



12 November 2013

Agenda Item:

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

BASSETLAW DISTRICT REF. NO.: 1/13/00475/CDM

PROPOSAL: VARIATION OF CONDITION 16 OF PLANNING PERMISSION 1/66/02/00015 TO ALLOW MORE TIME FOR THE RESTORATION OF THE SAND QUARRY BY IMPORTATION OF RECOVERED INERT MATERIAL TO PROVIDE ENGINEERED FILL AGAINST THE QUARRY FACES AND ON THE QUARRY FLOOR TO PROVIDE RESTORATION TO OPEN SPACE AND BIO DIVERSE HABITAT OF ACID GRASSLAND AND LOWLAND HEATH.

LOCATION: STYRRUP QUARRY, MAIN STREET, STYRRUP

APPLICANT: J.WHITE (TDE) LIMITED

Purpose of Report

1. To consider a planning application for an extension of time to restore part of the existing quarry void by means of inert landfill. The key issues relate to planning policy and the need for inert disposal, traffic, ecology and other restoration benefits. The recommendation is to grant permission subject to conditions and a legal agreement.

The Site and Surroundings

2. Styrrup Quarry is located towards the northern boundary of Nottinghamshire, approximately 10km north of Worksop, 13km north-west of Retford and 13km south of Doncaster. The nearest residential areas are Styrrup immediately to the north-west, Harworth and Bircotes 1.4km to the north-east and Oldcotes 2km to the south-west of the site.
3. The site is located within a generally rural setting with a relatively flat topography, other than a partially completed spoil tip to the east of the site. The surrounding area is dominated by agricultural fields.
4. The site is bordered to the south and east by agricultural land. Immediately to the north of the site are a field and part of the quarry which falls outside of the boundary of this planning application. Beyond this is the village of Styrrup. The quarry area to the north of the application site historically formed the access.

Immediately to the west is the B6463, beyond which are further agricultural fields.

5. The application site is rectangular in shape with an area of approximately 4.5 hectares. The site comprises a sandstone quarry which has intermittently been worked for building sand, and has been worked out to various levels across its area. The site has lain dormant for some time and areas have regenerated. The quarry floor is predominantly made up of bare sand and sparse/short ephemeral/short perennials. There are tall herbs and trees/scrub that form the edges of the site. The base of the quarry floor is 15.90m Above Ordnance Datum (AOD) at its lowest, with the surrounding ridges at 27.63m AOD on the western side and 29.54m on the eastern side. The old quarry to the north is separated from the application site by an earth bund which reaches 20m AOD and slopes down to the old quarry base at 16m AOD.
6. Vehicular access to the site is taken from the south-west corner, off the B6463. The B6463 connects to the A634 to the south and enters Harworth to the north.
7. The nearest residential receptors are in the village of Styrrup to the north, with the closest approximately 165m from the boundary of the site.
8. The application site is not within any area of designation as shown on the Bassetlaw Core Strategy Proposals Map. However, the whole of the quarry is a Site of Importance for Nature Conservation (SINC), designated as a sand quarry of botanical interest. This designation extends to the north also including the old quarry. Also to the north, within the old quarry area, is the Styrrup Quarry Site of Special Scientific Interest (SSSI). This is an extensive exposure of the Nottingham Castle Formation (Sherwood Sandstone Group, Triassic). Immediately to the west of the site, alongside the B6463, is Styrrup Roadside Exposure GeoSINC, which is a good exposure of the Nottingham Castle Formation (Bunter Pebble Beds) showing good sedimentary features.
9. There are a number of Grade II Listed buildings within the village of Styrrup, the nearest is approximately 290m to the north-east of the site, separated by agricultural fields and screened by other properties.

Proposed Development

Background

10. The site has a long history of extraction under old permissions, which were brought up to date and consolidated by means of a determination issued by the County Council in August 1999 under the Review of Old Mineral Workings Provisions (ROMP) of the Environment Act 1995. The updated permission specifies a low level restoration scheme, with the bulk of the base of the quarry returned to agricultural use. The sides of the quarry would be battered and left to regenerate naturally.
11. In July 1991 a planning application was submitted to infill the quarry with inert waste and put in a new access at the same location as that now approved and implemented. This application was refused on appeal on the grounds of potential harm to environmental interests, and lack of need for a waste disposal

site, though the Inspector commented that the proposed new access would be an improvement over the then existing access arrangements. Planning permission was subsequently granted for a new access into the site in October 1997 (the access currently in use), subject to a number of conditions regarding the stopping up of the old access and visibility splays at the new access.

