



25 February 2015

Agenda Item:

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

BASSETLAW DISTRICT REF. NO.: 1/14/01625/CDM

**PROPOSAL: THE IMPORTATION AND SPREADING OF HIGH ALKALINE/ORGANIC
MATERIAL ON EXPOSED COLLIERY DISCARD TO REDUCE THE
ACIDITY LEVEL OF SURFACE WATER RUN-OFF FROM THE TIP**

LOCATION: HARWORTH COLLIERY SPOIL TIP, BLYTH ROAD, HARWORTH

APPLICANT: 4R GROUP LIMITED

Purpose of Report

1. To consider a planning application for the importation and spreading of a high alkaline/organic material on exposed colliery discard at Harworth Colliery Spoil Tip No. 2 to reduce acidity levels. The key issues relate to noise, traffic and contamination. The recommendation is to grant planning permission subject to the planning conditions at Appendix 1.

The Site and Surroundings

2. Harworth Colliery Spoil Tip is located towards the northern boundary of Nottinghamshire, approximately 8km north-east of Worksop, 10km north-west of Retford and 10km south of Doncaster. The nearest residential areas are Styrrup, 80m to the west; Harworth and Bircotes, 800m to the north; and Blyth 1.3km to the south.
3. The spoil tip is located in a generally rural setting with an otherwise relatively flat topography. The surrounding area is dominated by agricultural fields, although there is urban and industrial development nearby, particularly to the north.
4. The site is bordered on the west by the A1(M), beyond which are agricultural fields apart from in the north where the village of Styrrup is located (see Plan 1). To the north the site is bordered by Serlby Road, beyond which is an industrial estate, which stretches around the north-east corner of the spoil tip. Beyond the industrial estate is Harworth Colliery itself, which is not currently operational. The spoil tip used to be connected to the colliery by a conveyor which ran in a north-east to south-west direction although this has now been largely dismantled. The villages of Harworth and Bircotes are separated by the

industrial estate and former colliery. To the east of the site is Blyth Road, beyond which are agricultural fields. To the south of the spoil tip there are also agricultural fields. Also of note, immediately to the south-east of the site is a small group of bungalows located off Blyth Road.

5. The spoil tip site is of a roughly rectangular shape and comprises an unfinished spoil tip with considerable areas of exposed spoil. In the north of the site, areas have been restored and comprise poor semi-improved acid grassland. Curving around the southern side of the spoil tip, and extending partway along the eastern and western sides is plantation broadleaved woodland. There is also an area of plantation broadleaved woodland adjacent to the A1(M) boundary in the north-western corner of the site. There are areas of plantation mixed woodland on the eastern and western edges of the site, and extending around the north-east boundary. Drainage ditches run around the toe of the spoil tip, connecting a number of ponds. There is an access track which runs around the base of the spoil tip.
6. The nearest residential receptor is an individual property located 15m to the east of the south-east corner of the site, although it is approximately 75m from any areas of bare spoil. There are bungalows located on Harworth Avenue, off Blyth Road, which are approximately 80m south-east of the site boundary (330m from any bare spoil). In addition, the nearest residential properties in Styrrup are 80m west of the application boundary, but 530m from any bare spoil.
7. Vehicular access to the spoil tip is via Blyth Road, using an existing entrance approximately half way along the eastern side of the spoil tip. Blyth Road joins the A614 to the south, just north of a junction with the A1. To the north Blyth Road passes through the western side of the village of Harworth.
8. The application site is not within any area of designation as shown on the Bassetlaw Core Strategy Proposals Map, although it is of note that the 'Development Boundary' of Harworth runs along the northern and eastern corner of the spoil tip.
9. Styrrup Quarry Site of Special Scientific Interest (SSSI), a geological exposure, is located 650m to the west of the spoil tip. There are no other internationally or nationally designated sites within 2km of the spoil tip. There are a number of nearby Local Wildlife Sites (LWS) formerly referred to as Sites of Importance for Nature Conservation (SINCs) including Ash Holt SINC, an ancient woodland supporting a characteristic flora 510m to the west; Styrrup Quarry SINC, a sand quarry of botanical interest 450m to the west; and Coronation Clump Sand Pit, a sand quarry supporting notable plant species and of faunal interest 730m to the east.
10. The most significant designated heritage assets in proximity to the spoil tip include a Grade II* Arch (1.2km to the east), Blyth Priory (Scheduled Monument 1.8km to the south), Blyth New Bridge (Scheduled Monument 2km south), Roman Villa at Oldcotes (Scheduled Monument 2.5km south-west), Malpas Hill Gateway (Grade II* 2.4km west), and Sandbeck Park and Roche Abbey (designated Park and Garden 2.35km west). In addition, there are a number of Grade II Listed Buildings located in the surrounding settlements. The nearest

