

**RECOMMENDED PLANNING CONDITIONS – VARIATION OF CONDITIONS 3 AND 4 OF PLANNING PERMISSION REF: 1/13/01390/CDM TO ALLOW A FURTHER 5 YEARS FOR THE PLACEMENT OF MATERIAL AND RESTORATION OF THE SITE (2/2017/0525/NCC)**

**Extent of Planning Permission**

1. This permission relates to the continuation of the placement of material and restoration of the former Welbeck Colliery spoil tip within the red line on Drawing No. 103186/P/001 Rev A titled 'Site Location Plan' dated February 2012 – received by the Waste Planning Authority (WPA) on 8 February 2012.

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

**Commencement and Duration of the Development**

2. The placement of waste and other fill material hereby permitted shall cease no later than 21 May 2023. Should it cease prior to this date the WPA shall be notified within 14 days of cessation.

*Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy W4.2 of the Nottinghamshire and Nottingham Waste Local Plan (WLP) and Policy M4.5 of the Nottinghamshire Minerals Local Plan (MLP).*

3. The final restoration, as shown on Drawing No. 2012-PL003 Rev A titled 'Detailed Restoration Scheme' shall be completed by 21 May 2024, or within 12 months of the cessation of waste and other fill material being placed, whichever is earlier.

*Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy W4.2 of the WLP and Policy M4.5 of the MLP.*

**Phasing**

4. The deposit of waste and material shall take place in accordance with the phasing details shown on Drawing 163033/PL/D/004 titled 'Phasing Plan' – received by the WPA on 10 August 2017.

*Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy W4.2 of the WLP and Policy M4.5 of the MLP.*

5. A topographical survey of the site shall be submitted to the WPA by 31 December each year, until the cessation of waste and material placement. The topographical survey shall identify all complete and incomplete areas.

*Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy W4.2 of the WLP and Policy M4.5 of the MLP.*

### **Approved Details and Plans**

6. The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to other Conditions:
  - a) Drawing No. 103186/P/001 Rev A titled 'Site Location Plan' dated February 2012 – received by the WPA on 8 February 2012.
  - b) Drawing No. 103186/P/004 Rev B titled 'Proposed Block Plan – Restoration' – received by the WPA on 27 January 2012.
  - c) Drawing No. 103186/P/005a titled 'Cross Section Location Plan' – received by the WPA on 27 January 2012.
  - d) Drawing No. 103186/P/005b titled 'Cross Sections Section A and B' – received by the WPA on 27 January 2012.
  - e) Drawing No. 103186/P/005c titled 'Cross Sections Section C' – received by the WPA on 27 January 2012.
  - f) Drawing No. 103186/P/007 titled 'Picnic and Viewing Area – Sketch Layout' – received by the WPA on 27 January 2012.
  - g) Planning Application Forms – received by the WPA on 27 January 2012.
  - h) Statement in Support of Planning Application Incorporating Design and Access Statement and Planning Policy Appraisal – received by the WPA on 27 January 2012.
  - i) Appendices to Statement in Support of Planning Application Incorporating Design and Access Statement and Planning Policy Appraisal – received by the WPA on 27 January 2012.
  - j) Transport Assessment (i-Transport Ref: MG/BT/ITB6187-001E R) – received by the WPA on 27 January 2012.
  - k) Site Waste Management Plan – received by the WPA on 27 January 2012.
  - l) Welbeck Colliery Environmental Statement Volume 1 – Main Text and Embedded Figures – received by the WPA on 27 January 2012.

- m) Welbeck Colliery Environmental Statement Volume 2 – Figures and Appendices – received by the WPA on 27 January 2012.
- n) Welbeck Colliery Environmental Statement Non-Technical Summary – received by the WPA on 27 January 2012.
- o) Statement in Response to Regulation 22 Request for Further Information – received by the WPA on 15 June 2012.