12. Planning permission (Ref: 1/66/02/00015) was granted in July 2007 for the restoration of the quarry by means of infilling with 130,000m³ inert waste. Condition 16 limits the life of the permission requiring all plant and equipment to be removed from the site not later than 4 years from the date of commencement, with restoration works completed no later than 5 years from the date of commencement. The date of commencement was 22 July 2009, and as such, the extant permission requires restoration by July 2014. A Section 106 Agreement was attached to this permission which prevented any further export of sand and sandstone from the site, set in place a number of requirements to manage potential HGV impact and extended the statutory aftercare period from 5 to 15 years.
13. It is of note that the application for restoration went to the Planning and Licensing Committee in 2004, however, permission was not issued until 2007 due to delays in the submission of the Section 106 Agreement. In the three years that it took to arrange the Section 106 Agreement an additional 30,000 tonnes of minerals were extracted. Amended restorations levels were subsequently agreed by letter, and this application is based on the subsequently agreed levels.
14. Whilst Permission Ref: 1/66/02/00015 is recorded as being implemented in July 2009 it appears that no inert waste has been imported into the site. The applicant states that the site has lain dormant due to a combination of the recession and excessive rain in 2012. The application also states that the company have two other tipping facilities and restoration of these has taken priority.

Proposed Development

15. The application is seeking to vary Condition 16 of the extant planning permission to extend the time for the completion of restoration until June 2018.
16. The commencement of operations on site to restore the quarry would involve the removal of the remnant sand in the faces for stockpiling. Inert waste would be placed against the face, then built up in layers on the side of the face to form a slope which would tie in to the crest of the quarry.
17. Once the eastern slope has been completed work would begin on the western slope, by clearing away the remnant sand to the face and then filling the area in to create a slope also to the crest. The applicant notes that there are Sand Martin nests and potentially sand bees on the western exposure. These areas would be marked out and left protected so that waste is not tipped against the face.
18. Once the slopes against the face have been built sand would be placed on the slopes from the surface level half way down the slope and seeded to begin the

restoration aftercare. Temporary fencing would be placed along the slope where the sandy soil has been placed to prevent any ingress into the slope area once it has been covered with sandy soil and topsoil to create the acid grassland.

19. Work would continue on the floor of the quarry to fill the base in to a level of 23m AOD and feather the land into the south side boundary and create a fall across the land to the north-west corner. This would enable surface water to run-off to an ephemeral pond at the northern end of the site.
20. The development involves the importation of a total of 130,000m³ of inert waste, at a rate of approximately 40,000m³ per annum (estimated by the applicant to be 68,000 tonnes per annum). The applicant states sufficient material will have been imported to the site for restoration by June 2017 based upon material currently available to the applicant.
21. Once restored the floor of the site would be raised to circa 23m AOD, from the 16m AOD at present. Restoration would comprise predominantly of acid grassland. There would be sandy soils allowed to colonise itself to the north of the site. Along the southern and eastern boundary there would be woodland planting. In the south-east corner there would be a small pond with areas of emergent vegetation.
22. There is an existing bund that separates the application site and the old quarry to the north. The toe of this bund is outside of the planning permission boundary for the inert waste recovery operation. As such, the proposal includes pulling the bund back into the application area and the existing fence separating the site being relocated along the application boundary.
23. The applicant states that on average there would be 14 loads per day, although as contracts operate on a campaign basis, there will be periods where HGVs visiting the site would reach 30 per day. Condition 19 of the extant permission controls vehicle movements to 30 in and 30 out during any weekday, and 15 in and 15 out during Saturdays.
24. With regard to the hours of work, Condition 20 of the extant permission controls working hours to 07:00-18:00 on weekdays and 08:00 to 13:00 on Saturdays, with no operations taking place on Sundays, Public or Bank Holidays. The permission also restricts HGV movements during the week stating that there shall be no movements into or out of the site before 09:00 and after 16:00. There is no proposal to amend this condition.