conservation areas are in Blyth, approximately 2km south of the site, and at Oldcotes 2km west of the site boundary.

Proposed Development

Site History and Background

11. Harworth Colliery Spoil Tip No. 2 started receiving spoil in 1977 and ceased receiving spoil in 2006 due to Harworth Colliery being mothballed. The spoil tip has since been under a scheme of maintenance.
12. Planning permission for the spoil tip expired at the end of June 2013. A separate planning application was submitted before this date to extend the life of the spoil tip by 25 years, which would have been required if mining operations recommenced at Harworth Colliery. However, this application was formally withdrawn on 15 January 2015, because the operations will not be recommencing.
13. The applicant states that over the life of the colliery the surface of the spoil tip has become strongly acidic. This is a common feature of colliery spoil as the entrained pyrite is present in its raw reduced state and, on exposure to air, oxidises over time to produce sulphuric acid with a consequential pH reduction.
14. Chemical analysis undertaken in 2011 shows that the site has a strongly acidic pH of 3.0. One of the main issues with this is that there is a risk of significant amounts of acidic leachate for any water that percolates through the material and exits via drainage channels.
15. Previous acidity controls include surface water being fed through drainage channels and into a series of balance ponds. One of the balance ponds includes limestone blocks, which reduce the acidity of the water once it has passed through. Dilution of the water is still needed following this, which is achieved by pumping groundwater via boreholes into the run-off water prior to its discharge into the watercourse.
16. As a result of the above, a planning application was submitted in March 2013 for the importation and spreading of a liming by-product at Harworth Colliery Spoil Tip No. 2 in order to reduce acidity levels. The development was approved by Committee in September 2013 and subsequently took place between November 2013 and August 2014. The pH value was raised from around 2.2 to 4.2 at the discharge point, however dilution is still required at the discharge point to achieve the consented level of 5.
17. The applicant notes that while the previous operations have proved successful, there remains a need to import and spread further alkaline material to continue to reduce acidity levels of the spoil tip.

Proposed Development

18. This planning application is for the importation and spreading of a high alkaline/organic material at Harworth Colliery Spoil Tip No. 2. The purpose is to

assist in stabilising the surface of the tip area, to reduce the acidity levels in the surface water run-off from the site.

19. Table 1 below sets out the type of material proposed to be imported to the site as part of the proposal:

Table 1: Proposed Material to be Imported

Material	Description	Use	Anticipated Tonnage
Cement kiln dust	Cement kiln dust and by pass dust from the manufacture of cement.	Used for pH adjustment of the areas (flanks and roadways)	No more than 5,000 tonnes.
Filter cake	Filter cake derived from treatment of waste aggregates.	Used for soil/spoil improvement (addition of bulky organic matter to support plant growth and provide a matrix to reduce water infiltration and subsequent run off/acidic discharge).	No more than 10,000 tonnes.
Compost	Compost manufactured from source segregated wastes or non-source segregated wastes.	As above.	No more than 25,000 tonnes <u>in total</u> made up of compost/digestate/biosolids. The compost, digestate and biosolids have similar properties. Therefore if 1,000 tonnes of one material was utilised it would substitute 1,000 tonnes of another i.e. the total amount of imported material would be 25,000 tonnes.
Digestate	Digestate manufactured from source segregated wastes or non-source segregated wastes.	As above.	
Biosolids	Biosolids derived from waste water treatment works.	As above.	

