoons, in order to protect existing ponds and surrounding habitat for GCNs, it would not be possible for ADTs to use this existing route and crossing point without damaging this habitat. It is therefore proposed to convey restoration soils to the north lagoons by travelling along Treswell Bridleway 18 instead (see Plan 3). The ADTs would travel south and then west from Area 4 to an existing access point onto the north lagoons. As the use of the bridleway by ADTs requires the closure of the bridleway, it is proposed to carry out this operation during a single 4 – 6 week operation, rather than having to close the bridleway on a number of occasions.
20. The submitted revised restoration plan for the north lagoons also proposes a slightly revised route for the proposed Cottam Bridleway Number 2 which is to be provided as a definitive right of way to replace the existing bridleway, the line of which crosses the north lagoons. It was originally intended to route the new bridleway along the crest of the northern embankment of the north lagoons but the requirement of the County Council's Countryside Access Team for the bridleway to be four metres wide could not be provided for in this location and there were also concerns for the safety of horses on such a crest. It is therefore proposed to move the proposed bridleway a few metres south so that it runs along the northern edge of the final PFA landform (see Plan 3).
21. The proposed variations being sought can therefore be summarised as follows:
  - (i) Condition 6, which requires PFA disposal on the north lagoons to be completed by 31 December 2014, to be extended to a new end date of 31 December 2016;
  - (ii) Condition 7, which requires PFA disposal on the south lagoons to be completed by 31 December 2021, to be extended to a new date of 31 December 2023;
  - (iii) Condition 20, which concerns the crossing of Treswell Bridleway Number 6, to be varied to allow the temporary use of Treswell Bridleway Number 18;
  - (iv) Condition 29 which details the restoration requirements for the north and south lagoons, to be varied to provide for the new restoration proposals;
  - (v) Condition 31, which details the phased tipping and restoration of the north and south lagoons, to be replaced with a revised phasing plan for the north lagoons (phasing on the south lagoons to be dealt with separately in the other application);
  - (vi) Condition 36, which details the tree and shrub planting required for the north and south lagoons, to be varied to provide for the new restoration proposals;

- (vii) Condition 37, which requires the restoration of the north lagoons to be completed by 31 December 2014 or two years after the cessation of the disposal of PFA on the site, whichever is the sooner, to be extended to a new date of 31 December 2018;
- (viii) Condition 38, which requires the restoration of the south lagoons to be completed by 31 December 2021 or two years after the cessation of the disposal of PFA on the site, whichever is the sooner, to be extended to a new end date of 31 December 2025.

### South Lagoons

- 22. For the south lagoons, significant changes are proposed to PFA disposal operations and the restoration of the site, hence a full application has been submitted for this area, although the proposed changes to timescales for PFA disposal and restoration do mirror those timescales detailed above. The existing planning permission provides for the disposal of between 1.4 and 1.8 million tonnes of PFA across much of the south lagoons to a maximum height of 12.5 metres AOD. The water areas in the eastern corner of the site would be retained with the central and western sections being tipped to a relatively flat plateau and restored to grassland, wet grassland around the ponds, scrub and woodland. The approved scheme provides for the relocation of the Education Centre to the centre of the south lagoons.
- 23. The revised working proposed for the south lagoons would see tipping being concentrated in two distinct areas, the east mound and the west mound, in order that the areas of greatest ecological interest can be retained. This ecological interest includes the presence of water voles and GCNs and a sizeable area of wetland habitat. The revised working would also allow for the retention of the existing provisions for surface water discharge from the South Coal Stocks Ash Lagoon. Due to the reduced footprint of the tipping areas that would result compared to what is presently permitted, and to provide the necessary PFA disposal capacity required for the power station's extended life (2.5 million tonnes), it would be necessary, if PFA disposal requirements are the maximum anticipated, to increase the height of the mounds from the presently permitted 12.5 metres AOD to 21 metres AOD.
- 24. The Environmental Statement (ES) includes details of proposed PFA disposal based on two potential scenarios: one for the maximum PFA production and one for a reduced amount. Prior to any PFA tipping taking place, site clearance works would be undertaken which would involve the phased trapping and translocation of GCNs (under licence from Natural England), followed by vegetation clearance and soil stripping. Areas outside the footprint of the east and west mounds would undergo habitat enhancement works, particularly for potential GCN receptor sites. These works would involve scrub removal, vegetation cutting, grassland management, desilting of ditches and ponds, new ponds and refugia.
- 25. Haul roads would also be created, extending from the existing haul road which runs from the main power station buildings along a route to the north of the coal stocking area and then to the north of the existing PFA stockpiles. This haul

route would be extended along the northern boundary of the south lagoons, providing various points of access to both the east and west mounds (see Plan 3). The haul route would be ten metres wide allowing for ADTs to pass each other and would be routed so as to avoid an existing stormwater pipe. The creation of this haul road would also require some vegetation removal.

26. For the maximum PFA production scenario, tipping would commence on the east mound first with works progressing roughly from east to west (see Plan 3). Tipping would first take place in Phases 1a and 1b around the northern, eastern and central section of the eastern half of the east mound. Stand-off distances between the operational areas and the pond to the east and the linear water feature to the south would be a minimum of 50 metres. Previously stripped soils would be temporarily stored in Phase 2 to the south. PFA would be tipped to final contour levels, which would be 21 metres AOD at its highest on Phase 1b, and once completed, the previously stripped soils would be used to restore Phase 1a which would be seeded and planted. Soils stripped from Phase 2 would be placed into storage on Phase 1b which would also be used to store soils stripped from subsequent phases. PFA tipping would then take place in Phase 2 up to its final profile and the phase restored, seeded and planted.
27. The soil storage area on Phase 1b would cover an area of approximately 100 x 170 metres with the soils tipped to a height of two metres. The soil store would be contained by a perimeter bund along the eastern edge measuring three metres in height which would be seeded. Temporary GCN fencing would be erected around the northern, southern and eastern perimeter of Phase 1b to stop GCNs from colonising it due to its continued operational status.
28. The next phases to be tipped would be Phases 3 and 4 which would cover the western end of the east mound. Working would not take place within ten metres of the wetland area to the west of this and these phases would be tipped to 15 metres AOD, allowing Phase 3 around the western perimeter of the mound to be restored, before a mid-term reappraisal of PFA disposal requirements is carried out by the applicant. Tipping would continue in Phase 4 depending on this reappraisal with the maximum height being 21 metres AOD, although this could be lower at 18 metres AOD if lower PFA disposal capacity is required. This phase would then be restored, apart from an area where soils would need to be stored for restoration of the west mound, before the soil stockpile is removed from Phase 1b and that phase is restored as Phase 5.
29. The aforementioned mid-term PFA disposal reappraisal, and further reappraisals, would determine the disposal requirements for the west mound. The following is a description should the maximum amount of PFA disposal be required.
30. Initial clearance of protected species and soils would be from Phase 6 on the eastern end of the west mound. These soils would either be stored on a small area of Phase 6, on a small area of Phase 4 of the east mound, or in an area to the immediate northwest of the footprint of the west mound. The choice made would be designed to reduce the need for double handling of soils to a minimum. Phase 6 would be tipped to approximately 18 metres AOD and tipping would then take place in Phase 7 running through the centre of the west mound



between the existing PFA stockpiles that are located in Phases 8 and 9. The southern PFA stockpile in Phase 8 would be reprofiled and works would then continue in a northerly direction with the final phase of works involving the reprofiling of the PFA stockpile in Phase 9. The west mound would have a maximum height the same as is proposed for the east mound: 21 metres AOD.

31. The phased restoration of the west mound would provide for the early restoration of the perimeter of Phases 6 and 8, followed by a phased restoration following the south to north tipping and reprofiling in Phases 8, 7 and finally 9. For the reduced PFA production scenario, the west mound would simply be restored by reprofiling the existing PFA stocks there, giving a maximum height of only 15 metres AOD.
32. The restoration proposals for the east and west mounds provide for significant areas of native species grassland with small pockets of bare PFA (some of which would be on localised steep gradients), areas of woodland, scrub and scattered scrub, and individual trees. In combination with those areas of the south lagoons outside the east and west mounds, the applicant is seeking to retain key habitat features and the viability for protected species on the site, ensure the site's long-term biodiversity value through the provision of a variety of habitats, and maintain an appropriate visual and landscape integration within the context of the Trent Valley landscape.
33. The applicant has set out an indicative programme for the phased disposal of PFA and the subsequent restoration of the east and west mounds which is as follows and is based on the maximum PFA disposal scenario.

Phase	PFA Disposal	Restoration (seeding and planting)
East Mound		
1A	Late 2013 – late 2014	2015 – 2016
1B	2015	2021 – 2022 (as Phase 5)
2	Late 2015 – early 2017	2017 – 2018
3	Early 2017 – early 2021	2018 – 2022
4	Early 2017 – early 2021	2018 – 2022
5	2021	2021 – 2022
West Mound		
6	Early 2021 – early 2022	2022 – 2023
7	Early 2022 – end 2023	2025
8	Up to the end of 2023	2024 – 2025

9	Up to the end of 2023	2024 - 2025
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34. It is anticipated that there will be a continuing need for disposal capacity for wet PFA in the South Coal Stocks Ash Lagoon and this application includes details of the revised method of working in this area.
35. It is proposed to divide the lagoon into two by creating an internal road through the centre of the lagoon running from the southwest corner of the lagoon to the northern edge (see Plan 5). The road would be constructed from conditioned PFA, would be ten metres wide and would have a finished height 1.5 metres above the lagoon level. Once constructed, it would allow one half of the lagoon to receive slurried PFA while the other half, having previously been filled, is drying out. Once the drying half is in a suitable condition, it would have a one metre layer of conditioned PFA spread over it to form a stable surface over which mobile plant could be supported. The dry half would then be excavated to a depth of approximately five metres and the excavated PFA taken to whichever phase of the north or south lagoons is being tipped on at that time. Upon completion of the excavation of that half of the South Coal Stocks Ash Lagoon, the other half should be sufficiently dry to receive a one metre layer of conditioned PFA prior to its excavation. The previously excavated half would then begin receiving slurried PFA and this cycle of operations would continue.
36. At the end of the power station's operating life, the lagoon would be filled with PFA and restored as part of the wider site closure and restoration plans for the main power station site.
37. It should be noted that Area 4 forms part of the planning application area for the south lagoons even though the soils to be removed from it would be used in the restoration in the north lagoons. The applicant has stated that the reason for including it in this application area is due to the links between it and the south lagoons with respect to the translocation of GCNs. Area 4 would be an important receptor site for GCNs presently on the south lagoons.

### **Submitted Documents**

38. Both applications have been submitted with environmental statements (ES) under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations) with the variation application for the north lagoons including detailed assessments on landscape and visual impact, nature conservation (including a range of ecological surveys for amphibians, invertebrates, otter, water vole, breeding birds, bats and other protected species), traffic and transport, social and economic effects, and cumulative effects. The ES for the application for the south lagoons includes assessments of all the above topics, including the ecological surveys, except traffic and transport with the addition of assessments concerning hydrogeology, land drainage and flood risk, and noise and vibration.
39. Additional information was requested and subsequently submitted under Regulation 22 of the EIA Regulations. For the variation application for the north

lagoons, this information included a revised landscape and ecology masterplan, some comments and points of clarification regarding the landscape and visual impact assessment, details of the hours of operation and works carried out outside daylight hours, ecology, and phasing. For the application for the south lagoons, additional information has been submitted regarding the landscape and visual impact assessment, ecology, phasing, and the restoration proposals.