'Discharge' of Conditions

25. In addition to the extension of life being sought, the applicant is using the opportunity of this application to submit information that was required in a number of conditions attached to the extant planning permission. The applicant's supporting statement refers to 'discharging' Conditions 5 (marking out the site), 6 (building details), 7 (plant/machinery details), 8 (SSSI and SINC protection measures), 12 (restoration scheme), 13 (surface water) and 14 (surface and foul water).

Consultations

26. **Bassetlaw District Council** – *No objection.*
27. **Styrrup with Oldcotes Parish Council** – *The Parish Council wishes to record its continued objection to the application.*
28. *The Council remain concerned about the ability of the Company to manage its obligations in respect of the site, the gates to which are a regular and frequent site for fly tipping which remains for weeks. Other sites managed by the company known to the Council are poorly managed causing dust and environment concerns (see Renishaw reclamation site in Derbyshire). The Renishaw site was visited on 13th June 2013 and the Parish Council comment that it remains an eyesore, unmanaged and overgrown with weeds.*
29. *The Council still feel the extension should only be permitted in exchange for a Section 106 agreement that ceases further sand and mineral extraction at the site. The proposal to harvest remaining sand for use as overfill is a 'red herring' to extract further sand for many years.*
30. *Immediate steps should be taken to safeguard the environment of nesting sand martins and the seeding of rare orchids. Restricting activity to September to March whilst not affecting bird nesting, in no way protects the SSSI or the nesting site per se. Advice should be taken from an external agency such as the RSPB.*
31. **NCC (Planning Policy)** – *Due to the additional 30,000m³ of sand extracted between 2002 and 2007 the final restoration profile is now likely to be lower than originally planned. However, this was considered more favourable than increasing the amount of inert fill to be brought in. Thus the extant permission was granted on the basis that 130,000m³ of fill over a period of 4 years would constitute as small scale reclamation under Minerals Policy M4.6 (Reclamation with Inert Fill- Small Schemes), although the figure was considered to be the upper limit of falling under this policy. This was despite non-conformity with the Waste Local Plan Policy W10.1, on issues of disposal capacity need and the availability of more suitable alternative sites.*
32. *Whilst the principle of reclamation has been previously set this was in the policy context of 2004, and although the aforementioned Local Plans remain extant, they must also be seen in the context of emerging policy and overarching national policy as material considerations. Planning Policy Statement 10 (PPS10) remains in place and is a material consideration. The statement sets out that planning authorities should help deliver sustainable development by driving waste up the waste hierarchy. The National Planning Policy Framework at paragraph 144 states that planning authorities should provide for restoration and aftercare of mineral sites at the earliest opportunity, to be carried out to high environmental standards.*
33. *The Nottinghamshire and Nottingham Waste Core Strategy is currently at examination stage and therefore significant weight can be given to it as a material consideration in accordance with paragraph 216 of the NPPF. Table 6 of the Core Strategy sets out that an additional 3,200,000m³ of inert disposal*

capacity is estimated to be needed over the plan period to meet the targets set out in Policy WCS2. There is therefore an identified headline need for new inert disposal capacity, however, Policy WCS4 (Disposal sites for non-hazardous and inert waste) gives location based priority to the main shortfall areas around Nottingham and Mansfield/Ashfield. Proposals outside these areas should demonstrate that there are no reasonable, closer, alternatives.

34. *The applicant in the supporting information does not at present address issues of locational need and there is no discussion regarding alternative possibilities. The applicant mainly handles waste from its own contracts, either directly from source or via their processing yard in Rotherham. Material could therefore come from a wide area crossing North Nottinghamshire and South Yorkshire. For such non-local waste, Policy WCS11 – Managing non-local waste (as amended) would apply.*
35. *The applicant again should justify why locations closer to the source are not available or suitable. Reference is made to two existing sites the firm currently use, but no further details regarding the status of these are given. If the imported material is from within the County then Policy WCS4 applies and in particular the preference for locations within the main shortfall areas. Similarly for non-local waste Policy WCS11 refers to options for managing the waste more sustainably in relation to its source.*
36. *At site specific/characteristic level, Policy WCS4 allows for the restoration and reclamation of mineral workings as second preference, but also subject to realising associated environmental benefits. Such benefits could include the satisfactory restoration with ecological enhancements and the protection of existing features such as the Geological SSSI and notable on site species. Policy WCS6 also allows for disposal in old quarries, land in need of restoration etc, subject to there being no unacceptable environmental impacts. As with all policies in the Core Strategy no one should be read in isolation.*
37. *Environmental protection policies in Chapter 3 of the Waste Local Plan will continue to be saved beyond adoption of the Core Strategy. Policy W3.22 and W3.23 seek to protect species/sites of interest for nature conservation or geological interest. Core Strategy Policy WCS12 covers all environmental and amenity issues.*
38. *The Bassetlaw Core Strategy is also relevant and in particular Policy DM3 (General Development in the Countryside – Part B. Re-use of Previously Developed Land in Rural Areas). The re-use and restoration of such land is supported except where the site has naturally regenerated to the extent that it is of biodiversity value.*
39. **Environment Agency** – *Having reviewed the information included on the plans and documents, and the subsequent letter dated 27th July 2013, the Environment Agency is satisfied that the surface water drainage strategy is effectively managed on site without causing increased flood risk off site. The Environment Agency has no objection to the removal of Condition 13 of the extant planning permission relating to surface water management.*

