

RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 3 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 development shall only take place within the area outlined in red on Drawing No: Figure 01b received by the Waste Planning Authority (WPA) on 30th January 2009.

Reason: To define the permission and for the avoidance of doubt.

3. The developer shall notify the WPA in writing within 7 days of the dates of the following:

- a. the implementation of this planning permission;
- b. the commencement of any new phase of PFA deposit;
- c. the re-opening of any previous phase of PFA deposit;
- d. the completion of restoration of any phase of PFA deposit;
- e. the completion of the final phase of restoration under this permission.

Reason: To enable the WPA to control the development and to monitor the site to ensure compliance with the planning permission, to minimise impacts on amenity and ecology in order to comply with Waste Local Plan Policies W4.1, W4.7 and W4.15.

4. Annually, starting from the date of commencement notified under Condition 3 or within four weeks of a written request from the WPA, a survey plan showing surface levels shall be submitted to the WPA. The survey plan shall show:

- a. surface contours at 1 metre intervals; and
- b. areas unworked, currently active and restored.

Reason: To allow the proper monitoring of the site and to ensure compliance with the planning permission.

5. Vehicular access to and egress from the site for the purposes of carrying out disposal and recovery activities shall only be by means of the existing internal road as set out in the Environmental Appraisal Report paragraph 6.4 entitled Traffic and Transportation received on 11th February 2009. At all times agricultural access and

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access for utility companies and agencies shall be maintained over land unaffected by active landfill or recovery operations.

Reason: To enable reasonable and proper control to be exercised over aspects of the development in accordance with Waste Local Plan Policy W3.15.

6. The site shall be enclosed in accordance with existing fencing as detailed in the letter submitted by Jacobs (agents) dated 19th June 2009 and received by the WPA on 22nd June 2009.

Reason: To define the boundaries of the site and to enable reasonable and proper control to be exercised over aspects of the development.

7. Site management facilities shall continue to be maintained outside the disposal site but within the power station curtilage.

Reason: In the interests of visual amenity and in accordance with Waste Local Plan Policy W3.3.

8. Except in the event of an emergency no floodlighting or high intensity illumination shall be used on the site, unless and until details have first been submitted to the WPA for its prior approval in writing. Any such lighting shall thereafter be operated as approved.

Reason: In the interests of amenity and to enable reasonable and proper control over aspects of the development.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation, no permanent plant, machinery or buildings shall be erected or placed upon the site without the prior written approval of the WPA.

Reason: To enable the WPA to exercise proper and reasonable control over aspects of the details of the development and to minimise impact on the amenities of the area.

Deposition and Recovery of PFA

10. No material other than PFA resulting from electricity generation or processing in the STI plant at the West Burton Power Station shall be deposited on or recovered from the site.

Reason: To ensure that the deposition and removal of PFA is properly controlled in accordance with Waste Local Plan Policy W4.2.

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11. The deposition and recovery of PFA shall be carried out in accordance with the principles indicated in the document Proposed Modifications to the Bole Ings Ash Disposal Site Environmental Appraisal Report Sections 3.3.3 Proposed New Maximum Fill Landform and Section 8.8 Mitigation, received by the WPA on 11 February 2009; Dwg LV.5 Rev 2 (Maximum Fill) Landscape and Ecology Restoration Proposals received by the WPA on 24 December 2013 and Dwg LV.6 Rev 5 'Restoration Proposals –Indicative Maximum Ash Recovery' received by the WPA on 13 March 2020.

Reason: To ensure that the deposition and removal of PFA is properly controlled and complies with Waste Local Plan Policy W4.6.

12. The deposit and removal of PFA in the area designated Phase 3 of the site on Drawing Ref 04 Rev 2 'Proposed Maximum Fill Landform' shall be carried out in accordance with the Bole Ings Ash Disposal Site Phase 3 Method Statement dated December 2009 and received by the WPA on 23 December 2009.

Reason: To ensure that the deposition and removal of PFA is properly controlled.