20. The operations involve creating a surface layer treated with high alkaline material and organic matter to buffer the onsite acidification which is currently arising from the colliery spoil substrate. The aim is to stabilise the tip surface and buffer any potential for acid leachate production as water percolates through the mineral surface. This would reduce the acidity levels in the surface water run-off and the potential for polluting the water environment.
21. The proposal involves the importation of 40,000 tonnes of material. This figure is based on the typical rates needed to counteract acidification as being between 400 and 1,000 tonnes per hectare depending on the material and the analysis of the substrate in specific areas.
22. The material would be delivered to the site and placed in stockpiles to allow efficient application of the materials onto the tip surface. The material additions would be applied to the site in a three stage process:

- a) Application of the materials using a combination of dumper trucks to deposit the material and spreading using bulldozer or agricultural spreading operations;
 - b) Ripping and incorporation of the materials using deep tines attached to the bulldozer or using deep agricultural cultivation (i.e. heavy duty discs);
 - c) Rolling to level the surface. Planting of a temporary grass sward to encourage water infiltration and retention.
23. It is proposed that on the bowl surface of the tip the material would be mixed to a depth of 0-40cm and on the batters, the material would be mixed to a depth of 50-100cm.
24. After the material is mixed into the surface, the levelling works are undertaken and the seeding has taken place, further operations will only consist of monitoring the site to ensure the process has been successful. The applicant states that the site would then have the potential to facilitate a longer term restoration strategy.
25. The importation of the material would take place over a 12 month period and be delivered using articulated lorries via the access off Blythe Road.
26. The proposed hours of operation would correspond with those worked when the colliery spoil tip was operational. The hours proposed are 07:00 – 19:00 Mondays to Fridays; 07:00 – 13:00 on Saturdays; and no working on Sundays, Public or Bank Holidays.
27. Three full time employees would be employed at the site.

Consultations

28. **Bassetlaw District Council** – *No objection.*
29. **Styrrup with Oldcotes Parish Council** – *No objection subject to a suitable restriction being placed on activities when winds may carry material onto the A1 or homes at Pagdin Drive, Styrrup.*
30. **Environment Agency** – *No further comments to those that were made in respect of the previous application (F/2799).*
31. *The comments made by the Environment Agency in relation to the previous application to spread a high alkaline product at Harworth Colliery spoil tip raised no objections, but included a series of comments, as set out below:*
- a) *The proposed activities must not result in a breach of any conditions of the current site discharge consent;*
 - b) *The proposed development has the potential to generate significant suspended solids run-off and a scheme concurrent with any necessary mobile plant permit should address this risk;*

- c) *A scheme of sampling of surface waters on site to validate the success of the proposed activity is requested;*
- d) *The EA requests a pre-commencement site meeting.*
32. **NCC (Planning Policy)** – *There are no specific policies in the Nottinghamshire Minerals Local Plan (MLP) relating to the proposed activity and as a result there are no policy comments. This is subject to your satisfaction that the environmental and amenity impacts of the development are not unacceptable – for this comments are deferred to the relevant teams within the Council. In considering these impacts, attention is drawn to the environmental protection and reclamation policies set out in Chapters 3 and 4 of the MLP, and also the emerging development plan policies in the Preferred Approach.*
33. **NCC (Nature Conservation)** – *No ecological assessment has been carried out in support of this application. However, it is apparent that the ecological potential of the bare colliery spoil is largely negligible. However, the site may have the potential to support Little Ringed Plover (LRP), which regularly use open gravel or former colliery areas as their breeding habitat from March until July. As such, it is recommended that a targeted survey of the site is carried out for LRP in the event that works commence during the period of March to July, or if new areas of tipping are commenced in this period. The results of the survey should be submitted to the County Council in a report with recommended mitigation measures should these be required.*
34. *Concern is raised in relation to the type of material to be used during the proposed development. The existing restoration of the site is to an acid grassland and heathland habitat, which requires relatively nutrient poor ground conditions. It is therefore queried how the use of high nutrient materials may affect the success of the site restoration.*
35. *Confirmation is sought that tipping of alkaline materials would be restricted to existing bare areas of colliery shale, and no areas of established vegetation would be affected by the works.*
36. **NCC (Countryside Access)** – *There are no definitive rights of way on the proposed development site.*
37. **NCC (Highways) Bassetlaw** – *This proposal is similar to that of implemented planning permission reference 1/13/00639/CDM. However, the total tonnage of imported material has been increased from 32,000 to 40,000 tonnes, but daily vehicle movements are not materially different as the proposal is to take place over 12 months as opposed to the previously accepted 10 months.*
38. *As before, vehicles would be routed via Blyth Road and the A1. The classification of these roads is such that NCC Highways does not envisage that the proposed development would compromise the free flow of traffic along these routes. There is no objection on highway grounds.*
39. **NCC (Noise Engineer)** – *It is recommended should planning permission be granted, conditions should be attached relating to working hours, noise levels at the nearest sensitive receptors, and reversing alarms.*