40. *In relation to Condition 14, surface water is more appropriately considered in Condition 13.*
41. *The Environment Agency is satisfied that Condition 12 can be discharged.*
42. **NCC (Reclamation)** – *The contamination issues and groundwater issues will remain under the permitting process and the extension of time request is both understandable and reasonable and as such no objections are raised.*
43. **NCC (Landscape)** – *Supports the application to extend the period of time to complete the restoration.*
44. **Natural England** – *No objection. Given the nature and size and scale of the proposal Natural England is satisfied that there is not likely to be a significant adverse effect on the SSSI as a result of the proposal being carried out in strict accordance with the details of the application as submitted.*
45. *There is concern that the proposed restoration strategy involves the use of top soil which will then be seeded with acid grassland. There is no indication of where the soil will be sourced from or if there would be any soil analysis of it. It is recommended that the top soil is buried and site won subsoil is seeded to maximise germination potential. Access to the SSSI rock face should also remain possible. Provided these measures are subject to condition, Natural England has no objection.*
46. **NCC (Nature Conservation)** – *The application is supported by updated ecology reports dated November 2011 and May 2013. Both reports confirm that conditions at the site remain much as they were in 2009, although it is clear that natural regeneration is taking place with species indicative of acid grassland beginning to colonise much of the quarry. With the implementation of mitigation measures as outlined in Section 6 of the ecology report, NCC Ecology are happy that the proposals will not give rise to any significant ecological impact. The application can be supported provided that conditions cover the following matters:*
- *Demarcation protection of sand martin banks;*
 - *Control of disturbance to little ringed plovers;*
 - *Vegetation clearance prevented during the bird nesting season;*
 - *A Japanese knotweed management plan;*
 - *Production of a method statement to avoid killing/injury of reptiles;*
 - *An update to the restoration plan (including microtopography, pond landforming, natural regeneration, species mixes and heather brush).*
47. **Nottinghamshire Wildlife Trust** – *It is recommended that a check for protected species is undertaken prior to work re-commencing, this could be secured by condition.*

48. *There is concern about the lack of reptile survey, however, a method statement could be submitted to address this, in the absence of survey data.*
49. *There is concern about the a lack of breeding bird survey and it is important that up to date information on breeding birds is available so that the needs of the identified species can be accommodated in the working and restoration scheme. It is suggested that the applicant be conditioned to undertake a breeding bird survey in the spring and that suitable amendments to the operational scheme and restoration design details can be agreed subsequent to that, to ensure proper mitigation is undertaken. No clearance or infilling work should be undertaken on site prior to this.*
50. *The issue of sand martin cliffs has been addressed, in terms of the number proposed. The details of the lengths of the cliffs etc can be agreed by condition.*
51. *The current use of the site by motorbikes and mountain bikes is of concern and the long term securing of the site from such activities could be an ecological advantage. The means to do this should be shown on the restoration plan, and secured by condition.*
52. *The provision of more ponds is supported, however, the number of ponds is unclear and whether they would be suitable for amphibians. A cluster of 4-5 smaller ponds would be preferable over one or two larger ponds. It is suggested that the provision of these details is conditioned. specific details can be discussed on site along with requirements for micro-topography, so that provision is made for ephemeral wet areas, scrapes etc.*
53. *Details of the acid grassland mix should be provided.*
54. **NCC (Highways) Bassetlaw** – *The condition was made to secure the proper restoration of the site within an acceptable timetable and in accordance with Policy W4.1 of the Waste Local Plan, which is not highway related. There are no objections to this proposal.*
55. **NCC (Noise Engineer)** – *No objection.*
56. **Western Power Distribution** – *Does not lie within the Western Power Distribution Area.*
57. **No response has been received from National Grid (Gas), Severn Trent Water Limited, Anglian Water Services Limited, NCC (Countryside Access), NCC (Archaeology) and NCC (Built Heritage).** *Any response received will be orally reported.*
58. *Through the course of the planning application further technical information/clarification has been sought in relation to ecology and proposed importation tonnages. The relevant technical bodies and statutory consultees have been consulted on the additional information, and it has been published on the internet. The relevant consultees have responded where necessary and their comments are contained within this section.*