13. The deposit and removal of PFA from phase 1B/2 shall be carried out in accordance with the Phase 1B/2 Method Statement (Extraction and Deposition) March 2020 as received by the WPA on 13 March 2020. The deposit and removal of PFA from any subsequent phase of the site shall be carried out in accordance with a scheme of working which shall be first submitted to and approved in writing by the WPA. These works shall only take place in accordance with the approved scheme.

Reason: To ensure that the deposition and removal of PFA is properly controlled.

14. The deposit and removal of PFA in the final designated phase of the site as shown on Drawing Ref 04 Rev 2 'Proposed Maximum Fill Landform' shall be carried out in accordance with a scheme of working which has been submitted to, and approved in writing by the WPA within 3 months of the completion of the preceding phase as approved under Conditions 12 and 13. These works shall only take place in accordance with the approved scheme.

Reason: To ensure that the deposition and removal of PFA is properly controlled.

15. The schemes of working submitted under Conditions 12, 13 and 14 shall include a description of the arrangements to prevent vehicles transporting mud to the public highway when exporting PFA from the site.

Reason: To ensure that the deposition and removal of PFA is properly controlled in accordance with Waste Local Plan Policy W3.11

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16. Except where otherwise agreed in writing by the WPA there shall be a maximum of 130 two-way HGV movements (65 HGVs in and 65 HGVs out of the application site) per day associated with the development hereby permitted. Written records shall be maintained of all HGV movements including the time of day such movements take place. Copies of the HGV vehicle movement records (weighbridge receipts) shall be made available to the WPA within 7 days of a written request being made by the WPA.

Reason: To prevent unacceptable cumulative traffic impacts arising on the surrounding highway network and in the interests of the amenity of local villages and communities on the permitted haulage routes in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

17. The deposition of PFA shall cease no later than 31 December 2025.

Reason: To ensure that the deposition of PFA is properly controlled and to enable the progressive restoration of the site within the approved timescale.

18. The recovery of PFA shall cease no later than 31 December 2030.

Reason: To ensure that the deposition of PFA is properly controlled and to enable the progressive restoration of the site within the approved timescale.

Soil Handling

19. Prior to the commencement of any works in any phase or part thereof identified in Conditions 13 and 14 all available topsoil and all subsoil to the depth indicated in such schemes shall be stripped from any part of the area that is to be:

- a. excavated for the disposal of ash;
- b. excavated for the recovery of ash;
- c. traversed by HGV traffic or machinery (except for the purpose of stripping or storing soil on that part);
- d. used for roads, storage or any other purpose which, in the opinion of the WPA, will cause damage to the soil,

and top soil only shall be stripped from areas to be used for storage of subsoil or soil making materials.

Reason: To ensure that all excavated materials from the site are properly utilised and to comply with Waste Local Plan Policy W4.5.

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20. The topsoil and subsoil stripped pursuant to Condition 19 shall be stored separately, according to soil type, in a manner and in locations to be previously agreed in writing with the WPA. Details of the location of the mounds and any interfaces between soil types in a mound, together with types and quantities of soil stored in the mounds shall be submitted to the WPA on a yearly basis.

Reason: To ensure that all excavated materials from the site are properly utilised and to comply with Waste Local Plan Policy W4.5.

21. At least 7 working days' notice shall be given to the WPA prior to the commencement of top soil or sub soil stripping in any phase or part phase.

Reason: To ensure that all excavated materials from the site are properly utilised and to comply with Waste Local Plan Policy W4.5.

22. No stripping or movement of soil shall take place except when the full depth of soil to be stripped or otherwise transported is in a suitably dry and friable condition. Conditions shall be suitably dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passing over it.

Reason: To ensure that all excavated materials from the site are properly utilised and to comply with Waste Local Plan Policy W4.5.

23. All topsoil and subsoil stores shall be constructed and graded with only the minimum amount of compaction necessary to ensure stability. They shall be sown during the first sowing season following their construction with Grass Mix G1 'Special Old Fashioned Grazing Mixture' received by the WPA on 17/08/18 (or a suitable alternative which shall be first submitted to and agreed in writing by the WPA), and shall thereafter be maintained to a good standard by regular cutting and weed control.

Reason: To ensure that all excavated materials from the site are properly utilised and to comply with Waste Local Plan Policy W4.5.