*Reason: For the avoidance of doubt.*

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

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

### Hours of Working

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

| Activity   | Day                              | Hours                            |
|--|----------------------------------|----------------------------------|
| HGV arrival and departure                                      | Monday to Friday                 | 08:00 – 18:00                    |
|  | Saturday                         | 08:00 – 13:00                    |
|  | Sundays, Public or Bank Holidays | These activities shall not occur |
| Waste and fill material transfer around the site and placement | Monday to Saturday               | 07:00 – 19:00                    |
|  | Sundays, Public or Bank Holidays | These activities shall not occur |
| Train arrival, unloading and departure                         | 7 Days a Week                    | 24 Hours a Day                   |

*Reason: In the interest of amenity and in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP.*

### Dust

- 10. Notwithstanding the details in the Construction Environmental Management Plan (CEMP) received by the WPA on 14 November 2012 and approved in writing by the WPA on 7 December 2012, 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, inert waste and construction fill material stockpiles, and other operational areas of the site;

- b) Internal roadways, storage areas and hard surfaces shall be regularly swept to keep them free of mud and debris likely to give rise to dust;
- c) The regular re-grading of internal haul roads;
- d) Bulk loads arriving at or leaving the site shall be carried in enclosed or sheeted containers;
- e) The fitting of all mobile plant with exhaust systems which cannot be emitted in a downward direction;
- f) Soil storage mounds which are not to be used within 3 months shall be graded and seeded;
- g) The minimisation of exposed surfaces on the soil mound, both the working area and the area being restored;
- h) Upon the request of the WPA, the temporary suspension of waste and construction fill material movement or placement in periods of unfavourably dry or windy weather conditions.

*Reason: In the interests of the amenity of nearby occupiers and to accord with Policy W3.10 of the WLP and Policy M3.7 of the MLP.*

11. Dust monitoring shall be carried out on-site in accordance with the 'dust and air quality' section of the Environmental Management Plan and subsequent e-mail dated 18<sup>th</sup> June 2013.

*Reason: In the interests of the amenity of nearby occupiers and to accord with Policy W3.10 of the WLP and Policy M3.7 of the MLP.*

## **Drainage**

12. The sustainable drainage system for the site shall be installed and maintained in accordance with the documents titled 'Surface Water Drainage Assessment, Drainage Strategy Layout and Greenfield Runoff Calculations' received by the WPA on 23<sup>rd</sup> September 2016 and the 'SUDS Management and Maintenance Scheme' received by the WPA on 3<sup>rd</sup> November 2016.

*Reason: To ensure the development does not have an unacceptable impact upon surface water in accordance with Policy W3.5 of the WLP; M3.8 of the MLP; and Policy DM12 of the Bassetlaw Core Strategy (BCS).*

## **Noise**

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

*Reason: To mitigate noise impact in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP.*

14. All 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 W3.9 of the WLP and Policy M3.5 of the MLP.*

15. All conveyor systems used to transfer waste and construction material around the site shall be fully enclosed.

*Reason: To mitigate noise impact in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP.*

16. In the event that the WPA consider that operational noise emissions from activity at the site is likely to generate complaints the operator shall undertake a noise survey within 2 weeks of a written request from the WPA. The noise survey shall be undertaken in accordance with BS4142:1997 and shall be carried out under the supervision of the WPA. The results of the noise survey shall be provided to the WPA for its written approval within 1 month of the survey being undertaken. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within the report and implemented within 1 month following their approval by the WPA, unless otherwise agreed in writing by the WPA.

*Reason: To mitigate noise impact in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP.*

17. Prior to any operations being undertaken within 100m of the sensitive noise receptor Metz Lodge, a noise assessment undertaken in accordance with BS 4142: 1997 shall be submitted to, and approved by the WPA. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within the report and implemented before works begin in accordance with the approved details.

*Reason: To mitigate noise impact in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP.*

## **Ecology**

18. Within six months of the implementation of this permission, bat and bird boxes shall be installed in accordance with Drawing No. 163033/PL/D/005 titled 'Ecological Update Plan' received by the WPA on 7 August 2017.

*Reason: To contribute to and enhance the natural environment by improving biodiversity at the earliest opportunity, in accordance with the NPPF.*

19. Development shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) received by the WPA on 14 November 2012 and approved in writing by the WPA on 7 December 2012.

*Reason: To protect wildlife and established habitat in accordance with Policy W3.22 of the WLP and Policy M3.17 of the MLP.*

20. The translocation of acid grassland shall be retained and maintained in accordance with the following documents:

- a) Method Statement Revision A – received by the WPA on 11 April 2013;
- b) Landscape Specifications for Establishment Methods and Maintenance Regimes (years 0-5) – received by the WPA on 11 April 2013; and
- c) Drawing No. 2012-PL003 Rev A titled ‘Detailed Restoration Scheme’ – received by the WPA on 11 April 2013.

*Reason: To safeguard established Biodiversity Action Plan (BAP) habitat in accordance with Policy W3.22 of the WLP and Policy M3.17 of the MLP.*

21. The fencing to protect the habitat along the railway sidings shall be undertaken, and maintained for the duration of the development, in line with Drawing Ref: 103186/fencing titled ‘Temporary Fencing Plan – received by the WPA on 17 October 2012.