40. **Anglian Water Services Limited** – *No comments.*
41. **Northern Powergrid** – *No objections.*
42. **NCC (Reclamation), Severn Trent Water Limited, Western Power Distribution and National Grid (Gas)** have not responded at the time of writing. Any response received will be reported orally.

Publicity

43. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
44. Councillor Sheila Place has been notified of the application.

Observations

Introduction

45. Planning permission is sought to import a high alkaline material to spread on Harworth Colliery Spoil Tip No. 2. The purpose is to reduce the acidity of surface water run-off. The proposal involves the importation of 40,000 tonnes of material over a 12 month period.

Planning Policy Assessment of the Proposed Site

46. There are no policies within the Nottinghamshire Minerals Local Plan (MLP) that deal directly with the spreading of high alkaline material on a spoil tip to alter pH levels of surface water run-off. However, there are policies that relate to spoil tips.
47. Policy M12.3 (Colliery Spoil Disposal) of the MLP sets out measures that will be imposed where planning permission is granted for colliery tipping, namely:
 - a) Priority is given to early construction and reclamation of external, visible faces;
 - b) Tipping profiles avoid 'engineered' or other alien landforms;
 - c) Opportunities are taken to improve the appearance of existing adjacent tipping schemes;
 - d) Reclamation is phased to minimise visual impact and problems of surface run-off;
 - e) Opportunities are taken to reclaim sites to suitable level Biodiversity Action Plan priority habitats.

48. It is recognised that the proposed development does not strictly fall under Policy M12.3. However, as the development involves tipping material onto an existing spoil tip elements of the policy are applicable, namely the promotion of early reclamation and minimisation of problems associated with surface water run-off.
49. As mentioned above, the existing planning permission for the spoil tip has expired. An application was submitted to extend the life of the spoil tip, although this was withdrawn in January 2015 as a decision was made that colliery operations would not recommence. Due to the withdrawal of this application, the site cannot be restored in accordance with the currently approved contours. As a result an alternative restoration will need to be submitted to, and approved by, the MPA; a process which is likely to take some months. As such, this proposal for importation and spreading of a high alkaline material over a period of 12 months is unlikely to have a significant impact on restoration timescales providing that it is implemented quickly.
50. In order to ensure that the development is implemented in a timely manner it is recommended that a condition requires the development to commence within 12 months of permission being granted and lasts no longer than the 12 months stated in the application.
51. The second relevant aspect of Policy M12.3 is phasing schemes to minimise surface water run-off problems. Whilst it is acknowledged that this scheme has little to do with phasing, the purpose is to mitigate existing surface-water run-off problems. As such, the development is considered to be in line with the thrust of this section of Policy M12.3.

Contamination and the Water Environment

52. The National Planning Policy Framework (NPPF) discusses pollution in Chapter 11 'Conserving and Enhancing the Natural Environment', with paragraph 120 stating that planning decisions should ensure that new development is appropriate to its location and the effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account.
53. Policy M3.8 of the MLP states that planning permission for minerals development will only be granted where:
 - a) Surface water flows are not detrimentally altered;
 - b) Groundwater levels, where critical, are not affected;
 - c) There are no risks of polluting ground or surface waters.
54. Surface water flows are currently controlled by drainage channels surrounding the spoil tip, which link balance ponds together. This method of managing surface water would not be altered. However, the development is proposed to reduce, and if possible remove, the need to abstract ground water to dilute the surface water run-off, thereby reducing the volume of water entering the local watercourse. The development is in accordance with Part a) of Policy M3.8.