24. All areas of the site left undisturbed and all stockpiles of top soil, subsoil and soil making materials shall be maintained to ensure that weed growth is kept to a minimum.

Reason: To ensure that all excavated materials from the site are properly utilised and to comply with Waste Local Plan Policy W4.5.

25. Mounds of topsoil and subsoil on the site shall not be traversed by HGV traffic or machinery except as necessary during construction or removal of such mounds.

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Reason: To ensure that all excavated materials from the site are properly utilised and to comply with Waste Local Plan Policy W4.5.

Dust Suppression

26. Before any PFA is transported to the site it shall be conditioned by the addition of water at West Burton Power Station. Once conditioned the PFA shall be transported to site without undue delay. Water shall be added in sufficient quantity to ensure that dust is not raised in the course of transportation to, from and on the site.

Reason: To ensure that all suitable measures are taken to minimise any risk of dust blow in accordance with Waste Local Plan Policy W3.10.

27. All roads within the site shall be maintained and dampened down to minimise the raising of dust.

Reason: To ensure that all suitable measures are taken to prevent the transmission of dust or dirt from the site in accordance with Waste Local Plan Policy W3.10.

28. All vehicular traffic travelling between the West Burton Power Station and the site itself shall only move on existing defined and marked roads. Details of roads to be constructed after the date of this permission shall be submitted to the WPA for approval in writing prior to their construction. Haul routes shall only be used as approved.

Reason: To restrict the possibility of uncontrolled disturbance to ground surfaces to control dust and dirt.

29. A piped water supply shall be provided to the site. Arrangements shall be made to ensure that water can be supplied to all parts of the site as needed, either by bowser, pumping main or agricultural type water cannon.

Reason: To ensure an adequate supply of water to minimise dust blow in accordance with Waste Local Plan Policy W3.10.

30. Dust suppression methods for the whole of the site shall be employed in accordance with details set out in the accompanying 'Work Instruction No ARWIWBO2: Emissions to Air from Disposal Process July 2005' received by the WPA on 6th August 2009 as supplemented by the Environmental Appraisal Report received by the WPA on 11th February 2009 paragraphs 2.2.3 sub paragraphs b-d inclusive. The approved measures shall be employed throughout operations in all Phases.

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Reason: To ensure that satisfactory measures are in place to alleviate any impact dust and dirt may have on the local environment in accordance with Waste Local Plan Policy W3.10.

31. Upon the request of the WPA, PFA deposition or associated soil moving works shall be temporary suspended during periods of unfavourably dry or windy weather conditions.

Reason: To ensure that satisfactory measures are in place to alleviate any impact dust and dirt may have on the local environment in accordance with Waste Local Plan Policy W3.10.

32. The active working face shall be limited to as small an area as reasonably practical. Each section of the working face shall, on reaching the final level, be stabilised as soon as practicable and soil placement will be carried out in line with the approved Method Statements prepared for each phase under Condition 12, 13 and 14.

Reason: To ensure that satisfactory measures are in place to alleviate any impact dust and dirt may have on the local environment in accordance with Waste Local Plan Policy W3.10.

Noise Control

33. No work associated with the Development shall take place on a Sunday or Bank or Public Holiday nor on any other day except between the following times:

Monday to Saturday 07.00-18.00 hours

Reason: To ensure the proper control of noise during the operation of the development in accordance with Waste Local Plan Policy W3.9.

34. Noise produced on the site shall not exceed an Leq (5 min) of 55dB (A), when measured 10 metres from the facade of the nearest noise sensitive building. Within one month of a written request by WPA, a noise assessment shall be undertaken by the operator to ascertain noise levels arising from the development. This shall include details of both background noise and noise from the development and shall include any mitigation measures that may be necessary to ensure compliance with the above limit. The development shall be carried out in accordance with the approved mitigation measures.

Reason: To ensure the proper control of noise during the operation of the development in accordance with Waste Local Plan Policy W3.9.