Publicity

59. The application has been publicised by means of site notice, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. One letter raising a number of concerns has been received.
60. The letter raises concern as to what is actually classified as 'inert waste' and who will check that only this is used in the restoration of the quarry. The letter raises questions about the guarantees and safeguards in place to ensure the restoration and highlights concern about increased heavy traffic and noise in the village of Styrrup.
61. Councillor Sheila Place has been notified of the application.
62. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

63. Planning permission is being sought to vary Condition 16 of the extant planning permission (Ref: 1/66/02/00015) in order to allow an extension to the time for tipping of inert waste and delay the deadline for the completion of restoration until June 2018 at Styrrup Quarry.
64. In addition to the extension of life, the applicant has submitted details to address information sought under conditions attached to the extant planning permission, specifically in relation to details of plant and machinery to be used, the restoration scheme, surface water run-off, and foul water management.

Planning Policy Assessment

65. This planning application is seeking to extend the life of an existing planning permission and in this regard, the principle of reclamation through inert waste disposal has been previously explored. However, this was in the context of the policy situation in 2004. It is therefore considered important to revisit the policy situation and assess the acceptability of the proposed development.

National Policy

66. Chapter 13 of the National Planning Policy Framework (NPPF) relates to facilitating the sustainable use of minerals. Whilst the proposed development does not relate to mineral extraction, Paragraph 144 states that when determining planning applications local planning authorities should provide for restoration and aftercare at the earliest possible opportunity, to be carried out to high environmental standards, through the application of appropriate conditions, where necessary.
67. The NPPF seeks restoration at the earliest possible opportunity. The applicant is applying for the importation of waste until June 2018. Whilst this duration is not considered long term, neither is it a short term operation. It is also important

to note that planning permission was granted for this operation in 2007 and no waste has been brought to the site during that time, which has been attributed to a combination of the economic downturn and the company prioritising other facilities over this site. Notwithstanding this, the principle of acid grassland restoration is viewed as being of high environmental value and is supported in principle by Natural England, NCC Ecology and Nottinghamshire Wildlife Trust (NWT).

68. Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) sets out the Government's overall objective on waste to protect human health and the environment by producing less waste and using it as a resource wherever possible. The plan encourages the movement of waste up the 'waste hierarchy' of prevention, preparing for re-use, recycling, other recovery and disposal as a last resort. One of the key planning objectives of PPS10 is to enable waste to be disposed of in one of the nearest appropriate installations. It also provides guidance in relation to unallocated sites, highlighting that applications for sites not identified, or not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourable when consistent with the policies set out in PPS10 and the Waste Planning Authority's Core Strategy.
69. The proposed development is inert waste disposal and is, therefore, at the bottom of the waste hierarchy as a last resort. However, the applicant has highlighted that before waste is brought to the site it would have been re-processed at a site in Rotherham to remove the element of it which can be reused. Given that pre-disposal processing would have occurred, the remaining waste can be viewed in line with the waste hierarchy as 'last resort' disposal.
70. The applicant has indicated that they have used other inert waste landfill sites in South Sheffield, East Doncaster and North Nottinghamshire in the past. The planning statement also notes that that J D White (TDE) Limited has prioritised two other inert landfill sites that they own over the restoration of this one. An important factor is to ensure the most sustainable outcome for the waste rather than what is convenient for the company, in terms of sites that they actually own.
71. The company have failed to identify exact locations of waste arising and the nearest inert disposal sites. The company work on a contract basis taking waste from a range of sites, so it is difficult to identify a single nearest appropriate installation for waste disposal. However, the applicant states that Styrrup Quarry is within a 32km radius of the main operational areas of the company and commercially inert waste does not travel more than 16-32km due to the cost of haulage. It is also noted that the applicant has indicated that waste will be pre-processed at a site in Rotherham, which is approximately 14km to the west of the Styrrup. It is considered that, on balance, Styrrup Quarry is one of the nearest appropriate installations in line with PPS10.