55. The proposed development would reduce, or even eliminate, the need to abstract groundwater for dilution purposes. This means that groundwater levels would no longer be affected by the treatment process, fully in line with Part b) of Policy M3.8.
56. The purpose of the development is to create a surface layer on the spoil tip treated with high alkaline material. This would buffer the acidification which is presently arising from the colliery spoil substrate, preventing the potential for acid leachate production as water percolates through the mineral surface. This would reduce the acidity levels in the surface water run-off and the potential for polluting the water environment. The development is therefore fully in accordance with Part c) of Policy M3.8.
57. The Environment Agency has been consulted on the proposal and has no objection, although a number of comments have been made relating to permits and sampling. The applicant's attention will be drawn to the comments in the 'informatives' section of the decision notice should planning permission be granted.

Traffic and Access

58. The development would involve the importation, by HGV, of 40,000 tonnes of material over a period of 12 months. The applicant has submitted, as an appendix, the transport assessment that was undertaken for the previous planning application, as the applicant was of the view that the HGV numbers would be very similar to those generated by the previous proposal.
59. The previous application would allow an average of 3,200 tonnes of material to be imported to the site per month, and this application would allow an average of 3,333 tonnes per month. As such, the vehicle numbers would be very similar to the previous application. The vehicle numbers associated with the previous application are summarised in Table 2 below:

Table 2 – Monthly tonnage import and lorry movements

Month	Tonnage	Lorry Movements	
		Average 25 Tonne Load	Average 30 Tonne Load
1	820	66	54
2	1,640	132	110
3	2,465	198	164
4	4,923	394	328
5	4,923	394	328
6	4,923	394	328
7	4,923	394	328
8	4,923	394	328
9	1,640	132	110
10	820	66	54
Total	32,000	2,564	2,132

60. The transport statement assumed that each month represents 28 days (rather than 30-31) to increase the average daily traffic generation. Each working week of 5 ½ working days equals 66 working hours (264 hours over a month).

61. During the peak months, assuming a 25 tonne load, there would be 394 lorry movements per month. Based on the above assumptions this equates to 18 lorry movements per day (1.5 movements per hour). Development generated traffic would increase the 12 hour flows of traffic along Blyth Road from an observed figure of 5,241 to a forecast figure of 5,259, an increase of 0.3%.
62. The HGVs delivering material to the site would travel via junction 34 of the A1(M) (the Blyth junction) and then travel along the section of Blyth Road to the site access on the eastern side of the spoil tip.
63. The proposed development will not generate a level of traffic that would compromise the surrounding highway network. This view is supported by the NCC Highways Team, which raises no objection. In this regard, the development is in accordance with Policy M3.13 (Vehicular Movements) of the MLP.
64. It is also suggested that conditions relating to visibility and maintaining an access with a suitably bound material are attached to any planning permission granted, as was the case with the previous development. This measure is in line with Policy M3.12 of the MLP which recommends the use of measures to prevent mud and other deleterious material contaminating the public highway.

Noise

65. No noise assessment has been submitted with this application. However, a noise assessment was submitted with the previous application for spreading of a high alkaline material. The noise assessment considered the potential noise impact associated with any future short-term and operational activities on the spoil tip, including the loading of soil and spoil by wheeled loaders, transport of material around the site, and bund/tip shaping by a dozer.
66. The noise assessment was originally conducted in relation to the application to extend the life of the spoil tip, as mentioned in the site history and background of this report.
67. The noise assessment submitted in relation to the previous application undertook baseline noise monitoring at three locations, which were discussed with the NCC Noise Engineer and considered to be representative of locations most exposed to noise from the site. The noise measurement locations and levels are set out in Table 3 below.