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35. All machinery, plant and vehicles employed in the movement, deposition or handling of PFA or soil or in the construction of roadways or other works associated with the development shall be fitted with effective silencers of a type appropriate to their specification. All mobile plant shall be fitted with white spectrum reversing alarms. These silencers shall be maintained in proper working order and if any defects occur, or if the silencer is not working efficiently, the machine, plant or vehicles shall not be used until such time as any necessary repairs have been carried out and the machine, plant or vehicle has been restored to proper working order. Any horns or audible warning devices fitted to such machinery, plant or vehicles when used within the site shall have their noise emission fixed at the minimum level required for the safe operation of the development to minimise noise disturbance at nearby dwellings.

Reason: To ensure the proper control of noise during the operation of the development in accordance with Waste Local Plan Policy W3.9.

36. Nothing in Conditions 33, 34, 35 shall prevent activity which is necessary because of an emergency provided that in the event of such an emergency the WPA shall be informed as soon as possible of the cause of the emergency and likely duration.

Reason: To ensure the proper control of noise during the operation of the development in accordance with Waste Local Plan Policy W3.9.

Restoration and Landscaping

37. Within one month of the date of commencement of ash disposal or recovery on Phase 1A the existing trees located to the south west of the site (south west corner of existing Phase 1A) shall be protected from development works by a protective fence of a type and at a distance (to be not less than 3 metres from the base of the outermost facing trees) to be agreed with the WPA prior to works commencing. The fence shall be placed in accordance with the agreed details until the final restoration works are complete.

Reason: To ensure the protection of existing trees on site.

38. Within one month following the completion of deposit or recovery from any phase, a scheme or schemes of landscaping, soil replacement, restoration and timescales for that phase shall be submitted to and approved in writing by the WPA. Such scheme or schemes shall include details of earthmoving, tree and shrub planting (including identification of all existing trees and shrubs proposed to be retained), hedgerows, grassing and fencing, and the phasing of the implementation in accordance with the overall concept schemes received on 24th December 2013 and entitled: Landscape and Ecology Restoration Proposals Maximum Fill (Option 9.1) dwg LV 5 Rev 2 or dwg LV.6 Rev 5 'Restoration Proposals –Indicative

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Maximum Ash Recovery' received by the WPA on 13 March 2020 (subject to note No. 2). Restoration and landscaping for Phase 1B/2 and Phase 3 shall be undertaken in accordance with 'Phase 1B/2 Restoration, Landscaping and Aftercare Scheme March 2020' as received by the WPA on 13 March 2020 and the 'Phase 3 Restoration, Landscaping and Aftercare Scheme' received by the WPA on 24 December 2013.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development in accordance with Waste Local Plan Policies W4.6 and W4.7.

39. Following placement of cover soils or soil making materials, as appropriate, in any phase of development grass seed shall be sown in the first available planting season thereafter in areas proposed for grassland creation in accordance with the details and specifications approved pursuant to Condition 38, and in areas proposed for tree/shrub planting in accordance with the specification for grass seed mix approved under Condition 38.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development in accordance with Waste Local Plan Policy W4.5.

40. Tree and shrub planting shall be carried out within the first planting season following grass seeding in accordance with the details and specification approved pursuant to Condition 38.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development in accordance with Waste Local Plan Policies W4.6 and W4.7.

41. Trees and shrubs dying within a 5 year period following their planting in accordance with the scheme approved pursuant to Condition 38 shall be replaced on an annual basis in order to achieve a minimum 80% establishment rate.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development in accordance with Waste Local Plan Policy W4.6.

42. There shall be no shrub or tree planting along the line of, or within 8 metres of, the landward toe of any floodbank on the site.

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Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development and to protect the water environment.

43. The spreading of soil in layers and ripping of the site to relieve compaction shall be carried out to the satisfaction of the WPA. Box scrapers shall not be employed in the spreading of soil.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development in accordance with Waste Local Plan Policies W4.6 and W4.7.