Local Policy

72. The Nottinghamshire and Nottingham Waste Local Plan (WLP), adopted January 2002, is the starting point for the assessment and determination of waste management planning applications. Policy W10.1 relates to waste

disposal and states that proposals for the reclamation of mineral voids and/or incomplete colliery spoil heaps through waste disposal will be permitted provided they:

- a) achieve environmental benefits;
- b) meet a recognised need for additional disposal capacity; and
- c) do not have an unacceptable environmental impact.

73. With regard to achieving environmental benefits, the site would be restored to acid grassland, which is supported in principle by the relevant ecological consultees. Table 6 of the emerging Nottinghamshire and Nottingham Waste Core Strategy (WCS) highlights that over the plan period (until 2031) there will be a need for an additional 3.2 million cubic metres of inert waste disposal capacity. Styrrup Quarry Landfill was not included in the figure of existing inert capacity for Nottinghamshire so additional landfill capacity would assist in meeting this capacity need. However, whilst the headline figure provides a degree of support for the site, it is anticipated that a significant proportion of the waste would come from outside the County and, therefore, the benefit in meeting Nottinghamshire's inert waste capacity need is limited.
74. Bassetlaw Core Strategy Policy DM3 relates to general development in the countryside. Part B applies to the re-use of previously developed land outside development boundaries and states that development on such sites will be supported, other than where the site has naturally regenerated to the extent that it is of biodiversity value, where the development would result in the restoration or natural regeneration of the site either in line with the Council's Green Infrastructure aims or to become a functional part of the open countryside. It is recognised that through lack of operational use the site is starting to regenerate and it is also designated as a SINC. However, the proposal would result in an approved restoration scheme with the benefit of 15 years aftercare to assist in the establishment of the habitat, ensuring the site becomes a functional part of the open countryside.

Material Considerations

The emerging WCS does not yet form part of the development plan, although it is a material consideration which should be taken into account in determination. Indeed, the WCS has passed through the Examination stage and NCC has received a letter from the Inspector indicating that the Strategy is 'sound'. Given the stage to adoption that the WCS is at, it should be afforded substantial weight in line with Paragraph 216 of the NPPF.

75. Policy WCS2 of the WCS relates to future waste management provision and states that new or extended disposal capacity will only be permitted where it can be shown that it is necessary to manage residual waste that cannot be economically recycled or recovered. Technically, as the site already has planning permission it would not be providing any new or extended disposal capacity, however, given that no material has been imported into Styrrup Quarry and the permission would expire next year it is reasonable to assess the development against the policy. In terms of managing waste that cannot be

economically recycled or recovered, it is noted above that the waste arriving at the site would have undergone pre-processing to remove the recyclable elements.

76. Policy WCS4 of the WCS applies to disposal sites for non-hazardous inert waste and states that where it is demonstrated that additional waste capacity is necessary, priority will be given to the main shortfall areas around Nottingham and Mansfield/Ashfield. The policy states that development outside these areas will be supported where it can be shown there is no reasonable, closer alternative with preference given to the development of sites in the following order:
- a) the extension of existing sites;
 - b) the restoration and/or re-working of old colliery tips and the reclamation of mineral workings, other voids and derelict land where this would have associated environmental benefits;
 - c) disposal on Greenfield sites will be considered only where there are no other more sustainable alternatives.
77. Styrrup Quarry is not within the main shortfall areas identified in Policy WCS4. As discussed above, given that the waste would come from different locations based on where the company has contracts it is difficult to say whether there are no reasonable, closer alternatives. However, as discussed above, it is considered that the site would be 'one of' the nearest appropriate installations. In terms of the order of preference set out in the policy the site would be considered as an extension of an existing site.
78. Policy WCS6 provides guidance on general site criteria, and supports the proposed development, guiding landfill towards areas including derelict land/other developed land, which includes old quarries.
79. Policy WCS11 applies to sites that would manage waste from outside of the County and states that waste management proposals that are likely to treat or dispose of waste from areas outside of Nottinghamshire and Nottingham will be permitted where they demonstrate that:
- a) the envisaged facility makes a significant contribution to the movement of waste up the waste hierarchy;
 - b) there are no facilities or potential sites in more sustainable locations in relation to the anticipated source of the identified waste stream; or
 - c) there are wider social, economic or environmental sustainable benefits that clearly support the proposal.
80. When assessing the proposal against Policy WCS11 the development would not make a contribution to moving waste up the waste hierarchy. The applicant has not demonstrated whether or not there are facilities or potential sites, in more, suitable locations, although it is recognised that this is somewhat difficult with the multiple and changing sources of waste. However, there are environmental benefits to support the proposal in the acid grassland restoration