Table 3 – Summary of Measured Daytime (07:00-19:00hrs) Noise Levels, dB(A)

Location	L _{Amax}	L _{Aeq}	L _{A90}
1: Adjacent to rear gardens on Pagdin Drive	65-88	59	56
2: Front Garden of Kirk View Kennels and Cattery	70-82	61	47
3: Rear of dwellings on Harworth Avenue	56-91	52	45

68. The previous assessment states that the main source of background noise is road traffic.
69. The predicted noise levels have been calculated during the previous noise assessment, which assessed short term operations under a number of different

scenarios to reflect worst case conditions (e.g. where items of plant will work closest to each of the nearby dwellings). Similarly, the calculated noise levels during normal operations have been carried out for a number of scenarios to reflect worst-case conditions. The predicted noise levels have been calculated using noise levels from two CAT 250E Dump Trucks, a CAT 950 Loading Shovel and a CAT D6 Dozer and it has been assumed that all fixed and mobile plant would have 100% on-time for the purpose of calculating a worst case scenario. The predicted noise levels are set out in Table 4 below.

Table 4 – Predicted Worst-Case Hourly Noise Levels (dB L_{Aeq,1hr,free-field})

70. Location	Short Term Operations					Normal Operations			
	Limit	T1	T2	T3	T4	Limit	N1	N2	N3
1: Adjacent to rear gardens on Pagdin Drive	70	53	62	62	63	55	45	43	43
2: Front Garden of Kirk View Kennels and Cattery	70	28	27	31	51	55	29	30	50
2A: Dwellings on Harworth Avenue adjacent to Blyth Lane	70	26	26	30	47	55	29	29	45
3: Dwellings on Harworth Avenue	70	26	25	30	46	55	28	29	43

71. The Technical Guidance to the NPPF provides guidance on noise levels at minerals sites. Paragraph 30 states that subject to a maximum of 55dB(A)L_{Aeq, 1h} (free field) minerals planning authorities should aim to establish a noise limit at noise sensitive properties that does not exceed the background level by more than 10dB(A). Paragraph 31 notes that mineral operations often have some particularly noisy short-term activities that cannot meet the limits set for normal operations. However, these activities can bring longer-term environmental benefits. Increased temporary daytime noise limits of up to 70dB(A) L_{Aeq 1h} (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer term environmental benefit to the site or its environs.
72. The noise assessment concludes that the results of the calculations, as set out in Table 4, show that noise from the site during both short-term and normal operations would meet the adopted noise criteria. The applicant considers that noise from the site can be controlled to below the adopted noise criteria without any specific noise mitigation measures other than using plant that meets the adopted source noise levels.
73. The NCC Noise Engineer has reviewed the noise assessment and notes that the existing background noise levels (L₉₀) were recorded as 56dB at Pagdin Drive, 47dB at Kirk View Kennels and 45dB at Harworth Avenue. The NPPF specifies that noise levels from normal operations should not exceed an L_{Aeq, 1hour} of L₉₀ + 10dB subject to a maximum limit of 55dB. Therefore the noise limit for normal operations will be L_{Aeq, 1 hour} 55dB at all properties. All noise levels from site operations are predicted to be equal to or less than the permitted levels in the NPPF for normal operations. Therefore, it is not anticipated that there will be any adverse noise impact from the proposals.

74. The NCC Noise Engineer has reviewed the application and is satisfied that this application would result in the same potential noise impact as the previous application for spreading of a high alkaline material at this site, and the comments and suggested conditions made in relation to the previous application remain valid. Attaching such conditions would be in line with Policy M3.5 of the MLP which seeks to attach appropriate conditions to planning permission for minerals development.
75. The NCC Noise Engineer recommends conditions relating to working hours, noise limits and reversing alarms on vehicles/mobile plant.
76. It is also worth noting that over the 10 month duration that the previous spreading operation took place, no complaints were received.

Ecology

77. The proposed development is not within any areas of ecological designation, with the nearest being Styrrup Quarry SINC approximately 450m to the west. It is not considered that the development will have any impact on this, or any other, designated area.
78. NCC Ecology highlights the potential for the site to be used by Little Ringed Plover (LRP). As such, a condition is recommended to undertake a targeted survey for LRP in the event that works commence between the period March to July, or if any material is spread in any new areas during this period.
79. NCC Ecology has raised concerns in relation to the spreading of materials which are, or may be, high in nutrients, because the restoration of this site is to an acid grassland and heathland habitat which requires relatively poor ground conditions. However, it is important to note that the restoration scheme associated with the recently expired permission for the site's use as a spoil tip cannot be achieved. As such, an alternative restoration scheme is required from the site owner.
80. Once the material is placed, and before final restoration, the applicant proposes a temporary grass sward to encourage water infiltration and retention. It is recommended that a condition be attached requiring the submission of details of the seed mix prior to use.