44. De-compaction shall be carried out in accordance with the following:

- a) Following the placement of the ash and after the replacement of subsoil, the upper layers of the soil shall be ripped with a heavy-duty winged-tined cultivator. Such treatment shall ensure that, within 400mm depth or such depth as ensures that a total depth of 1200mm below the surface of the topsoil is so treated, there is:
- i) no material injurious to plant life;
 - ii) no rock, stone, boulder, or other material capable of preventing or impeding normal agricultural or land drainage operation including mole ploughing or subsoiling;
 - iii) no wire rope, cable or other foreign objects;
 - iv) no excessively compacted zone;
 - v) a reasonably level, but uncompacted, surface suitable to receive subsoil.
- b) Stones and other deleterious materials at the surface of the material treated pursuant to (a) which will not pass through a 230mm diameter ring in any dimension shall be removed from the site or buried on the site not less than 2 metres below the final surface contours.
- c) Subsoil shall be re-spread evenly over those areas agreed to receive such subsoil to the depths indicated in the approved restoration scheme. No layer of replaced soil shall exceed 450mm thickness before it is ripped, and the operation must penetrate at least 150mm into the underlying layer to relieve compaction at the interface. The requirements of (a) i) - iv) above shall be complied with in relation to the subsoil which shall be left with a reasonably level, but uncompacted surface suitable to receive topsoil.
- d) Stones or other deleterious materials at the surface of each layer of ripped subsoil which will not pass through a 150mm diameter ring in any

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dimension shall be removed from the site or buried on the site not less than 2 metres below the final surface contours.

- e) After satisfactory replacement and treatment of the subsoil, topsoil shall be re-spread evenly over those areas agreed to receive such topsoil to the agreed depths indicated in the approved restoration scheme. The topsoil shall be ripped, cultivated and left so as to comply with the requirements of (a) i) -iv) above. Stones greater than 100mm in any dimension shall be removed. Topsoil upon which other topsoil has been stored shall be ripped and cultivated as above.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development in accordance with Waste Local Plan Policies W4.6 and W4.7.

45. At least seven days' notice shall be given to the WPA prior to the replacement of any soils on the site. All operations on the site involving soil replacement and cultivation treatments shall only be carried out when the full volume of soil involved is in a suitably dry soil moisture condition.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development in accordance with Waste Local Plan Policies W4.6 and W4.7.

46. The developer shall take all reasonable precautions to prevent the mixing of topsoil, subsoil and ash during storage.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development and to comply with Waste Local Plan Policies W4.6 and W 4.7.

47. Plant and vehicles shall not cross areas of replaced subsoil and topsoil except:

- a) as part of a prior WPA approved ash disposal or recovery method statement for restored areas, or
b) for the express purpose of restoration and landscaping and maintenance.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development in accordance with Waste Local Plan Policies W4.6 and W4.7.

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48. On completion of the restoration work carried out pursuant to Condition 38 any remaining fixed equipment, machinery and buildings shall be removed from the site.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development.

49. All roads not forming part of the permanent access road shall be removed as soon as their purpose in connection with the development and restoration work has been fulfilled. The land shall then be restored in accordance with the scheme(s) approved under Condition 38.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development.

50. All restoration work required under Condition 38 shall be completed either by 31 December 2030 or two years after the cessation of use of the site for deposition or recovery of PFA, whichever is the sooner.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development.

51. Should either the West Burton Power Station or the West Burton STI ash processing facility cease to operate for a period in excess of one year, the operator shall within 6 months of a written request from the WPA, submit to the WPA for prior approval, a scheme of restoration for the site appropriate to the circumstances of the cessation of operations. Such revised restoration scheme shall be implemented within two years of the date of being approved by the WPA, or within such other period as may be agreed in writing by the WPA.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development.

52. Until the restoration work referred to in Condition 38 is completed, the operator shall maintain and make suitably stockproof all existing perimeter fences and walls on the site and protect such perimeter hedges, fences and walls from damage. Undisturbed hedgerows within or bounding the site shall be carefully maintained, cut and trimmed at the proper season throughout the period of working and restoration.

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Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development.

53. Any restored area on site which is affected by local settlement or surface ponding, other than ponding for ecological purposes shall be regraded to overcome localised ponding.

Reason: To ensure the proper restoration and landscaping of the site after completion of the development or in the event of an early cessation of the development.