*Reason: To protect established habitat in accordance with Policy W3.22 of the WLP and Policy M3.17 of the MLP.*

22. Clearance works shall be undertaken in accordance with the Method Statement relating to reptiles provided in Appendix B of Appendix 2 of the ‘Statement in Response to Regulation 22 Request for Further Information’.

*Reason: To safeguard protected species and to accord with Policy W3.22 of the WLP, Policy M3.17 of the MLP and Policy NE12 of the Mansfield District Local Plan (MDLP).*

23. Clearance works shall be undertaken in accordance with the Method Statement relating to nesting birds provided in Appendix C of Appendix 2 of the ‘Statement in Response to Regulation 22 Request for Further Information’. A minimum buffer zone of 10m radius around bird nests (20m radius in the case of little ringed plover) shall be clearly marked out on the ground using suitable fencing to safeguard the area and minimise disturbance.

*Reason: To avoid disturbance to breeding birds.*

24. The development shall be undertaken in accordance with the approved Ecological Management Plan (Job No. 103186) – received by the WPA on 15 January 2015.

*Reason: To ensure the ongoing management and aftercare of the restored site in accordance with Policy W4.9 of the WLP and Policy M4.9 of the MLP.*

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

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

*Reason: To safeguard protected species and to accord with Policy W3.22 of the WLP, Policy M3.17 of the MLP and Policy NE12 of the Mansfield District Local Plan (MDLP).*

## **Landscaping**

26. The restoration of the site shall take place in accordance with the 'Landscape Specification for Establishment Methods and Maintenance Regimes (years 0-5)' and Drawing No. 2012-PL003 Rev A titled 'Detailed Restoration Scheme' received by the WPA on 11 April 2013.

*Reason: To safeguard and establish wildlife and habitat including Biodiversity Action Plan (BAP) habitat in accordance with Policy W3.22 of the WLP and Policy M3.17 of the MLP.*

## **Traffic and Transport**

27. The rail line shall be maintained in good working order for the duration of the development hereby permitted.

*Reason: To minimise traffic impact on the surrounding residential areas and in accordance with Policy W3.15 of the MLP, Policy WCS11 of the Nottinghamshire and Nottingham Waste Local Plan: Part 1 Waste Core Strategy (WCS) and to provide a sustainable transport solution in accordance with the National Planning Policy Framework.*

28. All Heavy Goods Vehicle (HGV) movements and construction workforce traffic shall only use the routes shown on Figure 9.1 of the Environmental Statement - Volume 2 titled 'Vehicle Routing Strategy' received by the WPA on 27 January 2012. Vehicles shall only use the existing access / egress off the A616 when travelling to and from the site from all directions. The approved vehicle route shall be issued to all HGV drivers visiting the site and a sign at the site entrance instructing HGV drivers to only turn right out of the site, and left into the site, shall be installed and maintained for the life of the development.

*Reason: To minimise traffic impact on the surrounding residential areas and in accordance with Policy W3.15 of the WLP and Policies M3.13 and M3.14 of the MLP.*

29. In combination with Planning Permission Ref: 1/18/00791/CDM the number of HGV movements associated with the site shall not exceed 300 per weekday (150 in, 150 out) and 150 (75 in, 75 out) on a Saturday. There shall be no HGV deliveries to the site on Sundays, Public or Bank Holidays. A record shall be kept by the operator of the number of HGV movements into and out of the site on a daily basis. These records shall be made available to the WPA within seven days of a written request from the WPA. All such records shall be kept for at least 12 months.

*Reason: To minimise traffic impact on the surrounding residential areas and in accordance with Policy W3.14 of the WLP and Policies M3.13 and M3.14 of the MLP.*

30. The wheel wash shall be retained and maintained in accordance with the approved details received by the WPA on 11 March 2014.

*Reason: To prevent deleterious material from contaminating the public highway in accordance with Policy W3.11 of the WLP and Policy M3.12 of the MLP.*

### **Contamination and Stability**

31. Development shall be undertaken in accordance with the 'Phase 2 Environmental Risk Assessment' (Job No. 103186) received by the WPA on 25 October 2012 and the 'Window Sampling and Trial Pit Investigation' received by the WPA on 23 April 2013.