## Consultations

40. As this report considers two separate applications, consultees have been asked to make separate responses on each application, although many consultees have made the same or very similar comments with respect to both applications. Where consultees have responded differently on each application, these comments are clearly distinguished below, with the response for the variation application for the north lagoons reported first.
41. ***Bassetlaw District Council does not wish to make any observations on either application.***
42. ***Treswell with Cottam Parish Council has no objection to either application.***
43. ***Rampton Parish Council has no objection to either application.***
44. ***Laneham Parish Council has no objection to either application.***
45. ***South Leverton Parish Council has no objection to either application.***
46. ***Lincolnshire County Council considers that the east mound would be visible in the distance from Torksey Castle, the top of the flood bank, as well as two storey houses on the west side of Torksey. Given the nearby cooling towers and the interspersed tree cover across the Trent Valley, the mound would not be as intrusive as it could be. However, it would still be visible as a bald-topped uplifted plateau. A condition should be attached to any planning permission requiring planting on the southern/southeastern slopes to screen the top height of the raised mound.***
47. ***West Lindsey District Council has no objection to the variation application for the north lagoons.***
48. ***Torksey Parish Council has no objection to either application.***
49. ***NCC (Planning Policy) has made a single response on both applications and raises no waste policy objections to the applications. It states that Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) does not give any specific mention to land raise but does set general principles for waste disposal which prioritises the re-use of previously developed land and the management of waste on site wherever possible.***
50. ***The Waste Local Plan (WLP) has no specific policies covering PFA disposal against which to determine the applications as they only consider mineral voids, incomplete colliery tips and derelict/degraded land. Although it is questionable***

whether the WLP specifically precludes other options, it is clear that such circumstances were not envisaged when the plan was originally drafted. The supporting text of the WLP (paragraph 10.7) also notes the potentially harmful landscape impacts of land raise schemes. It could be argued that, in the absence of any specific policy, the principles of need, environmental impact and potential environmental benefits, as set out in Policy W10.1 and W10.2, should be applied. It is considered that the impacts of land raise disposal are sufficiently similar to those of landfill for this to be appropriate.

51. *Regarding need, the applicant has demonstrated a clear need for the development and an assessment of potential alternative sites has shown that there is no realistic prospect of managing the PFA at any other site without substantial road traffic and other potential environmental impacts. There are policies in Chapter 3 of the WLP which cover issues such as ground and surface water protection, flood risk, noise and dust. Key concerns are landscape and nature conservation. Any issues in relation to these matters would be reason for refusal.*
52. *Although land raise is generally perceived to create an alien landform, the redesign of the final landform does offer benefits in terms of landscape screening and the creation of a more natural landform in keeping with other riverside features in this area.*
53. *The emerging Waste Core Strategy contains a policy specifically on power station ash which supports the temporary stockpiling of ash within or on land adjacent to power stations where it helps to maximise recycling. It also states that land raising for disposal would only be acceptable where no other reasonable alternatives exist. In light of the nature of the proposals and the demonstrated lack of alternatives, the emerging policy would support the proposals.*
54. **The Environment Agency** *has no objection to the variation application for the north lagoons and notes that there does not appear to be any conflict between the proposals and the existing permits which are presently in place. No objection is raised regarding the application for the south lagoons subject to the development being carried out in accordance with the submitted flood risk assessment. An informative to the applicant is recommended regarding any proposed works with eight metres of any EA maintained flood defence.*
55. **Trent Valley Internal Drainage Board** *notes that, for the variation application for the north lagoons, Carr Drain is maintained by them and discussions with the developer have been ongoing with the details submitted appearing to be acceptable. No comments are made with respect for the south lagoons application.*
56. **NCC (Landscape)** *agrees with the findings of the ES for the variation application for the north lagoons regarding the landscape effects, insofar as there would be no additional direct physical landscape effects. The extension in time for PFA disposal on the north lagoons would result in a slight adverse impact to footpath, business and residential receptors, except for residential properties in Cottam which would have a slight to moderate adverse effect due to their high*

sensitivity. However, there is agreement with the ES in that the works would not cause any greater visual impact to receptors than the consented scheme.

57. *Regarding the south lagoons, the findings of the ES are accepted insofar as, given the SINC status of the south lagoons and the fact that it contains protected species, the sensitivity of the area is considered to be 'medium'. The loss of those areas affected would therefore be a 'high adverse' magnitude of change leading to a 'substantial adverse' significance of effect, although this effect would be temporary until the restoration proposals create a replacement landscape. The restoration proposals would have an overall 'moderate' beneficial significance of effect due to them having a 'medium beneficial' magnitude of change on a 'medium' sensitive landscape.*
58. *The proposed works on the south lagoons would have a 'moderate adverse' visual impact on users of the footpath running alongside the River Trent and some residential properties on the opposite side of the river in Torksey. These impacts would be 'slight adverse' post restoration. It is accepted that some of these effects would occur under the present planning permission. Confirmation that ADTs would not work outside daylight hours is welcomed.*
59. ***Natural England** has been in continued discussions with the applicant and their ecologists, in addition to the County Council's Ecologist, to mitigate risks to protected species on the north and south lagoons, as well as the final restoration proposals. Natural England has no holding objection to either application subject to a condition requiring the submission and implementation of a detailed ecological management and monitoring plan for the site.*
60. ***NCC (Nature Conservation)** notes the results of the ecological surveys which identify a 'medium' GCN population and a 'small' grass snake population. The mitigation measures set out in the ES should be adhered to and secured through conditions. The negative effect of significance at a less than local scale on breeding birds and barn owl, due to the potential for direct mortality from vehicle strike, is noted but no other significant residual effects are predicted.*
61. *In relation to GCNs, the County Council as Waste Planning Authority needs to be satisfied that it has complied with the Conservation of Habitats and Species Regulations 2010 and needs to establish that the proposals are for imperative reasons of overriding public interest, there is no satisfactory alternative, and that they would not be detrimental to the maintenance of the favourable conservation status of GCNs. It is considered that these requirements have been met and this matter should be highlighted in the committee report for the application.*
62. *A standard condition is recommended regarding the clearance of vegetation during the bird breeding season. In conclusion, the proposals would not have a significant impact on nature conservation receptors provided the mitigation measures outlined in the ES and those detailed above are adhered to. The proposals have the potential to create valuable areas of new habitat.*
63. *For the south lagoons application, the ecological surveys have identified a variety of habitats, a 'small' GCN population, a 'medium' grass snake population, the presence of other protected species, bat foraging activity, a low level of use*

by otters and the presence of water vole, the use of the south lagoons by a broad range of breeding birds, and the presence of a number of notable invertebrate species, associated particularly with open/bare and partially vegetated habitats.

64. *Without the mitigation measures outlined in the ES, there would be significant negative effects at a county scale on the Cottam Wetlands SINC and GCNs. There would also be lesser impacts on other ecological features. With the implementation of mitigation measures, no significant effects are predicted on any of the species concerned. The submission and implementation of detailed mitigation plans for protected species should be made a condition of any permission granted and should be required prior to development commencing in each phase. With these measures in place, it is accepted that there would be no significant residual effects on habitats during the construction or operational phase of the proposed development. The County Council as Waste Planning Authority needs to be satisfied that it has complied with the Conservation of Habitats and Species Regulations 2010 in relation to GCNs, as described above for the north lagoons.*
65. *Matters of concern initially raised regarding the retention of vegetation on the east mound, GCN monitoring, and details regarding bare ground for invertebrates have been addressed in the additional information submitted. Conditions are recommended regarding the salvage of surface soils from existing stockpiles in order to retain the existing seed resource on site, site clearance to ensure the protection of retained habitats, vegetation clearance, the implementation of habitat enhancement plans, the implementation of a detailed landscape and ecology restoration plan, seed and plant material sown or planted being of native genetic origin, and aftercare.*
66. **Nottinghamshire Wildlife Trust** *is reassured of the likely continuity of key habitats for red list birds of conservation concern and bats through the life of the scheme following the submission of additional information. NWT has concerns regarding the principle of the removal of a substantial area of the Cottam Wetlands SINC but additional information provided by the applicant demonstrates that they have sought to ensure that key areas of the habitats are retained as long as possible and that restoration is completed on each phase at the earliest possible stage. It is therefore considered that the direct effects on fauna from habitat loss and the indirect effects of fragmentation have been mitigated as far as possible.*
67. *The additional information provided also clarifies the reasoning behind the sequencing of the translocation of GCNs and habitats, although more detail is required through a GCN masterplan. Despite the applicant's view that there is only a low GCN population, the provision of only two years of post-translocation monitoring would not demonstrate that GCNs have bred in the receptor site and that the next generation of GCNs have reached maturity and been able to breed themselves. Clearly the GCN population cannot continue until this happens and so a longer monitoring period is required to ascertain whether juveniles have matured successfully and been able to breed. NCC must be certain that the three tests in the Conservation of Habitats and Species Regulations 2010 can*

*be satisfied and the submission of a satisfactory GCN masterplan should be part of that consideration.*

68. *The applicant's commitment to a longer aftercare scheme, amounting to ten years after completion of the final restoration phase, is welcomed and note that earlier phases would be managed under the Landscape and Ecology Management Plan for considerably longer.*
69. **NCC (Countryside Access)** *considers that the proposed diversion of Cottam Bridleway Number 2, which crosses the north lagoons, is acceptable. The Countryside Access Team would be able to make a temporary closure for 4 – 6 weeks for the movement of soils from North Lagoon Area 4 along Treswell Bridleway Number 18, although an application for such a temporary closure would need to be made at least six weeks prior to the works commencing. Prior notification is requested for any activities associated with the south lagoons to use Treswell Bridleway Number 18.*
70. **The Ramblers' Association** *has no objection to either application but asks that any temporary closures of rights of way are kept to a minimum. All rights of way should be given a reasonable surface and any damage caused to existing rights of way during tipping be repaired immediately and during the time of the temporary closure.*
71. **English Heritage** *has no comments to make on either application and considers that they should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.*
72. **NCC (Heritage)** *considers that the River Trent and the views to and from Torksey Castle SAM and the medieval village SAM are critical to the setting of these heritage assets. However, the character of the river has changed considerably since then with the power station having the most substantial impact in terms of modern industrial development, but also the management of the river to improve navigability have also had an impact since the medieval period. There is agreement with the assessment of Lincolnshire County Council's Archaeologist and the additional cumulative impact (to some degree harm) represented by the proposed mound could be adequately mitigated through appropriate screening.*
73. **NCC (Archaeology)** *has no objection to either application.*
74. **NCC (Noise Engineer)** *notes that noise has been scoped out of the ES for the variation application for the north lagoons, a matter agreed previously with NCC. This is because ash disposal has been taking place on the north lagoons since 2007 and has not given rise to any noise complaints. The relocation of dump trucks along the bridleway instead of directly across the north lagoons would not give rise to any adverse noise impact on the nearest residential receptors as the north lagoons main operational and disposal site would lie in between the bridleway and Cottam village.*
75. *Regarding the south lagoons, noise has been assessed in the ES to determine noise impacts at the nearest residential receptors in Cottam and Torksey*

villages. The noise assessment has considered three scenarios, namely plant being located at the base of a phase with little ash deposited, plant located midway up the proposed finish height, and plant located on top of the finished phase. For all of these scenarios, operational noise levels are predicted to be below the existing background noise levels at the nearest residential receptors and so no adverse noise impacts would give rise to justified complaints. Conditions are recommended regarding hours of working, noise emissions and well maintained machinery, as found on the existing planning permission.

76. **NCC (Highways)** has no objection to either application.
77. **The Ministry of Defence** has no safeguarding objections to either application.
78. **Gamston Airport** considers that the power station is sufficiently distant from it and should cause no impact to its operations. The airport has no observations to make on either application.
79. **British Waterways** has no objection to either application.
80. **Network Rail** has no comments to make on either application as the railway line to the power station is not in their ownership.
81. **Severn Trent Water** has no objection to either application.
82. **Anglian Water, Western Power Distribution, National Grid and the British Horse Society** have not responded on either application. Any responses received shall be orally reported.

## **Publicity**

83. The applications have been advertised by means of a press notice in the Retford Times and by site notices at the site entrance and throughout Cottam village. The applications have been advertised as affecting a public right of way and a listed building in light of the continued closure/diversion of Cottam Bridleway Number 2 and the proposed use of Treswell Bridleway Number 18 by ADTs and the close proximity of the Grade 2\* listed railway viaduct and Torksey Castle. This is in accordance with the County Council's Statement of Community Involvement.
84. One letter of objection has been received from a resident of Cottam raising concerns regarding the loss of habitat as a result of the proposed developments.
85. Councillor John M Hemsall has been notified of the application.
86. The issues raised are considered in the Observations Section of this report.

## **Observations**

87. Planning permission is already in place for the disposal of PFA on the north and south lagoons but there are matters arising from these applications that need to



be given consideration. The key issues to assess are the planning policy considerations of the proposals, including the need for the site in relation to the waste hierarchy, the additional periods of disposal, and the landscape, visual and ecological impacts of the proposals.