Aftercare

54. Within one month following completion of deposit or recovery in any phase of the site, a scheme for aftercare for that phase, for a period of five years following the completion of measures carried out pursuant to Condition 38 in each phase or part phase, shall be submitted to and approved in writing by the WPA. The approved scheme shall be implemented in accordance with the approved details. Aftercare for Phase 3 shall be undertaken in accordance with the 'Phase 3 Restoration, Landscaping and Aftercare Scheme' received by the WPA on 24 December 2013. Aftercare for Phase 1B/2 shall be undertaken in accordance with the 'Phase 1B/2 Restoration, Landscaping and Aftercare Scheme March 2020' received by the WPA on 13 March 2020.

Reason: To ensure the proper care of the site following cessation of operations in accordance with Waste Local Plan Policy W4.10.

55. The schemes approved under Condition 54 shall specify such measures as may be required to bring the land up to the required standard for use for agriculture, woodland, amenity or conservation purposes. The measures may include soil analysis, field drainage, ripping, the application of fertiliser, lime and other nutrients required, the methods for promoting the establishment of grass or other crops and trees, weed control, the keeping of records, an annual review of performance and any other such steps as may be deemed appropriate. This information shall be supplied in a format to be agreed by the WPA.

Reason: To ensure the proper care of the site following cessation of operations in accordance with Waste Local Plan Policy W4.10.

Flood Risk and Watercourses

56. The development hereby permitted shall only be carried out in accordance with the measures for minimising localised flood risk and impacts on local drainage

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systems as detailed in the attached Flood Risk Assessment included at Section 11 of the Environmental Appraisal Report as received by the WPA on 11th February 2009 and updated in the addendum to the Environment Appraisal Report – received by the WPA on 24th December 2013.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Waste Local Plan Policy W3.6.

57. Surface water arising from the development shall be managed in accordance with details shown on Drawing 01- 04- 02-0037 entitled Bole Ings Ash Disposal Site Surface Water Drainage Plan (Operational Phase) received by the WPA on 21 April 2011, and Drawing 01-04-02-0060 'Site Surface Water Drainage Plan (Final Restoration)' dated 25/11/17 and received by the WPA on 5 December 2017.

Reason: To ensure that surface water drainage is satisfactory in order to reduce the risk of flooding and minimise risk of pollution in accordance with Waste Local Plan Policy W3.6.

58. Prevention of pollution of surface water from hydrocarbons used in the development, and proposed mitigation measures, shall be carried out in accordance with the details submitted by letter dated 22 December 2009, received by the WPA on 23 December 2009 and approved in writing by the WPA on 6 January 2010.

Reason: To mitigate the impact of the development on the water environment in accordance with Waste Local Plan Policy W3.6.

59. Any oil, fuel, lubricant, paint or solvent within the site shall be stored so as to prevent such material from contaminating topsoil, subsoil, or soil making material or from reaching any watercourse.

Reason: To mitigate the impact of the development on the water environment in accordance with Waste Local Plan Policy W3.6.

Nature Conservation

60. No more than three months prior to the commencement of any operations or development (including movement of topsoil or subsoil for restoration purposes, deposit or recovery of PFA) in each phase, a qualified ecologist shall walk the affected area to ensure that no breeding birds, species as identified in the planning application surveys or species protected by the Wildlife and Countryside Act 2001 are present. A report detailing the findings of the survey shall be submitted to the WPA for its approval in writing prior to development

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commencing within the phase. In the event that the ecological survey identifies any such species then appropriate mitigation shall be taken in accordance with measures to be agreed in writing with the WPA prior to development commencing to ensure the proper protection of such species.

Reason: To mitigate the impact of the development of land drains on local flora and fauna in accordance with Waste Local Plan Policies W3.21 and W3.22.

61. Prior to the commencement of stripping of vegetation of the previously restored PFA mounds surveys must be made for reptiles by an approved ecologist. The results of such surveys shall be submitted to the WPA for its prior approval in writing before stripping works commence and such works must be carried out in accordance with the requirements of the surveys.

Reason: To ensure the proper protection of fauna in accordance with Waste Local Plan Policy W3.22.