*Reason: To protect users of the site and ground and surface water from pollution in accordance with Policy W3.5 and W3.6 of the WLP; Policy M3.8 of the MLP; and Policies NE17 and DWM1 of the MDLP.*

32. Development shall be carried out in accordance with the approved Materials Management Plan for Bulk Filling Works to Spoil Heap at Welbeck Colliery Meden Vale (Job No. 121142 Rev F) dated 18 January 2016 – received by the WPA on 17 February 2016.

*Reason: To protect users of the site and ground and surface water from pollution in accordance with Policy W3.5 and W3.6 of the WLP; Policy M3.8 of the MLP; and Policies NE17 and DWM1 of the MDLP.*

33. 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 site 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 W3.5 and W3.6 of the WLP, and Policy M3.8 of the MLP.*

### **Pedestrian Access and Rights of Way**

34. No recorded rights of way shall be restricted or obstructed in any way. No new structures shall be installed on any recorded rights of way. The widths of all existing recorded rights of way shall be maintained.



*Reason: To ensure the continued availability for use of all existing rights of way in accordance with Policy DM13 of the BCS.*

35. Prior to their implementation, construction details (including width and depth, and materials where relevant) of all paths, cycleways and bridleways shown on planning application Drawing No. 2012-PL001 Rev B shall be submitted to, and approved in writing, by the WPA. Construction shall thereafter take place in accordance with the approved details.

*Reason: To ensure the site is suitable for amenity after-use in accordance with Policy DM13 of the BCS.*

36. All proposed circular cycleway/bridleway and proposed woodland/grassland mown walks shown on Drawing No. 103186/P/004 Rev B titled 'Proposed Block Plan – Restoration' – received on 27 January 2012, shall be completed by 21 May 2024, or within 12 months of the cessation of waste and other fill material being placed, as notified under Condition 3, whichever is earlier.

*Reason: To ensure linkages are provided with the surrounding footpath network and that the site is suitable for amenity after-use in accordance with Policy DM13 of the BCS.*

37. Prior to their implementation, details of the proposed pedestrian access points (including any 'furniture' to be used) shown on Drawing No. 103186/P/004 Rev B titled 'Proposed Block Plan – Restoration' – received on 27 January 2012 shall be submitted to, and approved in writing by, the WPA. Construction shall take place in accordance with the approved details.

*Reason: To ensure suitable access to the site in line with its amenity after use, in accordance with Policy DM13 of the BCS.*

## **Soil Placement**

38. The WPA shall be notified in writing at least 5 working days before each of the following, where applicable:
- a) Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
  - b) When subsoil has been prepared ready for topsoil replacement to allow an inspection of the area before further restoration of this part is carried out; and
  - c) On completion of topsoil placement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operations.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP and Policy W4.5 of the WLP.*

39. Soils and overburden shall only be placed when they and the ground on which they are to be placed are in a dry and friable condition and no movements, re-spreading, levelling, ripping or loosening of overburden or soils shall occur.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP and Policy W4.5 of the WLP.*

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

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP and Policy W4.5 of the WLP.*

41. Prior to the placement of soils and any overburden, the final profile of the site shall be ripped using overlapping parallel passes:

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

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

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP and Policy W4.5 of the WLP.*

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

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP and Policy W4.5 of the WLP.*

## **Aftercare**

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

*Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the MLP and W4.9 of the WLP.*

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

*Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the MLP and W4.9 of the WLP.*

45. Aftercare shall be undertaken in accordance with the 'Welbeck Colliery Restoration Landscape Specification for Establishment Methods and Maintenance Regimes (years 0-5) job no. 103186 – received by the WPA on 15 January 2015.

*Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the MLP and W4.9 of the WLP.*

46. Whilst the site is in aftercare, site management meetings shall be held with the WPA each year to assess and review the detailed annual programmes of aftercare operations referred in Condition 45 above, having regard to the conditions of the land; progress in its rehabilitation and necessary maintenance.

*Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the MLP and W4.9 of the WLP.*

### **Alternative Restoration**

47. Should for any reason, placement of waste and/or construction fill material cease for a period in excess of 3 months, then, within 3 months of the receipt of a written request from the WPA, a revised scheme for the restoration of the site shall be submitted to the WPA for its approval in writing. Such a scheme shall include details of the final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these Conditions and also provide details of the aftercare proposals and Ecological Management Plan in a similar manner to Condition 45 above. The revised restoration proposals shall be implemented within 12 months of their approval by the WPA and thereafter managed for a period of 5 years in accordance with the approved aftercare details.

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