#### Planning policy consideration and the need for the site

88. It is first worthwhile confirming the status of the WLP in light of the recent publication of the National Planning Policy Framework (NPPF). The NPPF states that, for plans that have not been adopted since 2004:

*Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

89. The County Council's Planning Policy Team has confirmed that the WLP has no specific policies covering the disposal of PFA as such circumstances were not envisaged when the plan was being prepared. The site is therefore not allocated in the WLP for waste disposal but guidance on unallocated sites is provided in Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) which remains in place as waste planning matters are not covered in the recently published NPPF. PPS10 states that:

*Planning applications for sites that have not been identified, or are not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with:*

- (i) *The policies in this PPS, including the criteria set out in paragraph 21;*
- (ii) *The waste planning authority's core strategy.*

*In the case of waste disposal facilities, applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy.*

90. Paragraph 21 of PPS10, referenced above, concerns identifying suitable waste management facilities in the preparation of waste development documents and the tests set out should also be used when considering sites not allocated in the development plan, such as Cottam. Paragraph 21 states that:

*In deciding which sites and areas to identify for waste management facilities, waste planning authorities should:*

- (i) *Assess their suitability for development against each of the following criteria:*
  - (a) *The extent to which they support the policies in this PPS;*

- (b) *The physical and environmental constraints on development, including existing and proposed neighbouring land uses;*
  - (c) *The cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;*
  - (d) *The capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.*
- (ii) *Give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages.*

91. It is therefore considered appropriate to assess the application in terms of how consistent it is with PPS10 and the County Council's emerging Waste Core Strategy (WCS), in addition to the potential environmental impacts of the proposals, any cumulative effects of previous waste disposal facilities, and traffic issues. It is considered that these issues fall within the broad range of matters identified by the County Council's Planning Policy Team in their consultation response as requiring consideration, those being the principles of need, environmental impact and potential environmental benefits. All of these matters are covered by relevant policies in the WLP and consideration of these matters would accord with PPS10 which states that:

*In considering planning applications for waste management facilities waste planning authorities should consider the likely impact on the local environment and on amenity.*

92. Annex E of PPS10 sets out a number of criteria in this respect which need to be considered and these include protection of water resources, visual intrusion, nature conservation, the historic environment and built heritage, traffic and access, air emissions including dust, and noise and vibration.

93. Whilst the WLP has no specific policy coverage on PFA disposal, the WCS, the proposed submission document for which was published in February 2012, does give this matter some consideration and makes specific reference to Cottam Power Station. The WCS submission document includes a policy (WCS5) on power station ash which states that:

*Proposals to temporarily stockpile ash within or on land adjacent to coal fired power stations will be permitted where this will help maximise recycling.*

*For ash that cannot be recycled in the foreseeable future, priority will be given to proposals that will use the ash to fill and reclaim mineral workings*

*or other derelict voids. Land-raising of ash for disposal will only be acceptable when no other reasonable options exist.*

94. The NPPF gives advice on emerging policies at paragraph 216 and states that:

*Decision-takers may also give weight (unless other material considerations indicate otherwise) to relevant policies in emerging plans according to:*

- (i) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- (ii) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (iii) The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

95. The WCS submission document has been prepared following earlier, informal stages of consultation but is at a relatively early stage of its preparation and has yet to be subject to a public examination before a Government-appointed Inspector to consider its soundness. Regarding the extent of unresolved objections to Policy WCS5, it can be confirmed that six representations have been received regarding this policy, including one of support from the applicant, EDF Energy. It should be noted that none of the five objections seek to alter the stance of the policy with respect to land-raising only being acceptable when no other reasonable option exists. Regarding the consistency of this emerging policy to the NPPF, as previously highlighted waste matters are not dealt with in the NPPF and PPS10 remains in place. However, the stance of the policy is reflective of PPS10's desire to see waste treated further up the waste hierarchy.

96. Due to the stage of preparation of the WCS at the present time and the representations made against Policy WCS5 which have yet to be considered at a public examination, it is considered that relatively little weight can be applied to the policy at this particular time. However, its stance on land-raising only being acceptable when no other options exist is relevant and does reflect the need to consider alternative options for the disposal of PFA generated at Cottam, in line with PPS10 which requires applicants to demonstrate that proposals would not undermine the waste planning strategy through prejudicing movement up the waste hierarchy.

97. Cottam Power Station is a strategic national power generator producing a similar amount of electricity to the two other major power stations in the county: the neighbouring West Burton and Ratcliffe-on-Soar facilities. The production of PFA is an unavoidable part of coal fired electricity generation and the amount of PFA produced at the power station varies depending on the demand for electricity, the prices of coal and other alternative fuels, and the ash content of

the coal that is burned. However, due to the significant quantities involved and the fact that, historically, it has not been possible to sell all this PFA as a secondary aggregate, the residual amount needs to be carefully managed. The residual amount requiring disposal has been approximately 250,000 tonnes per annum at Cottam, although the figure for 2011 was approximately 275,000 tonnes, reflecting the recent economic downturn and subsequent reduction of PFA sales.

98. In the past, the residual PFA has been pumped to remote sites for disposal, such as former sand and gravel workings at Sutton and Lound, to the north of Retford, and close by at the former Rampton Quarry. Opportunities for similar disposal arrangements do not presently exist with the only possible future disposal options being in the medium to long term.
99. Sturton le Steeple Quarry, which is located approximately five kilometres to the north of the power station, is not yet operational but the approved restoration scheme for that quarry does provide for a significant area of open water to the north of the site which could lend itself to PFA disposal. However, this area would be one of the last to be worked at the quarry and so is unlikely to be available until 15 years after quarrying has commenced. This option does not therefore address the more immediate needs of the power station.
100. Planning permission is in place for sand and gravel extraction at Cromwell, north of Newark which is approximately 17 kilometres south of Cottam. However, mineral extraction has not commenced at this quarry and so it would also not be an option in the immediate future. The only other potential option is Finningley Quarry, approximately 23 kilometres northwest of Cottam, although mineral extraction is continuing at this quarry and is not due to be completed until 2014. Therefore, this quarry is not an immediate option for the power station.
101. Whilst options to pump the PFA into former mineral workings are not available at the present time, the ES confirms that PFA is reused or recycled as much as possible to reduce the need for disposal and, indeed, planning permission was recently granted for a PFA/FBA blending plant at the site. This allows the larger particles of PFA, which are known as PFA grits and which previously have had to be disposed of, to be blended with the similarly sized FBA to produce a material suitable for block manufacture. With the PFA grits accounting for approximately 20% of the total PFA produced, this plant has the potential to divert a significant amount of PFA from disposal. The smaller particles of PFA are already recycled as much as possible and used as a cement replacement material.
102. PFA is also widely used as an engineering fill material in major construction projects such as road and bridge construction, building embankments, and other engineering operations where significant fill material is required. Members should be aware of a planning application at Welbeck Colliery for the restoration of the northern part of the colliery spoil heap involving the importation of approximately 1.9 million cubic metres of suitable engineering fill, recovered aggregates and other suitable materials, including PFA. There is the potential for this material to be sourced from Cottam.

103. Any opportunities that EDF Energy can exploit to sell PFA will be taken in order to reduce the amount of PFA it has to dispose of. This has been demonstrated in the application for the south lagoons which includes two different scenarios for disposal, one of which provides for a lesser amount of PFA should sales increase over the coming years. The choice of disposal scenario would be determined by a review of operations during the disposal operations on the south lagoons. It is therefore considered that the applications accord with one of the key principles of PPS10 which is to treat waste as far up the waste hierarchy as possible, with disposal being considered only as a last resort. However, it has to be accepted that there will be a continued need for PFA disposal and the proposed development has the potential to have environmental impacts which need to be considered.

#### Landscape and visual impact

104. The landscape and visual impacts of the proposed variations to the north lagoons would be fairly limited due to the significant amount of PFA disposal that has already taken place there and the fact that the proposed physical changes, compared to the scheme already permitted by the 2006 planning permission, only relate to the restoration of Area 4 following the removal of soils for restoration purposes on the remainder of the north lagoons. The proposals are not considered to give rise to any significant effects on the local landscape character compared to the scheme already permitted. It is therefore considered that the proposals are broadly in accordance with the NPPF which states, at paragraph 109, that:

*The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.*

105. The limited visual impact of the proposed changes to the north lagoons partly arises from the fact that works closest to residential properties in Cottam, on the western flank of the lagoons, have already been completed and restored. However, the additional time sought to complete PFA disposal and restoration works – a further two years – would have between a ‘slight or negligible adverse’ to a ‘slight to moderate adverse’ visual impact, although these magnitudes of impact are considered to be acceptable.
106. The changes to the south lagoons are more significant, particularly the height of the two PFA disposal areas – the east and west mounds – which would be 8.5 metres higher than presently permitted, albeit that the footprint of the areas subject to PFA disposal would be far less than presently permitted and so would result in less vegetation loss during site clearance works. These two factors could be considered to cancel each other out, although the increased height of the mounds would, of course, be a permanent feature on the landscape unless proposals came forward in the future to rework the mounds in order to access the PFA for recycling purposes, or the mid-term reappraisal by the applicant results in less PFA being tipped than envisaged in the worst case scenario put forward in this application.

107. The increased height of the mounds has the potential to impact upon the setting or Torksey Castle, which is Grade 1 listed and also a Scheduled Ancient Monument (SAM). The NPPF provides guidance on applications affecting heritage assets and states:

*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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

108. The WLP also provides guidance in Policy W3.28 which states that:

*Proposals for waste management development which would harm the character, appearance, condition or setting of conservation areas, listed buildings, and historic parks and gardens will not be permitted.*

109. The eastern edge of the east mound would be approximately 600 metres from the castle with views from the castle itself being partly restricted by vegetation on the eastern bank of the River Trent and also close to the flood bank on the western side of the river. Where there are clear views from within the proximity of the castle, it would be possible to see the east mound although these views would be quite distant and would be dominated by the existing cooling towers. What also needs to be considered is that the proposed phasing would see the eastern end of the mound created first which would allow PFA tipping in later phases to be screened from view. This sequence of phasing would also allow the phases closest to the castle to be restored first.
110. With respect to the proposed restoration, it is considered beneficial to provide some additional woodland planting on the eastern flank of the east mound to break up the visual impact of the mound when viewed from the castle. Reduced levels of planting could be provided on the northern flank in order to maintain the same amount of open grassland areas as already provided for in the proposed restoration scheme. This matter could be secured through a condition requiring a detailed landscape and ecology management plan to be submitted for each phase. With this in place, it is considered that, whilst the proposed development would be visible from the castle, the impact upon its setting would not result in 'significant harm' which is the test set out in the NPPF.
111. The potential adverse impact of light pollution has been raised in the consultation process but the applicant has confirmed that, although the hours of operation for PFA disposal are presently 7am – 6pm, and these hours would remain if planning permission is granted, no PFA disposal takes place outside daylight hours due to health and safety concerns. There would therefore be no

adverse impacts from light pollution and so the proposals are considered to accord with the NPPF which, at paragraph 125, states:

*Planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

### Ecology

112. Most of the south lagoons and Area 4 of the north lagoons are designated as the Cottam Wetlands SINC while the eastern end of the north lagoons, which is no longer to be subject to PFA disposal, is designated as the Cottam Ponds SINC. SINC's are considered to be of local ecological importance and Policy W3.23 (Nature Conservation and Geological Sites) of the WLP states that:

*Waste management proposals which, either individually or in combination with other proposals, are likely to affect sites or candidate sites of nature conservation or geological interest will be assessed as follows:*

- (c) *Proposals which are likely to significantly adversely affect sites of regional or local importance will only be permitted where the importance of the development outweighs the local value of the site.*

*The assessment of any adverse impact will take account of the scope for mitigation and/or compensatory measures to replace the loss.*

113. Other ecological policies which are of relevance to this application are Policy W3.21 (Water Features) which seeks to protect the amenity, setting and nature conservation value of watercourses, wetlands and lakes, while Policy W3.22 (Biodiversity) seeks to protect species or habitats of county importance. (It should be noted that the WCS is not seeking to replace these policies, or any other policies in Chapter 3 of the WLP with the exception of Policy W3.16 (Bulk Transport of Waste)). For each policy, protection is provided unless it can be demonstrated that the need for the development outweighs the local conservation interest. Consideration as to whether the tests in these policies are met is best assessed through the degree of impact on the various species which have been identified in the surveys submitted with the ES.
114. The changes being sought through both applications have partly arisen from GCNs being discovered on the site. GCN survey results have been submitted with the applications, along with a raft of other surveys, and the results indicate a medium population on the north lagoons, mainly centred on the ponds in the south east corner of the lagoons which have been retained under a previous amendment to the working scheme (see paragraph 15 above). A small population exists on the south lagoons, mainly centred on a single pond towards the southwestern corner of the lagoons.
115. GCNs are protected under European law through the Conservation of Habitats and Species Regulations 2010 (The Habitats Regulations) and under national

law through Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). The Habitats Regulations state, in Regulation 9(5), that planning authorities have a statutory duty to have regard to the regulations in the exercise of their functions. Regulation 41 of the Habitats Regulations makes it an offence to disturb a European protected species in any way which would impair their ability to survive, breed, reproduce, rear or nurture their young, or to significantly affect their distribution or abundance. It is also an offence to deliberately capture, injure or kill such a species, or damage or destroy a breeding site or nesting place of such a species.