62. No dredging shall take place to any ditch channels/land drains on site until details of such works and its impacts on any protected species shall have been submitted to and approved in writing by the WPA. Such works shall thereafter be carried out in accordance with the approved details.

Reason: For the prevention of damage to nature conservation interests in accordance with Waste Local Plan Policy W3.22.

63. Any vegetation clearance works shall only be conducted outside the bird breeding season (March – August inclusive) unless a written ecological report by a suitably qualified ecologist demonstrating that no harm will be caused by such works, is previously submitted to, and approved in writing by WPA. Any works thereafter shall be carried out in accordance with the approved details.

Reason: For the proper protection of breeding birds in accordance with Waste Local Plan Policy W3.22.

64. A buffer zone of at least 5 metres in width shall be retained and marked around all land drains or water bodies.

Reason: To avoid accidental intrusion and minimise disturbance to protected and other identified species as a result of the proposed activities in accordance with Waste Local Plan Policy W3.22.

65. Soil stockpile removal works shall not take place until such time that the stockpiles have been surveyed by an appropriately qualified ecologist and a report of the findings has been agreed in writing by the WPA. The ecological survey shall be undertaken no more than

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three months prior to the commencement of the soil stockpile removal works. In the event that the ecological survey identifies the presence of any protected species the report shall incorporate a strategy to ensure that adverse impacts to protected species are avoided. Stockpile removal works shall proceed in accordance with the scheme approved by the MPA.

Reason: To provide appropriate protection for species in accordance with the National Planning Policy Framework.

66. From the date of the permission surveys of protected species together with any additional mitigation measures shall be carried out as follows – first survey to be submitted by 30 September 2024 and thereafter every five years over the duration of the PFA disposal/recovery period up to 2030 following the recommended survey guidelines. Such surveys shall be carried out by a qualified ecologist and submitted to the WPA for its written approval. Any additional measures as identified by such survey shall be carried out as approved.

Reason: For the long term nature conservation interests and proper restoration of the site in accordance with the National Planning Policy Framework.

67. After cessation of operations at the site and after the reinstatement of land drains, all reasonable efforts shall be made under the supervision of the ecologist nominated under Condition 60 to reintroduce the flora or fauna referred to in that Condition to the site if, in the opinion of the WPA, environmental conditions are suitable.

Reason: To ensure the proper management of natural conservation interests in accordance with Waste Local Plan Policy W3.22.

Footpaths

68. Passage along public footpath(s) shall not be impeded and the public footpath(s) shall not be damaged during the carrying out of works under this permission. The public footpaths shall be maintained so as to make it convenient for the exercise of the public right of way.

Reason: To ensure the development does not cause any interference to the public rights of way in accordance with Waste Local Plan Policy W3.26.

Default of Agreement

69. Where any matter is required to be agreed by the WPA under any of the foregoing Conditions that matter shall in default of agreement be determined by the Secretary of State for Business, Energy and Industrial Strategy.

Reason: For the avoidance of doubt.

New Habitat Area

70. A new habitat area to the west of phase 3 as detailed on dwg Ref 01-04-02-0059 'Indicative New Habitat Area Design' dated and received by the WPA on 24 April 2018 shall be completed by 31 December 2020.

Reason: To achieve an acceptable restoration which maximises opportunities for environmental and habitat enhancements in accordance with Waste Local Plan Policies W4.10 and W4.12.

End of conditions

Informatives/notes to applicants

1. This notice of planning permission and the attached conditions should be read alongside the associated Section 106 legal agreement dated 16 July 1993 which makes provision for additional aftercare arrangements.
2. Pursuant to Condition 38 the final restoration for phase 1B/2 should ensure that planting block W1-01 (as shown on dwg LV.6 Rev 5 'Restoration Proposals – Indicative Maximum Ash Recovery' received by the WPA on 13 March 2020) is re-centred so it is as far away from the wetland areas as possible.
3. HGV drivers should be regularly notified of Environmental Weight Limits on surrounding roads and to only approach West Burton Power Station from the A620 via Bole roundabout, avoiding the villages of North Wheatley, South Wheatley, Bole and Sturton le Steeple. Existing signage at the site exit confirming the required HGV route should also be maintained in place.