Other

81. The proposed activities (i.e. placing of high alkaline material and ripping activities) has the potential to generate dust, particularly during dry and windy conditions. In light of this, conditions will be attached to suppress dust generation in line with Policy M3.7 of the MLP.
82. The issue of visual impact is noted and some of the proposed material to be imported is likely to be light in colour. However, for the material to be effective it would need ploughing/ripping into the top layer of exposed colliery spoil. As such, this would not cause a lightening of the spoil surface. It is therefore considered that there would not be a material visual impact from the proposed development.

Other Options Considered

83. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

84. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Service User, Financial, Equalities, Safeguarding of Children, and Human Resources Implications

85. No implications.

Crime and Disorder Implications

86. With regard to crime and disorder there have been instances of trespass on the spoil tip, with individuals observed to be 'ferreting' for rabbits. An operational presence on site may serve to deter this type of activity.

Human Rights Implications

87. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) 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.

Implications for Sustainability and the Environment

88. The acidification of the surface of the spoil tip carries potential environmental risks of pollution of surrounding watercourses. Previous measures to reduce this risk include placing limestone blocks in balancing ponds, using abstracted groundwater to dilute run-off and placing alkaline material on the spoil tip surface. The proposal would reduce the potential risks of pollution to the wider environment, remove the need to abstract water for the purposes of dilution and include the use of recycled material and by products rather than a primary aggregate.

Statement of Positive and Proactive Engagement

89. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; assessing the proposals against relevant Development Plan

policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

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

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Planning and Licensing Committee is the appropriate body to consider the content of the report.

[SLB 04/02/2015]

Comments of the Service Director - Finance

There are no specific financial implications arising directly from this report.

[SEM 04/02/15]

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

Blyth and Harworth – Councillor Sheila Place

Report Author / Case Officer

Oliver Meek

0115 9932583

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

W001319– DLGS REFERENCE

RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 12 months 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 Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of development.

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

3. The development hereby permitted is for a temporary period only, ceasing 12 months after the commencement of development as notified under condition 2.

Reason: To ensure the development is undertaken in a timely manner and does not materially delay the restoration of the site.

Approved Plans and Documents

4. The development hereby permitted shall be carried out in accordance with the following plans and documents, unless otherwise required pursuant to other conditions of this planning permission:

- a) Drawing no. 001/HPL/HE/HTIP titled 'Site Location Plan' – received by the MPA on 21 November 2014;
- b) Drawing no. 002/HPL/HE/HTIP titled 'Planning Application Plan' – received by the MPA on 21 November 2014;
- c) Planning Application Forms – received by the MPA on 21 November 2014;
- d) Planning Supporting Statement – received by the MPA on 21 November 2014;
- e) Transport Statement – received by the MPA on 21 November 2014.

Reason: For the avoidance of doubt.

Importation of Material

5. Only materials set out in Section 3 of the Planning Application Supporting Statement, received by the MPA on 21 November 2014, shall be used as the high alkaline material in the development hereby permitted. Details of any other

similar by-products shall be submitted to, and approved in writing by, the MPA prior to their use on site.

Reason: To define the high alkaline material to be used.

6. With the exception of Condition 7, the material to be imported shall only be spread on areas of bare and exposed colliery spoil.

Reason: To ensure restored areas are not affected.

7. Prior to any material being spread on previously restored areas details shall be submitted to, and approved in writing by, the MPA. The spreading shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure restored areas are not affected.

8. The maximum amount of material to be imported to the site is 40,000 tonnes. A written record shall be kept by the site operator of the amounts of material accepted and it shall be made available to the MPA within 7 days of a written request from the MPA.

Reason: To ensure impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan (MLP).