116. Under Regulation 53 of the Habitats Directive, Natural England can grant a licence to translocate the GCNs and it is the applicant's intention to apply to Natural England separately on this matter should planning permission be granted. Although the licence application is something that the County Council as Waste Planning Authority (WPA) would not be directly involved with, the WPA has a duty under the Habitats Regulations to ensure that it is satisfied that the proposed development meets the three tests in Regulation 53 of the Habitats Regulations, which are that the need to translocate the species:
- (i) Preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
  - (ii) That there is no satisfactory alternative; and
  - (iii) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
117. As already detailed in the observations section of this report, the power station is a strategic national electricity generator and the production of PFA is an unavoidable part of the electricity generating process. The ES has considered potential alternative locations for the PFA which cannot be recycled and the north and south lagoons are considered to be the best options available. It is therefore considered that any need to translocate GCNs under licence would be for reasons of overriding public interest of an economic nature as the alternative would be to stop generating electricity in order to stop producing PFA which would have implications for the nation's energy supply. It is also considered that there is no satisfactory alternative disposal option.
118. Regarding the need to maintain the GCN population at a favourable conservation status, draft details of the GCN masterplan being prepared by the applicant as part of their GCN licence application to Natural England have been submitted as part of these applications to demonstrate the works that have already been undertaken and which are planned in the future to maintain the GCN population at a favourable status. These show initial works which have taken place since 2010 to create areas of habitat enhancement on the north lagoons, in addition to these and other existing suitable habitats where it is proposed to translocate GCNs in future years when they need to be moved to allow PFA tipping on the south lagoons and soil stripping from Area 4 to take place.



119. Natural England raises no objection to either application subject to a condition requiring the submission and implementation of a detailed ecological management and monitoring plan for the site. This would confirm the ongoing process of the ecological management of the site as a whole, covering all protected species on the site including GCNs. The finer details of the translocation of GCNs would be covered by the GCN licence process and planning authorities are advised not to duplicate the processes of other statutory regimes. Therefore it is not proposed to include a condition on any planning permission granted requiring full GCN translocation details to be submitted. However, the County Council as Waste Planning Authority is satisfied that the GCN population would be suitably protected and maintained at a favourable conservation status through these mitigation measures and so it is considered that the proposed development meets the tests in Regulation 53 of the Habitats Regulations and is also in accordance with Policy W3.22 of the WLP.
120. Nottinghamshire Wildlife Trust has raised concerns regarding the extent of GCN monitoring and considers that further monitoring should be required through the planning system, in order that the County Council can be satisfied that it is meeting its obligations under the Habitats Regulations. However, the applicant has provided an additional statement confirming that monitoring would be carried out in accordance with Natural England's requirements through the licensing process. As stated above, it is not proposed to duplicate the licensing process and the County Council's Nature Conservation Leader is satisfied that this matter has been suitably addressed.
121. Breeding bird surveys have been carried out on the south lagoons and 70 bird species were recorded within and immediately adjacent to the lagoons, of which 41 are of conservation concern. Approximately 30% of the recorded species are reliant on the wetland areas in the south lagoons at some point of their lifecycle for either breeding or foraging. It is therefore considered beneficial that, compared to the existing planning permission which allows for PFA disposal across the whole south lagoons area, the proposed development for this area seeks to retain the areas of open water and their immediate surroundings. This matter also addresses any potential policy conflict with Policy W3.21 of the WLP which seeks to protect watercourses, wetlands and lakes.
122. The applicant has provided evidence to show that birds such as skylark, reed bunting and lapwing are already using recently restored areas on the north lagoons with this evidence having been confirmed by the County Council's Nature Conservation Leader. This demonstrates that the restoration of the north lagoons should provide suitable alternative breeding habitat for ground nesting birds once works commence on the south lagoons. Other mitigation measures proposed include woodland management through coppicing and selected felling to provide habitat for wetland birds, wetland management including ditch clearance and pond desilting/restoration, grassland management, scrub control, the construction of small-scale scrapes for wading birds, and the erection of bird boxes in existing areas of scrub and woodland. It is also proposed to retain the area of scrub to the east of the eastern mound in order to provide a degree of screening between tipping operations and the water area at the eastern end of the south lagoons. These matters could be secured through a condition requiring the submission and implementation of the ecological management and

mitigation plan to ensure the proposed development accords with Policy W3.22 of the WLP.

123. A total of 310 terrestrial invertebrate and 39 aquatic invertebrate species have been recorded during 2011, of which 11 are of conservation concern. The survey report identified that the most important habitat for invertebrates appears to be the open partially bare habitats with occasional vegetation, in addition to the wetland areas.
124. The proposed areas of bare PFA in the restoration schemes for both the north and south lagoons, in addition to the retention of wetland areas on the south lagoons, would be beneficial to these species in accordance with Policy W3.22 of the WLP. It is also proposed to include plant species preferred by invertebrate larvae and the relocation of any dead timber to areas adjacent to new woodlands. Again, these matters could be secured through the condition regarding the ecological management and monitoring plan.
125. Evidence of water vole on the site has been recorded in the south lagoons, particularly around the linear water features on the southern boundary of this area. These would not be affected by the footprint of the east or west mounds and so no adverse impact is anticipated. Regarding otter, their occasional use of the linear water features on the south lagoons would not be affected as these features would not be part of the PFA tipping area. Other mitigation measures proposed include minimising the effects of lighting during operations and ensuring that no deep, steep sided water-filled excavations, into which otter could fall and become trapped, are left unguarded. These matters could again be secured through the condition regarding the ecological management and monitoring plan.
126. A medium sized population of grass snakes has been surveyed on the south lagoons, with a low population on the north lagoons, and these would be translocated at the same time as the GCNs are being translocated under licence to suitable receptor sites such as Area 4. Natural England has not raised any objection to the applications regarding impacts to grass snakes. However, as a licence is not required from Natural England to translocate grass snakes, a condition is recommended with respect to both areas requiring details of the translocation method to be submitted to ensure that this species is protected in accordance with Policy W3.22 of the WLP.
127. Bats have been recorded foraging and commuting across the sought lagoons, particularly the large water body towards the eastern end, and the retention of this water feature and the linear water features, would help to mitigate any impacts to these species. Mitigation measures that could be secured through the submission of the ecological management and monitoring plan include only felling trees in the autumn when there are no dependant young prior to hibernation, and restricting the use of lights during operations. It is considered that the provision of bat boxes in existing areas of scrub and woodland would also provide benefits.
128. Similar mitigation measures to those detailed above would also be beneficial to other protected species and so it is therefore considered that the proposed

developments on both lagoons are in accordance with the three relevant policies in the WLP and also meets the tests in the NPPF which, at paragraph 118, states that:

*Local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

*If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;....*

129. The consultation responses from Natural England, Nottinghamshire Wildlife Trust and the County Council's Nature Conservation Leader confirm that the proposed development, in conjunction with the mitigation measures which would be expected to be provided through the ecological management and mitigation plan, would not result in significant harm to the existing ecological interest on the site. There would be no significant residual effects on habitats during the construction or operational phases of the proposed development and the proposals have the potential to create valuable areas of new habitat, particularly through the provision of ten years of post-restoration aftercare for both the North and South Lagoons, which would have to be secured through a legal agreement. The status of the two SINCs should therefore be retained and the licence process that the applicant must go through with Natural England should ensure the protection of protected species.
130. Other matters that would need to be secured by suitably worded conditions concern existing soil stockpiles on the south lagoons. It is acknowledged that they contain a useful seed resource which could be utilised during the restoration of the south lagoons if the top layer of these soil stockpiles is scraped off and stored separately prior to their reuse in restoration works. It is considered appropriate to attach a condition to this effect, should planning permission be granted. Conditions are also recommended requiring vegetation clearance to take place outside the bird breeding season and to ensure the landscaping scheme includes native tree and shrub species appropriate to the local area.

#### Rights of Way

131. The County Council's Countryside Access Team and the Ramblers' Association have no objection to either development, despite the need to close Treswell Bridleway Number 18 for between four and six weeks to allow soils from Area 4 to be transported to the north lagoons for restoration purposes. Conditions are recommended requiring the condition of the bridleway to be surveyed prior to its closure and then remedial works to be carried out once the soils have been moved. This is considered acceptable and would ensure that the condition of the bridleway does not deteriorate as a result of the proposals.

132. The provision of the new route for Cottam Bridleway Number 2 as a definitive right of way would be dealt with separately from the planning application process by the County Council's Countryside Access Team.

#### Flood risk

133. The Environment Agency raises no objection to either application subject to works on the south lagoon being carried out in accordance with the flood risk assessment submitted as part of the ES, and an informative regarding the stockpiling of material or the location of machinery in close proximity to the existing flood defences which would need the EA's consent. These matters would ensure the proposed development is in accordance with Policy W3.5 (Water Resources – Pollution Issues) of the WLP.

#### Noise

134. For the north lagoons, PFA tipping operations are slowly moving further away from residential properties in Cottam whilst, for the south lagoons, the noise assessment in the ES demonstrates that operational noise levels would not exceed existing background noise levels at the nearest residential properties in Cottam and Torksey. The County Council's Noise Engineer has recommended conditions regarding the hours of operation, noise emissions, and silenced, well maintained machinery, as per the existing planning permission. These would ensure that future operations are in accordance with Policy W3.9 (Noise) of the WLP and PPS10 with respect to the consideration of impacts on the local environment and amenity.

#### Dust

135. The tipping of PFA has the potential to generate dust, although the operations on the north lagoons have not generated any complaints and tipping is now taking place further away from residential properties in Cottam. There are conditions on the existing planning permission requiring all PFA to be conditioned through the addition of water prior to it being transported for tipping, along with conditions regarding general dust suppression measures and minimising the active tipping face. These conditions would be carried forward into any new permissions in the interest of public amenity and to ensure the proposals accord with Policy W3.10 (Dust) of the WLP and PPS10 with respect to the consideration of impacts on the local environment and amenity.

#### South Coal Stocks Ash Lagoon

136. The full application for the south lagoons includes changes to the existing working arrangements in the South Coal Stocks Lagoon (see paragraphs 34 – 36 above). This area provides a disposal option for slurried PFA which is produced during times of high PFA production, when all the PFA produced cannot be handled by the dry dusting equipment, or if the dry dusting equipment is not working. The 2006 planning permission envisaged a one-off excavation of

this area in order to create sufficient capacity for slurried PFA for the remaining life of the power station. However, this has not provided enough capacity and further excavations have taken place, albeit that it has only been possible to excavate around the perimeter of the lagoon which has provided only limited further disposal capacity.

137. The proposed creation of the haul road through the centre of this lagoon would allow for greater amounts of slurried PFA to be deposited and then re-excavated once it has dried out. The proposed changes to the working of the South Coal Stocks Lagoon has not generated any objections from consultees and it is considered that the proposed operations in this area could be carried out without causing any unacceptable environmental impact. The key environmental concern is likely to be the generation of dust when the dried slurry is being re-excavated, particularly as Rampton BOAT Number 13 is to the immediate south of this area. However, the operations would be subject to the same planning controls as the remainder of the lagoons and it is therefore considered that any potential environmental impacts can be suitably controlled to acceptable levels.

### **Other Options Considered**

138. As detailed above (see paragraphs 98 – 103), the ES has described potential alternative disposal options for the PFA generated at the power station which would mirror previous methods of disposal at old quarry workings. However, there are no such options available at the present time with these options only being potentially available in the medium to long term. The applicant does have an ongoing commitment to recycle as much of the PFA as possible and recent developments at the site – a recent planning permission granted for a PFA/FBA blending plant – add to the options available for PFA recycling. It is therefore considered that all available options have been considered as part of the application process.

### **Human Rights Act Implications**

139. 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 are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

### **Conclusions and Statement of Reasons for the Decision**

#### North Lagoons

140. Cottam Power Station is a strategic national power generator and the production of PFA through the burning of coal is an inevitable part of the power generating process. Planning permission is already in place to deposit PFA on the north and south lagoons and the changes proposed by the variation application in respect of the north lagoons seek to extend the period of time over which tipping

can take place, the timeframe for completing restoration works, and the restoration proposals for Area 4 based on a revised soil movement strategy. The changes in Area 4 would provide more suitable habitat for great crested newts which need to be translocated from the south lagoons and so the proposals are considered to accord with Policy W3.22 (Biodiversity) of the Nottinghamshire and Nottingham Waste Local Plan. The temporary closure of Treswell Bridleway Number 18 is considered acceptable as it would be a one-off closure for a relatively short period of time.

141. It is also considered that it has been demonstrated that the applicant is seeking to recycle as much PFA as possible and only requires disposal capacity due to PFA generation continually exceeding PFA sales. It is therefore considered that the proposals are in accordance with Planning Policy Statement 10: Planning for Sustainable Waste Management as it has been demonstrated that the PFA is being driven up the waste hierarchy wherever possible. The County Council considers that there are no other material considerations that indicate that the decision should be made otherwise and any potential harm as a result of the proposed development, such as noise and dust, would reasonably be mitigated by the imposition of the attached conditions.

#### South Lagoons

142. Cottam Power Station is a strategic national power generator and the production of PFA through the burning of coal is an inevitable part of the power generating process. Planning permission is already in place to deposit PFA on the north and south lagoons but significant changes are being proposed with respect to the south lagoons due to the significant ecological interest that has developed there, including the presence of great crested newts and other protected species. It is considered that the revisions to the proposed operations on the south lagoons, in conjunction with the mitigation measures being proposed, would not result in any significant residual effects on habitats and species and the proposals also have the potential to create valuable areas of new habitat. It is therefore considered that the proposals accord with Policy W3.22 (Biodiversity) and Policy W3.23 (Nature Conservation and Geological Sites) of the Nottinghamshire and Nottingham Waste Local Plan. Whilst the east mound would be visible from the Grade 1 listed Torksey Castle, it is considered that the proposed phasing of works and the early restoration of the eastern flank would minimise the impact and ensure that there would be no substantial harm to the setting of the castle.
143. It is also considered that it has been demonstrated that the applicant is seeking to recycle as much PFA as possible and only requires disposal capacity due to PFA generation continually exceeding PFA sales. There is the possibility that not all of the proposed disposal capacity on the south lagoons would be required and the proposals allow for a review of disposal requirements part way through disposal operations on the south lagoons. It is therefore considered that the proposals are in accordance with Planning Policy Statement 10: Planning for Sustainable Waste Management as it has been demonstrated that the PFA is being driven up the waste hierarchy wherever possible. The County Council considers that there are no other material considerations that indicate that the

decision should be made otherwise and any potential harm as a result of the proposed development, such as noise and dust, would reasonably be mitigated by the imposition of the attached conditions.

## **Conditions**

144. If Members are minded to grant planning permission for both applications in line with the recommendations, it is proposed that the conditions attached to the variation permission would serve to control the development on the north lagoons only. This is because the new planning permission for the south lagoons would contain all the necessary conditions relating to that area and there is no need to duplicate any of those controls on the variation permission, despite the site area for the variation permission covering both the north and south lagoons.

## **RECOMMENDATIONS**

### Variation application with respect to the North Lagoons (1/12/12/00001)

145. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure an additional five year period of aftercare with respect to the planning application for the North Lagoons.
146. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development 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.

### Full application with respect to the South Lagoons (1/38/12/00001)

147. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure an additional five year period of aftercare with respect to the planning application for the south lagoons (1/38/12/00001).
148. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 2 of this report. 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 have power to decide the Recommendation.

[SHB.31.08.12]

### **Comments of the Service Director - Finance**

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

[DJK 06.09.12]

### **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**

Tuxford

Councillor John M Hempsall

Report Author/Case Officer

Jonathan Smith

0115 9696502

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

EP5346 – COMMITTEE REPORT FOLDER REFERENCE

6 September 2012 – Date Report Completed by WP Operators



**RECOMMENDED PLANNING CONDITIONS (1/12/12/00001)**

**Commencement**

1. The development hereby permitted shall be begun within 3 years of the date of this permission.

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

2. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement of the development at least 7 days, but not more than 14 days prior to the commencement of the development.

*Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.*

**Approved Plans and Scope of Permission**

3. The development hereby permitted is for the continued deposit of pulverised fuel ash (PFA) on the North Lagoons solely and shall only be carried out in accordance with the following documents except where amendments are made pursuant to the other conditions below:

- (a) Planning application forms for the variation of conditions 6, 7, 20, 29, 31, 36, 37 and 38 of planning permission 1/12/06/00002 for the disposal of PFA by means of landraising of existing lagoons at Cottam Power Station received by the WPA on 16 December 2011;
- (b) Environmental Statement for Section 73 Variation of Condition Application (Planning Permission Reference 1/12/06/00002) received by the WPA on 6 January 2012;
- (c) Regulation 22 submission received by the WPA on 31 May 2012;
- (d) Drawing Number B1617602\_S73\_01 – Site Location Plan received by the WPA on 6 January 2012;
- (e) Drawing Number J25043A0/Fig 7-F Revision 10 – Landscape and Ecology Masterplan – North Lagoons Proposed Revisions received by the WPA on 31 May 2012;
- (f) Drawing Number J25043A0/Fig 7-G Revision 2 – Restoration Phasing – North Lagoons received by the WPA on 6 January 2012.

*Reason: For the avoidance of doubt and to enable the WPA to monitor compliance with the conditions of the planning permission.*

4. No material shall be excavated from any ash (PFA) deposit on the North Lagoons the subject of this application, and no material shall be removed from the North Lagoons.

*Reason: For the avoidance of doubt.*

### **Duration**

5. All PFA deposition on the North Lagoons area shall cease by 31 December 2016. The WPA shall be notified in writing of the date of completion of PFA deposition on the North Lagoons.

*Reason: To ensure proper restoration of the North Lagoons and North Lagoons Area 4 within an acceptable timescale and in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

6. PFA deposition on the South Lagoons as permitted under Planning Permission 1/38/12/00001 shall begin sequentially from the completion of PFA deposition on the North Lagoons.

*Reason: To ensure proper restoration of the North Lagoons and North Lagoons Area 4 within an acceptable timescale in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Buildings, Fixed Plant and Machinery**

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent amended legislation, no buildings, fixed plant or machinery, other than that approved by this permission, shall be erected or placed on the North Lagoons or North Lagoons Area 4 without the prior written approval of the WPA.

*Reason: To enable the WPA to control the development and to minimise its impact on the amenity of the local area, in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.*

8. No floodlighting shall be used on the North Lagoons or North Lagoons Area 4 except in an emergency when life, limb or property are in danger or with the prior written approval of the WPA.

*Reason: To enable the WPA to control the development and to minimise the impact on the amenity of nearby residents in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.*

9. Security cameras and fencing shall be provided throughout the life of the development hereby permitted in accordance with the document entitled 'Planning Condition 10: Security Cameras, Security Fencing' received by the

WPA on 22 December 2006 and the details of the fencing at the crossing point of Treswell Bridleway Number 18 received by the WPA on 19 April 2007.

*Reason: To ensure adequate means of protection for users of the adjoining public rights of way and to minimise the impact on the local area.*



*Reason: To minimise impact on the amenities of nearby residents in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Dust**

13. Before PFA is transported to the North Lagoons, it shall be conditioned by the addition of water at Cottam Power Station. Water shall be added in sufficient quantity to ensure dust is not generated in the course of transportation. PFA shall be tipped on the North Lagoons using the following methodology to minimise the generation of dust:
- (a) The tipping area shall be kept as small as is necessary to allow operations to be carried out safely;
  - (b) Once tipped, the PFA shall be spread out and compacted with stockpiling being kept to a minimum;
  - (c) The route to the deposit site and across the working area shall be defined by marker posts to minimise the areas of previously tipped PFA that are trafficked.

*Reason: To minimise dust disturbance at the North Lagoons and ensure compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

14. Appropriate measures shall be employed to ensure that dust emissions from the North Lagoons and North Lagoons Area 4 are controlled and that no dust is allowed to escape from the working areas. Such measures shall include all or any of the following measures, as appropriate:
- (a) A daily assessment of weather conditions to ascertain the need for dust prevention measures and the recording of the prevailing weather conditions and the actions taken to prevent dust blow on a daily log sheet;
  - (b) The use of water bowsers and/or automatic water spray equipment to dampen working areas and haul roads as weather conditions dictate;
  - (c) The provision of a piped water supply to the North Lagoons or North Lagoons Area 4 to ensure water can be supplied to bowsers, pumping or automatic water sprays;
  - (d) The temporary cessation of PFA deposition during periods of excessively dry and windy weather if requested to do so by the WPA; and
  - (e) The immediate investigation of any complaints received regarding dust and the implementation of corrective measures without delay.

*Reason: To minimise dust disturbance at the North Lagoons and North Lagoons Area 4 and to ensure compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

15. The active tipping face shall be limited to as small an area as reasonably practicable. Each section of the working face shall, on reaching final levels, be covered with soil as soon as practicable thereafter.

*Reason: To minimise dust disturbance at the North Lagoons and North Lagoons Area 4 and to ensure compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Transport and Rights of Way**

16. Vehicular access to and egress from the North Lagoons to carry out PFA disposal activities shall only be by means of the internal haul route as indicated on Drawing Number J25043A0/Fig 7-G Revision 2 – Restoration Phasing – North Lagoons received by the WPA on 6 January 2012.

*Reason: To enable the WPA to control the development and to minimise its impact on the local area.*

17. The internal haul roads providing access to the North Lagoons, as approved in writing by the WPA on 31 August 2007 following the submission of details in a letter from EDF Energy dated 31 January 2007, shall be maintained in a satisfactory condition at all times during the operational life of the North Lagoons.

*Reason: To enable the WPA to control the development and to minimise its impact on the local area.*

18. The semi-automatic crossing of the internal haul road to the North Lagoons across Treswell Bridleway Number 18, the details for which were originally submitted in a letter from Jacobs dated 20 June 2006 and approved by the WPA on 18 January 2007 before amendments were submitted in an email from EDF Energy dated 19 April 2007 which were approved by the WPA on 31 August 2007, shall be operated as approved for the duration of the works associated with the disposal of PFA and restoration on the North Lagoons, or until all vehicle crossing movements have permanently ceased, whichever is the later. Within one month of the completion of such movements on the North Lagoons, the crossing shall be dismantled. Within one month of the cessation of PFA disposal on the North Lagoons, the end date for which shall have been notified to the WPA in writing in accordance with Condition 5 above, details of the restoration of the crossing point shall be submitted to the WPA for its approval in writing, including a timetable for the implementation of the restoration works. The crossing point shall be restored in accordance with the approved details.