Hours of Working

9. The development hereby permitted shall only operate between the following hours:

Operation	Area of Site	Mondays to Fridays	Saturdays	Sundays, Bank and Public Holidays
Transportation of Lime Material to Site	-	07:00 – 19:00	07:00 – 13:00	Not at all
Deposit/spreading of lime material	Within 200m of Kirk View Kennels	08:00 – 18:00	08:00 – 13:00	Not at all
	All other areas	07:00 – 19:00	07:00 – 13:00	Not at all

Reason: In the interests of the amenity of nearby occupiers and to accord with Policy M3.5 of the MLP.

Noise

10. Noise levels due to short term operations within the site shall only exceed 55dB(A) (1 hour Leq) when measured at residential receptors, for periods totalling no more than 8 weeks during the 12 month life of the development

hereby permitted. During an 8 week period the maximum noise level shall not exceed 70dB(A) (1hour Leq) when measured at residential receptors.

Reason: To mitigate noise impact in accordance with Policy M3.5 of the MLP.

11. Other than as set out in Condition 10, the noise level from the development hereby permitted shall not exceed 55dB(A) when measured as a 1 hour L_{Aeq} at any residential receptor.

Reason: To mitigate noise impact in accordance with Policy M3.5 of the MLP.

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

Reason: To mitigate noise impact in accordance with Policy M3.5 of the MLP.

Dust

13. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:

- a) The use of water bowsers to dampen haul roads, stockpiles, exposed spoil material and other operational areas of the site;
- b) The regular regrading of internal haul roads;
- c) The fitting of all mobile plant with exhaust systems which cannot be emitted in a downward direction;
- d) The minimisation of exposed surfaces on stockpiles.
- e) Upon the request of the MPA, the temporary suspension of operations during periods of unfavourably dry or windy weather conditions.

Reason: To ensure that dust impacts associated with the operation of the development are minimised in accordance with Policy M3.7 of the MLP.

14. Dust monitoring shall be carried out on site in accordance with a dust monitoring scheme which shall have been submitted to, and approved in writing by, the MPA within one month of the date of commencement of the development. The dust monitoring scheme shall include:

- a) Details of the method of dust monitoring;
- b) The location of dust monitoring points;
- c) The frequency of dust monitoring inspections;

- d) The method of analysis;
- e) The logging of dust monitoring results;
- f) The submission of dust monitoring results to the MPA; and
- g) Procedures and timescales for implementing corrective actions.

Any corrective actions considered necessary shall be implemented in accordance with the approved scheme.

Reason: To ensure that dust impacts associated with the operation of the development are minimised in accordance with Policy M3.7 of the MLP.

Ecology

15. Should development commence, or spreading of material in new areas commence, between the months of March to July inclusive, a targeted survey for Little Ringed Plovers shall be submitted to, and approved by, the MPA prior to the commencement of any activities. The results of the survey shall be submitted to the MPA in the form of a report with recommended mitigation measures, if required. Development shall be carried out in accordance with any such mitigation measures.

Reason: In order to reduce potential for impact on protected species.

16. Before planting of a temporary grass sward following the spreading of material, details of seed mixes shall be submitted to, and approved in writing by, the MPA. Sowing shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the appropriate seed mix is used.

Traffic and Access

17. The area within the visibility splays, shown on drawing no 2127/1 titled 'Existing Site Access', shall be kept free of all obstructions, structures or erections exceeding 0.26 m above carriageway level for the duration of the development hereby permitted.

Reason: In the interests of highway safety and in accordance with Policy M3.12 of the MLP.

18. No part of the development hereby permitted shall be brought into use until the access to the site has been surfaced in a bound material for a minimum distance of 15m behind the highway boundary in accordance with plans first submitted to, and approved in writing by, the MPA.

Reason: In the interests of highway safety and in accordance with Policy M3.12 of the MLP.

Contamination

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

Reason: To protect ground and surface water from pollution in accordance with Policy M3.8 of the MLP.

Other

20. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995, as amended, no plant, buildings or machinery shall be erected on site without the prior written approved of the MPA.

Reason: In order that the effects of any proposed plant, building and machinery can be assessed by the MPA.

INFORMATIVES / NOTES TO APPLICANT

1. Attention is drawn to the letter from the Environment Agency dated 1 August 2013, a copy of which is attached to this decision notice.
2. Attention is drawn to the letter from Northern Powergrid dated 22 December 2014, a copy of which is attached to this decision notice.