*Reason: In the interests of the safety of users of the bridleway and in order to comply with Policy W3.26 of the Nottinghamshire and Nottingham Waste Local Plan.*

19. Prior to the removal of any soils from the area identified as 'Area 4' on Drawing Number B1617602\_S73\_01 – Site Location Plan received by the WPA on 6 January 2012 to be used for restoration purposes on the North Lagoons, a detailed method statement for the transportation of these soils shall have been implemented in accordance with details previously submitted to and approved in writing by the WPA. The details to be submitted shall include the following:
- (a) Details of the timeframe for the temporary closure of Treswell Bridleway Number 18;
  - (b) Details of a survey of the existing condition of the section of Treswell Bridleway Number 18 to be traversed by articulated dump trucks during the soil movement operation. The survey shall include a plan, along with photographic evidence, of the route detailing the existing condition of the bridleway surface, any verges, fences, trees and hedgerows. The survey shall be accompanied by a scheme of mitigation setting out the measures to be undertaken, such as the provision of dedicated passing places, to minimise the impact of the soil movement operation on the haul route, along with details of the works to be undertaken immediately upon the completion of the soil movement operations to return the bridleway back to its original condition;
  - (c) Measures to be used, such as warning signs, to notify bridleway users of the closure of Treswell Bridleway Number 18;
  - (d) Details of the crossing point of the Carr Drain from Area 4 onto Treswell Bridleway Number 18;
  - (e) Details of the timeframe for the removal of the crossing point of the Carr Drain from Area 4 onto Treswell Bridleway Number 18 upon the completion of the soil movements operation.

The soil movement operation and remediation works to Treswell Bridleway Number 18 shall be carried out in accordance with the approved details.

*Reason: In the interests of the safety of users of the bridleway and in order to comply with Policy W3.26 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Carr Drain Crossing**

20. The new pedestrian crossing facility over Carr Drain shall be constructed in accordance with the details on Drawing Number B1617602/STRUT/GA01 Revision 1 received by the Waste Planning Authority (WPA) on 22 December 2011 and the email from Jacobs dated 16 April 2012 (16.30). The crossing facility shall be fully constructed and available for use in accordance with the timetable for the final restoration works on the North Lagoons as detailed under Condition 35 below.

*Reason: In the interests of safe access and to comply with Policy W.3.26 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Archaeology**

21. The removal of topsoil from the top soil storage area in the area identified as 'Area 4' on Drawing Number B1617602\_S73\_01 – Site Location Plan received by the WPA on 6 January 2012 shall only be carried out in full accordance with the Archaeological Watching Brief dated March 2008 approved by the WPA on 29 April 2008.

*Reason: To ensure that adequate archaeological investigation and recording is undertaken to ensure compliance with Policy W3.27 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Ecology**

22. Prior to the stripping of soils from the area identified as 'Area 4' on Drawing Number B1617602\_S73\_01 – Site Location Plan received by the WPA on 6 January 2012, a qualified ecologist shall walk the affected land to ensure that no species as identified in the planning application surveys or species protected by the Wildlife and Countryside Act 1981 are present. A report detailing the findings of the survey shall be submitted to the WPA for its approval in writing prior to development commencing within 'Area 4'. In the event that the ecological survey identifies any protected species then the report shall provide recommendations for appropriate mitigation measures to ensure the satisfactory protection of the species.

*Reason: In the interests of protecting species and their habitats in accordance with Policies W3.21, W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

23. Operations that involve the removal and destruction of vegetation on the North Lagoons and North Lagoons Area 4 shall not be undertaken during the months of March to August inclusive except with the prior written approval of the WPA to ensure that breeding birds and reptiles that could potentially be present are not adversely affected by the development.

*Reason: In the interests of protecting species and their habitats in accordance with W3.21, W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

24. The ecological mitigation measures detailed in Table 9-J of the Environmental Statement for Section 73 Variation of Condition Application (Planning Permission Reference 1/12/06/00002) received by the WPA on 6 January 2012, namely the maximum speed limit for articulated dump trucks of 14.5 mph, shall be adhered to throughout PFA tipping operations on the North Lagoons.



*Reason: In the interests of protecting species and their habitats in accordance with W3.21, W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

25. Within 6 months of the date of this permission, details of the ecological management and monitoring for the North Lagoons shall be submitted to the WPA for its approval in writing. The details shall include the continuous measures to be implemented across the North Lagoons, including its periphery and its eastern end, for the protection and management of protected species and their habitats. The details shall be implemented as approved by the WPA.

*Reason: In the interests of protecting species and their habitats in accordance with W3.21, W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Landscaping and Restoration

26. Trees, hedges and shrubs shall be retained and protected throughout the PFA disposal operations on the North Lagoons in accordance with the details on Drawing Number J25043A0\EIA\Fig 7-J Revision 0 received by the WPA on 20 February 2007 and approved in writing by the WPA on 31 August 2007, except where works are required to create habitat enhancement areas in accordance with Drawing Number J25043A0/Fig 7-F Revision 10 – Landscape and Ecology Masterplan – North Lagoons Proposed Revisions received by the WPA on 31 May 2012, or where details are subsequently approved under Condition 25 above.

*Reason: To ensure the protection of vegetation on the North Lagoons and North Lagoons Area 4 in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

27. A topographic survey plan of the North Lagoons, including Area 4, and an annual review of the volumes of waste deposited within the North Lagoons and its progress with regard to the approved phasing plans, shall be submitted to the WPA for its approval in writing by the end of March each year.

*Reason: To secure the proper restoration of the North Lagoons and North Lagoons Area 4 in accordance with Policy W 4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

28. The North Lagoons and North Lagoons Area 4 shall be fully restored in accordance with the details on Drawing Number J25043A0/Fig 7-F Revision 10 – Landscape and Ecology Masterplan – North Lagoons Proposed Revisions received by the WPA on 31 May 2012 and in accordance with the following details:

- (a) Drawing Number B1617602A2/LD/01 Revision 2;
- (b) Drawing Number B1617602A2/LD/02 Revision 2;
- (c) Drawing Number B1617602A2/LD/03 Revision 3;
- (d) Drawing Number B1617602A2/LD/04 Revision 3;
- (e) Drawing Number B1617602A2/LD/05 Revision 3;
- (f) Drawing Number B1617602A2/LD/06 Revision 2

all received by the WPA on 27 January 2012 subject to the following minor amendment:

- (a) For the W2 – General Woodland Mix (LE7) as detailed on Drawing Number B1617602A2/LD/05 Revision 3, Sessile Oak (*Quercus petraea*) should be replaced by Pedunculate Oak (*Quercus robur*).

*Reason: To secure the proper restoration of the North Lagoons and North Lagoons Area 4 in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

29. The North Lagoons and North Lagoons Area 4 shall be tipped and restored in accordance with phasing arrangements indicated on Drawing Number J25043A0/Fig 7-G Revision 2 – Restoration Phasing – North Lagoons received by the WPA on 6 January 2012.

*Reason: To secure the proper restoration of the North Lagoons and North Lagoons Area 4 in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

30. All soils and soil making materials shall only be stripped, handled, stored and replaced when in a suitably dry condition to avoid clogging. Plant and vehicles shall not cross areas of replaced materials or areas spread with sub or top soils except for the purposes of restoration operations.

*Reason: To secure the proper restoration of the North Lagoons and North Lagoons Area 4 through soil conservation and establishment in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

31. The developer shall take all reasonable precautions to ensure that topsoils, subsoils and ash are prevented from inappropriate mixing.

*Reason: To secure the proper restoration of the North Lagoons and North Lagoons Area 4 in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

32. The topsoil shall be placed and ripped to the following depths:

- (a) For areas where grasslands are to be established, placement to 80-100mm and ripping to at least 200mm;
- (b) For areas where pioneer shrubs and trees are to be established, placement to a minimum of 200mm and ripping to at least 400mm.

*Reason: To secure the proper restoration of the North Lagoons and North Lagoons Area 4 through soil conservation and establishment in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

33. Following placement of soils or soil making materials in any phase of development, grass seed shall be sown in the first available sowing season thereafter in areas proposed for grassland creation in accordance with the details approved pursuant to Condition 28 above, and in areas proposed for tree/shrub planting in accordance with the specification for the grass seed mix approved pursuant to Condition 28 above.

*Reason: To secure the proper restoration of the North Lagoons and North Lagoons Area 4 and to comply with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

34. Tree and shrub planting shall be carried out within the first planting season following grass seeding on those areas shown on J25043A0/Fig 7-F Revision 10 – Landscape and Ecology Masterplan – North Lagoons Proposed Revisions received by the WPA on 31 May 2012, Drawing Number B1617602A2/LD/01 Revision 2 received by the WPA on 27 January 2012, Drawing Number B1617602A2/LD/02 Revision 2 received by the WPA on 27 January 2012, Drawing Number B1617602A2/LD/03 Revision 3 received by the WPA on 27 January 2012, Drawing Number B1617602A2/LD/04 Revision 3 received by the WPA on 27 January 2012, Drawing Number B1617602A2/LD/05 Revision 3 received by the WPA on 27 January 2012, and Drawing Number B1617602A2/LD/06 Revision 2 received by the WPA on 27 January 2012.

*Reason: To secure the proper restoration of the North Lagoons and North Lagoons Area 4 and to comply with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

35. All restoration work required by Condition 28 above shall have been completed by 31 December 2018 or two years after the cessation of the disposal of PFA on the North Lagoons, whichever is the sooner.

*Reason: To secure the proper restoration of the North Lagoons and North Lagoons Area 4 and to comply with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

36. Upon the completion of restoration works on the North Lagoons, or any phase or sub-phase therein, as required by Condition 28 above, the North Lagoons shall enter a five year aftercare period. Prior to any phase or sub-phase being entered into aftercare, the extent of the area and its date of entry into aftercare shall be agreed in writing with the WPA.

*Reason: To secure the proper restoration of the North Lagoons and North Lagoons Area 4 and to comply with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

37. The aftercare and long term management of the restored areas shall be carried out in accordance with the details on Drawing Number B1617602A2/LD/01 Revision 2, Drawing Number B1617602A2/LD/02 Revision 2, Drawing Number B1617602A2/LD/03 Revision 3, Drawing Number B1617602A2/LD/04 Revision 3, Drawing Number B1617602A2/LD/05 Revision 3 and Drawing Number B1617602A2/LD/06 Revision 2 received by the WPA on 27 January 2012 and any details submitted pursuant to Condition 38 below.

*Reason: To secure the proper restoration of the North Lagoons and North Lagoons Area 4 and to comply with Policy W4.5 of the Waste Local Plan.*

38. An annual review of the aftercare performance for the previous 12 months and the proposed aftercare operations for the forthcoming 12 months shall be submitted between 1 October and 31 December of each year during the aftercare period. Site management meetings shall be held with the WPA each year to assess and review the annual programme of landscaping, restoration and site maintenance as approved under Condition 28 above, having regard to the condition of the land, progress in its rehabilitation and other relevant factors.

*Reason: To secure the proper restoration of the North Lagoons and North Lagoons Area 4 and to comply with Policy W4.5 of the Waste Local Plan.*

### **Flood Risk and Surface Water Drainage**

39. Throughout the operation of the development and during restoration and aftercare the developer shall adhere to the details contained in the Drainage and Flood Risk Assessment received by the WPA on 8 March 2006 in relation to flood risk and surface water drainage matters, except where updated by the details in the Environmental Statement for Section 73 Variation of Condition Application (Planning Permission Reference 1/12/06/00002) received by the WPA on 6 January 2012.

*Reason: To ensure the protection of the surrounding areas from flood risk and to protect the restored landform in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

40. Any restored area of the North Lagoons which is affected by local settlement or ponding, other than as approved under the landscape and restoration plans, shall, within 6 months of a written request from the WPA, be regraded to prevent ponding.

*Reason: To ensure the proper drainage from the North Lagoons and North Lagoons Area 4 in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Removal of Operational Plant and Machinery**

41. Within 24 months of the cessation of tipping on the North Lagoons, as notified to the WPA in accordance with Condition 5 above, and in accordance with approved restoration requirements, all operational equipment, standings, vehicle compound areas, temporary stockpile areas associated with the development hereby approved and haul roads shall be removed and the ground reinstated to previous use. All fixed and mobile plant and machinery associated with PFA disposal activities shall be removed from the North Lagoons.

*Reason: To enable the WPA to control the development and to minimise its visual impact on the amenity of the local area.*

### **Revised Restoration Scheme**

42. Should an annual review indicate that the development is not in accordance with the approved phasing, then, within 3 months of the written request of the WPA, a revised scheme of restoration, including a schedule of timings, final contours, provision for soiling, sowing of grass, planting of trees and shrubs, provision of any water areas, drainage and fencing in a similar manner to that approved under this permission shall be submitted to the WPA for its written approval.

*Reason: To ensure the proper restoration of the North Lagoons and North Lagoons Area 4 in accordance with Policy W 4.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

43. The revised restoration scheme approved under Condition 42 above shall be implemented within 12 months of its approval by the WPA and shall be subject to the same aftercare provisions as set out by relevant Conditions above.

*Reason: To ensure the proper restoration of the North Lagoons and North Lagoons Area 4 in accordance with Policy W 4.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Premature Cessation**

44. Should the deposit of PFA cease on the North Lagoons for a period in excess of 12 months, then within 3 months of a written request from the WPA, an aftercare and restoration scheme for the North Lagoons and North Lagoons Area 4 shall be submitted to the WPA, such scheme to provide for revised final contours and for soiling, sowing of grass, planting of trees and shrubs, provision of any water areas, drainage and fencing in a similar manner to that approved under this permission shall be submitted to the WPA for its written approval. The scheme shall be implemented as approved.

*Reason: To ensure the proper restoration of the North Lagoons and North Lagoons Area 4 in accordance with Policy W 4.7 of the Waste Local Plan.*

### **Informatives/notes to applicant**

1. Your attention is drawn to the consultation response from the County Council's Countryside Access Team dated 24 January 2012, a copy of which is attached.

**RECOMMENDED PLANNING CONDITIONS (1/38/12/00001)**

**Commencement**

1. 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.*

2. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement of the following at least seven days, but not more than 14 days, prior to their commencement:

- (a) Continued deposit and removal of pulverised fuel ash (PFA) from the South Coal Stocks Ash Lagoon;
- (b) Site preparation works on the South Lagoons including vegetation clearance, soil stripping, placement of the initial carpet layer of PFA, and the construction of internal haul roads;
- (c) PFA disposal on the South Lagoons.

*Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.*

**Approved Plans and Scope of Permission**

3. The development hereby permitted is for the deposit of PFA on the South Lagoons; the continued deposit of PFA on the South Coal Stocks Ash Lagoon; and the excavation of PFA from the South Coal Stocks Ash Lagoon and its deposit onto the North and South Lagoons only. The development shall only be carried out in accordance with the following documents except where amendments are made pursuant to the other conditions below:

- (a) Planning application forms for the disposal of PFA by means of land raising on South Lagoons and maintaining PFA disposal operations in the South Coal Stocks Lagoon received by the WPA on 16 December 2011;
- (b) Environmental Statement for South Lagoons and South Coal Stocks Ash Lagoon planning application received by the WPA on 16 December 2011;
- (c) Regulation 22 submission received by the WPA on 31 May 2012;
- (d) Drawing Number B1617602\_ES\_01 – Site Location Plan received by the WPA on 16 December 2011;

- (e) Drawing Number B1617602\_LVSL\_02\_1 – South Lagoons Landscape and Ecology Restoration Masterplan received by the WPA on 31 May 2012;
- (f) Drawing Number B1617602\_LVSL\_03\_1 – PFA Deposition and Restoration Phasing II (Example of Reduced Height) received by the WPA on 31 May 2012;
- (g) Drawing Number B1617602\_LVSL\_04\_1 – PFA Deposition and Restoration Phasing I (Maximum Volume) received by the WPA on 31 May 2012;
- (h) Drawing Number B1617602\_LVSL\_01\_01 – Landform and Sections received by the WPA on 16 December 2011;
- (i) Drawing Number B1617602\_LVSL\_01\_02 – Long Sections received by the WPA on 16 December 2011;
- (j) Drawing Number B1617602\_LVSL\_05\_1 – South Lagoons Features and Context received by the WPA on 31 May 2012;
- (k) Drawing Number B1617602\_LVSL\_11\_2 – Haul Road and Wetland Buffer Zones received by the WPA on 31 May 2012;
- (l) South Lagoons and South Coal Stocks Ash Lagoon Planning Application Flood Risk Assessment received by the WPA on 16 December 2011;
- (m) Pro-Ash document entitled Design of the Coal Stock Side and Rampton Side Lagoon received by the WPA on 31 May 2012;
- (n) Pro-Ash document entitled Method Statement for transition of the South Coal Stock Lagoon to the Stock Side and Rampton Side Lagoon received by the WPA on 31 May 2012;
- (o) Pro-Ash document entitled Method Statement for Construction of the Internal and Link roads on the South Coal Stocks Lagoon received by the WPA on 31 May 2012;
- (p) Pro-Ash Document entitled Method Statement for South Coal Stock Lagoon Disposal and Excavation received by the WPA on 31 May 2012.

*Reason: For the avoidance of doubt and to enable the WPA to monitor compliance with the conditions of the planning permission.*

#### **Duration**

4. All PFA disposal on the South Lagoons and the excavation and deposit of PFA from the South Coal Stocks Ash Lagoon shall cease by 31 December 2023. The WPA shall be notified in writing of the date of completion of PFA deposition on the South Lagoons.



*Reason: To ensure proper restoration of the site within an acceptable timescale and in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

5. PFA deposition on the South Lagoons shall begin sequentially from the completion of PFA deposition on the North Lagoons as permitted under Planning Permission 1/12/12/00001.

*Reason: To ensure proper restoration of the site within an acceptable timescale in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Buildings, Fixed Plant and Machinery**

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent amended legislation, no buildings, fixed plant or machinery, other than that approved by this permission, shall be erected or placed on the site without the prior written approval of the WPA.

*Reason: To enable the WPA to control the development and to minimise its impact on the amenity of the local area, in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.*

7. No floodlighting shall be used on the tipping site except in an emergency when life, limb or property are in danger or with the prior written approval of the WPA.

*Reason: To enable the WPA to control the development and to minimise the impact on the amenity of nearby residents in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.*

8. Prior to the commencement of PFA disposal, as notified in writing under Condition 2(c) above, details of security cameras, security fencing and fencing for the protection of the public shall have been submitted to and approved in writing by the WPA. The security measures shall be implemented in accordance with the approved details prior to any PFA disposal operations taking place.

*Reason: To ensure adequate means of protection for users of the adjoining public rights of way and to minimise the impact on the local area.*

### **Hours of Operation**

9. Except in emergencies when life, limb or property are in danger – and which are to be notified to the WPA in writing within 48 hours of their occurrence – operations on the site including PFA deposition on the South Lagoons; PFA deposition and excavation from the South Coal Stocks Ash Lagoon; soil and overburden stripping; transport of soils or overburden; and restoration operations shall not occur outside the hours of:

Monday to Saturday

0700 hrs to 1800 hrs

Sundays and Public or Bank Holidays Not at all

And in any event, PFA deposition, excavation from the South Coal Stocks Ash Lagoon, soil and overburden stripping, transport of soils or overburden and restoration operations shall not occur during the hours of darkness.

*Reason: To minimise impact on the amenity of nearby residents in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Noise

10. The development hereby permitted, including the operations on the South Coal Stocks Ash Lagoon, shall not give rise to noise levels in excess of 10 dBA above existing background noise level at any property on Town Street, Cottam or Church Lane, Torksey. In the event that a complaint justified in accordance with BS 4142 1997 is received regarding noise arising from the operation of the development hereby approved which exceeds the above level, then within 1 month of a written request of the WPA the applicant shall submit a scheme to mitigate the noise impact. The scheme shall consider but not necessarily be limited to the following measures:

- (a) Provision of noise attenuation fencing and screening;
- (b) Alterations to plant and machinery; and
- (c) Restriction of operating hours of development.

The mitigation measures shall be implemented in accordance with the approved details.

*Reason: To minimise impact on the amenities of nearby residents in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

11. All mobile plant and machinery used in association with PFA disposal operations on the South Lagoons and operations on the South Coal Stocks Ash Lagoon shall be regularly maintained and shall incorporate white noise reversing warning devices and be fitted with silencers maintained in accordance with the manufacturers' recommendations and specifications to minimise noise disturbance to the satisfaction of the WPA.

*Reason: To minimise impact on the amenities of nearby residents in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Dust

12. Before PFA is transported to the South Lagoons, it shall be conditioned by the addition of water at Cottam Power Station. Water shall be added in sufficient quantity to ensure dust is not generated in the course of transportation. PFA shall be tipped on the South Lagoons using the following methodology to minimise the generation of dust:
- (a) The tipping area shall be kept as small as is necessary to allow operations to be carried out safely;
  - (b) Once tipped, the PFA shall be spread out and compacted with stockpiling being kept to a minimum;
  - (c) The route to the deposit site and across the working area shall be defined by marker posts to minimise the areas of previously tipped PFA that are trafficked;
  - (d) Internal haul roads shall be maintained at all times.

*Reason: To minimise dust disturbance at the site and ensure compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

13. Appropriate measures shall be employed throughout the development hereby permitted to ensure that dust emissions from the site, including the South Coal Stocks Ash Lagoon, are controlled and that no dust is allowed to escape from the working areas. Such measures shall include all or any of the following measures, as appropriate:
- (a) A daily assessment of weather conditions to ascertain the need for dust prevention measures and the recording of the prevailing weather conditions and the actions taken to prevent dust blow on a daily log sheet;
  - (b) The use of water bowsers and/or automatic water spray equipment to dampen working areas and haul roads as weather conditions dictate;
  - (c) The provision of a piped water supply to the site to ensure water can be supplied to bowsers, pumping or automatic water sprays;
  - (d) The maintenance of all internal haul roads to a satisfactory condition;
  - (e) The temporary cessation of PFA deposition during periods of excessively dry and windy weather if requested to do so by the WPA; and
  - (f) The immediate investigation of any complaints received regarding dust and the implementation of corrective measures without delay.

*Reason: To minimise dust disturbance at the site and to ensure compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

14. The active tipping face on the South Lagoons shall be limited to as small an area as reasonably practicable. Each section of the working face shall, on reaching final levels, be covered with soil as soon as practicable thereafter.

*Reason: To minimise dust disturbance at the site and to ensure compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Transport and Rights of Way**

15. Vehicular access to and egress from the South Lagoons to carry out disposal activities shall only be by means of the internal haul route as indicated on Drawing Number B1617602\_LVSL\_11\_2 – Haul Road and Wetland Buffer Zones received by the WPA on 31 May 2012.

*Reason: To reduce the impact of the development on the Cottam Wetlands Site of Importance for Nature Conservation in accordance with Policy W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

16. Prior to the transportation of PFA from the South Coal Stocks Ash Lagoon to the South Lagoons for final disposal, details of the haul route from the South Coal Stocks Ash Lagoon shall have been submitted to, and approved in writing by, the WPA. The transportation of PFA from the South Coal Stocks Ash Lagoon to the South Lagoons shall only be carried out in accordance with the approved details.

*Reason: To reduce the impact of the development on the Cottam Wetlands Site of Importance for Nature Conservation in accordance with Policy W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Flood Risk**

17. The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment received with the Environmental Statement by the WPA on 16 December 2011. Compensatory flood storage shall be provided within the vicinity of the site by the excavation of soils from the area identified as North Lagoons Area 4 on Drawing Number B1617602\_ES\_01 – Site Location Plan received by the WPA on 16 December 2011 in accordance with Planning Permission 1/12/12/00001.

*Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Ecology**

18. Prior to the commencement of site clearance works on the South Lagoons, a method statement for the translocation of grass snakes shall have been submitted to the WPA for its approval in writing. The scheme shall be implemented in accordance with the approved details prior to any site clearance works taking place.

*Reason: In the interests of protecting species and their habitats in accordance with Policies W3.21, W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

19. Prior to the removal of vegetation and/or the stripping of soils from any phase or sub-phase as identified on Drawing Number B1617602\_LVSL\_04\_1 – PFA Deposition and Restoration Phasing I (Maximum Volume) received by the WPA on 31 May 2012 or Drawing Number B1617602\_LVSL\_03\_1 – PFA Deposition and Restoration Phasing II (Example of Reduced Height) received by the WPA on 31 May 2012, a qualified ecologist shall walk the affected land to ensure that no species as identified in the planning application surveys or species protected by the Wildlife and Countryside Act 1981 are present. A report detailing the findings of the survey shall be submitted to the WPA for its approval in writing prior to development commencing within the phase. In the event that the ecological survey identifies any protected species then the report shall provide recommendations for appropriate mitigation measures to ensure the satisfactory protection of the species. The mitigation measures shall be implemented in accordance with the approved details prior to any soil stripping or vegetation removal operations commence.

*Reason: In the interests of protecting species and their habitats in accordance with Policies W3.21, W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

20. Site clearance operations that involve the removal and destruction of vegetation shall not be undertaken during the months of March to August inclusive except with the prior written approval of the WPA and in such circumstances following the carrying out and submission to the WPA for its approval in writing of an ecological appraisal undertaken by an appropriately qualified person in accordance with the details required under Condition 19 above.

*Reason: In the interests of protecting species and their habitats in accordance with W3.21, W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

21. Prior to the commencement of site preparation works, as notified under Condition 2(b) above, details of the ecological management and monitoring of the site shall have been submitted to, and approved in writing by, the WPA. The details shall set out the continuous measures, outlined in the Environmental Statement for South Lagoons and South Coal Stocks Ash Lagoon planning application received by the WPA on 16 December 2011, to be implemented throughout the life of the development on those areas outside the areas of PFA disposal as detailed on Drawing Number B16173602\_LVSL\_04\_1 – PFA Deposition and Restoration Phasing I (Maximum Volume) received by the WPA on 31 May 2012, in addition to the area identified as Area 4 on Drawing Number

B1617602\_ES\_01 – Site Location Plan received by the WPA on 16 December 2011, in order to provide for the protection and management of amphibians, reptiles, otter, water vole, invertebrates, breeding birds, bats, other protected species, and their habitats. The submitted details shall provide for the submission of an annual review of the performance of the ecological management of these species and areas which shall be submitted to the WPA for its approval in writing throughout the life of the development by 31 March each year. The details shall be implemented as approved by the WPA.

*Reason: In the interests of protecting species and their habitats in accordance with W3.21, W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Phasing and Protection of Vegetation**

22. PFA disposal and restoration on the South Lagoons shall be carried out on a phased basis in accordance with the details on Drawing Number B1617602\_LVSL\_04\_1 – PFA Deposition and Restoration Phasing I (Maximum Volume) received by the WPA on 31 May 2012 or Drawing Number B1617602\_LVSL\_03\_1 – PFA Deposition and Restoration Phasing II (Example of Reduced Height) received by the WPA on 31 May 2012. The WPA shall be notified in writing of the completion of each phase or sub-phase of PFA disposal.

*Reason: To minimise the operating area of the site at any one time and to provide for the phased disposal and restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

23. Prior to the commencement of any vegetation clearance from any phase or sub-phase as identified on Drawing Number B1617602\_LVSL\_04\_1 – PFA Deposition and Restoration Phasing I (Maximum Volume) received by the WPA on 31 May 2012 or Drawing Number B1617602\_LVSL\_03\_1 – PFA Deposition and Restoration Phasing II (Example of Reduced Height) received by the WPA on 31 May 2012, details of the measures to protect all retained trees, hedges and shrubs during the lifetime of the development shall be submitted to the WPA for its approval in writing. The details shall include the temporary retention of trees and shrubs adjacent to the eastern toe of the eastern mound to screen nearby operations from the wetland area on the eastern edge of the eastern mound. The measures shall be implemented and maintained throughout the life of the development in accordance with the approved details.

*Reason: To ensure the protection of vegetation on the site, in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

24. A topographic survey plan of the South Lagoons and an annual review of the volumes of waste deposited and soils stored within the South Lagoons and its progress with regards to the approved phasing plans, shall be submitted to the WPA for its approval in writing by the end of March each year. The annual review shall include an estimate, including calculations, of the anticipated PFA

disposal requirements for the remainder of the development and the implications of this estimate on the remaining disposal capacity on the South Lagoons.

*Reason: To ensure the proper restoration of the site in accordance with Policy W 4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Soil Handling**

25. The WPA shall be notified in writing at least 5 working days before soil stripping is due to commence on any phase, or sub-phase in the event that a phase is not stripped in its entirety in one stripping campaign.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

26. A detailed soil handling scheme for each phase or sub-phase of the development shall be submitted in writing to the WPA at least one month prior to the stripping of any soil from that area of the site. Such a scheme shall include the following details:

- (i) A methodology statement for the stripping and storage of soils, including the separate stripping and storage of the top layer of topsoil to preserve its seed resource;
- (ii) The size, location, volume and composition of soil storage mounds, including details of the top layer of topsoil which shall be stored separately from other topsoil, and the location of stripped soils from the west mound which, if it is necessary to store them on the east mound, shall be located to impact as little as possible on the early phased restoration of the east mound;
- (iii) The types of machinery to be used;
- (iv) The routes to be taken by plant and machinery involved in soil handling operations;
- (v) The depths of subsoil and topsoil to be stripped.

The soil handling schemes shall be carried out in accordance with the approved details.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

27. No plant or vehicles shall cross any area of unstripped topsoil or subsoil 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 topsoil, subsoil or mineral deposits, until all available topsoil and subsoil has been stripped from that part.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

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

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

29. Topsoil, subsoil, and soil making material shall only be stripped when they are in a suitably dry and friable condition to avoid clogging, and movements of soils shall only occur:

- (i) When all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
- (ii) When topsoil is sufficiently dry that it can be separated from subsoil without difficulty;
- (iii) When there are no areas of standing water on the surface of soils in the area to be stripped, traversed or used for soil storage.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

30. All reasonable steps shall be taken to ensure that topsoils, subsoils and PFA are prevented from inappropriate mixing.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

31. With the exception of the soil storage mounds containing the top layer of stripped topsoil, as detailed in Condition 26 (i) above, all soil storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded in the first available sowing season following their construction and thereafter maintained in accordance with a seed mixture and maintenance regime which has been previously agreed in writing by the WPA. The seed mixture and maintenance regime shall seek to promote a nectar-rich wildflower sward. The mounds shall be sown and maintained in accordance with the approved details until required for restoration purposes.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*



*and to suppress the generation of dust in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Restoration**

32. The South Lagoons shall be restored in accordance with Drawing Number B1617602\_LVSL\_02\_1 – Indicative South Lagoons Landscape and Ecology Restoration Masterplan received by the WPA on 31 May 2012, except that provision shall be made in the relevant submissions under Condition 33 below for additional planting on the southeastern flank of the East Mound, and in accordance with the phasing details set out in Condition 22 above.

*Reason: To ensure the proper restoration of the site, in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan and to minimise the impact of the development on nearby Scheduled Ancient Monuments in accordance with the National Planning Policy Framework.*

33. Within three months of the date of the completion of PFA disposal in any phase or sub-phase, as notified under Condition 22 above, details of the landscape and ecology management for each phase or sub-phase shall be submitted to the WPA for its approval in writing. The details shall include:

- (a) Planting proposals showing numbers, species, density of planting, positions, sizes and establishment methods of all trees and shrubs, which shall be native species of native genetic origin appropriate to the local area;
- (b) Native species grassland seed mixes and woodland grass seed mixes, which shall be of native genetic origin, including rates of sowing and establishment method;
- (c) Substrate preparation (where required), including the creation of micro-topography features;
- (d) The extent of areas of bare PFA habitats;
- (e) Boundary and fencing treatments;
- (f) Provision for the submission of an annual aftercare report for the five year aftercare period, which shall detail works undertaken in the previous 12 months and those proposed for the following 12 months;
- (g) Timetable for the implementation of the restoration works.

The restoration of each phase or sub-phase shall be carried out in accordance with the approved details.

*Reason: To ensure the phased restoration of the site in accordance with Policies W4.1 and W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Soil Replacement, Seeding and Planting

34. The WPA shall be notified in writing at least 5 working days before each of the following operations take place within any phase of sub-phase;
- (i) Subsoil replacement following the preparation of the PFA substrate ready for subsoil replacement to allow inspection of the phase or sub-phase; and
  - (ii) When subsoil has been prepared ready for topsoil replacement to allow inspection of the phase or sub-phase; and
  - (iii) On completion of topsoil replacement to allow an opportunity to inspect the completed works.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

35. Topsoils and subsoils shall only be replaced when they and the ground on which they are to be placed are in a suitably dry and friable condition to avoid clogging and no movements, re-spreading, levelling, ripping or loosening of subsoils or topsoils shall occur:
- (i) When it is raining; or
  - (ii) When there are pools of water on the surface of the storage mound or receiving area.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

36. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil, or replaced topsoil except where essential and unavoidable for the 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 proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

37. The subsoil shall be placed and ripped to the following depths:
- (i) To provide loosening to a minimum depth of 300mm with tine spacings no wider than 1.5m, and
  - (ii) Any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be utilised for the creation of refugia

areas for reptiles and amphibians, or buried at a depth not less than 2 metres below the final settled contours.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

38. The topsoil shall be placed and ripped to the following depths:

(b) For areas where grasslands are to be established, placement to 80-100mm and ripping to at least 200mm;

(b) For areas where pioneer shrubs and trees are to be established, placement to a minimum of 200mm and ripping to at least 400mm.

*Reason: To ensure proper restoration of the site through soil conservation and establishment in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

39. Following placement of soils or soil making materials in any phase of development, grass seed shall be sown in the first available sowing season thereafter in areas proposed for grassland creation in accordance with the details approved pursuant to Condition 33 above, and in areas proposed for tree/shrub planting in accordance with the specification for the grass seed mix approved pursuant to Condition 33 above.

*Reason: To ensure the proper restoration of the site and to comply with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

40. Tree and shrub planting shall be carried out within the first planting season following grass seeding on those areas detailed on Drawing Number B1617602\_LVSL\_02\_1 – Indicative South Lagoons Landscape and Ecology Restoration Masterplan received by the WPA on 31 May 2012 in accordance with the details approved under Condition 33 above.

*Reason: To ensure the phased restoration of the site in accordance with Policies W4.1 and W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

41. All restoration work required by Condition 33 above shall have been completed by 31 December 2025 or two years after the cessation of the disposal of PFA on the South Lagoons, whichever is the sooner.

*Reason: To ensure the proper restoration of the site and to comply with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Aftercare**

42. Upon the completion of restoration works on any phase or sub-phase of the South Lagoons, as required by Condition 33 above, that phase or sub-phase shall enter into a 5 year aftercare period. Prior to any phase or sub-phase being entered into aftercare, the extent of the area and its date of entry into aftercare shall be agreed in writing with the WPA.

*Reason: To ensure the proper restoration of the site and to comply with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

43. The aftercare and long-term management of the restored areas shall be carried out in accordance with the details approved under Condition 33 above. Site management meetings shall be held with the WPA each year to assess and review the annual programme of landscaping, restoration and site maintenance as approved under Condition 33 above, having regard to the condition of the land, progress in its rehabilitation and other relevant factors.

*Reason: To ensure the proper restoration of the site and to comply with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Removal of Operational Plant and Machinery**

44. Within 24 months of the cessation of tipping on the South Lagoons, as notified to the WPA in accordance with Condition 4 above, and in accordance with approved restoration requirements, all operational equipment, standings, vehicle compound areas, temporary stockpile areas associated with the development hereby approved and haul roads shall be removed and the ground reinstated to previous use. All fixed and mobile plant and machinery associated with the disposal of PFA on the South Lagoons shall be removed from the site.

*Reason: To enable the WPA to control the development and to minimise its visual impact on the amenity of the local area.*

### **Revised Restoration Scheme**

45. Should an annual review indicate that the development is not in accordance with the approved phasing, then, within 3 months of the written request of the WPA, a revised scheme of restoration, including a schedule of timings, final contours, provision for soiling, sowing of grass, planting of trees and shrubs, provision of any water areas, drainage and fencing in a similar manner to that approved under this permission shall be submitted to the WPA for its written approval.

*Reason: To ensure the proper restoration of the site in accordance with Policy W 4.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

46. The revised restoration scheme approved under Condition 45 above shall be implemented within 12 months of its approval by the WPA and shall be subject to the same aftercare provisions as set out by Conditions 42 and 43 above.

*Reason: To ensure the proper restoration of the site in accordance with Policy W 4.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Premature Cessation**

47. Should the deposit of PFA cease on site for a period in excess of 12 months, then within 3 months of a written request from the WPA, an aftercare and restoration scheme for the site shall be submitted to the WPA, such scheme to provide for revised final contours and for soiling, sowing of grass, planting of trees and shrubs, provision of any water areas, drainage and fencing in a similar manner to that approved under this permission shall be submitted to the WPA for its written approval. The scheme shall be implemented as approved.

*Reason: To ensure the proper restoration of the site in accordance with Policy W 4.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Informatives/notes to applicant**

1. Your attention is drawn to the consultation response from the Environment Agency dated 22 August 2012, a copy of which is attached.