scheme. In addition, the proposal may also create an operational site which would reduce the quarry's use for anti-social activity (e.g. use by motor cross bikes and fly tipping), as would the final restoration.

Ecological Impact

81. The planning application site is a SINC, designated due to being a sand quarry with botanical interest. This designation extends to the north and includes the old quarry which lies outside of the planning application area. To the north of the site is the Styrrup Quarry SSSI which is designated for geological reasons and is an extensive exposure of the Nottingham Castle Formation (Sherwood Sandstone Group, Triassic).
82. The proposed development will not affect the existing exposure of Sherwood Sandstone, which sits outside of the planning application boundary. The site itself is a SINC, however, the restoration benefits of the site are considered to provide a habitat of more value than is there at present, with an extended management period of 15 year. As such, the principle of the restoration is supported by Natural England, NCC Ecology and NWT. Taking into account the compensatory measures to replace the loss of the existing SINC habitat (i.e. the restoration scheme and long term management), the importance of the development outweighs the local value of the site, in accordance with Policy W3.23 (Nature Conservation and Geological Sites) of the Waste Local Plan (WLP).
83. The planning application highlights that there has been a history of sand martins nesting at the site, and it can be confirmed these were observed during the site visit. In order to cater for the sand martins two existing exposed cliff faces would be retained as part of the restoration. The location of the two retained cliff faces is shown on the terrain design of the restored quarry and associated landscaping. NCC Ecology and NWT are both satisfied with the measures to retain sand martin habitat as part of the restoration, but request that conditions are used to control the length of the exposed face and to fence it off during works to ensure that it is protected.
84. NCC Ecology and NWT have highlighted the potential for Little Ringed Plovers (LRP), which are a Schedule 1 protected bird, to breed at the site. Whilst this does not preclude development at the site, the ecological bodies have requested that conditions are placed on any planning permissions to control disturbance to this species. This would require the submission of a method statement dealing with activities commencing during the period March-May to include the targeted surveys for LRP during this period.
85. The applicant states that the sand areas would not be stripped outside of the bird breeding season, and all stripping for the areas to be filled in the months March to August would be stripped prior to the beginning of the breeding season. The applicant intends inert material deposit to take place during the bird breeding season and, as such, NCC Ecology has requested that a condition is placed on any permission that prevents vegetation clearance during the bird breeding season.

86. Notwithstanding the commitment the applicant has made to undertake stripping outside of the bird breeding season, NWT remains concerned that there is insufficient information on the breeding bird assemblage at the site, and the single walkover undertaken is insufficient to constitute a breeding bird survey. This information is deemed important so that the needs of species can be accommodated in site working and so that the restoration scheme can respond to the needs of the relevant species. NWT therefore recommends that a breeding bird survey is undertaken in spring and amendments to that are incorporated into the restoration details, to ensure that proper mitigation is undertaken. NWT is satisfied that such work could be secured by condition, but request that no infilling work should commence until the survey is undertaken and approved.
87. The ecological assessment submitted with the application highlights that a colony of Japanese Knotweed has become established on the site. Japanese Knotweed is an invasive species and it is an offence under the Wildlife and Countryside Act to knowingly introduce the species. Soil contaminated with Japanese Knotweed is classed as a controlled waste. NCC Ecology has recommended that a condition be attached to require the submission of a strategy for eradicating Japanese Knotweed at the site.
88. A reptile survey was undertaken in 2009 which did not find any evidence of reptiles at the site. However, the report did state that grass snake 'probably do occur at the site'. Although conditions around the site remain unchanged, the survey is several years old now. NCC Ecology, therefore, recommends that a method statement to avoid the killing of reptiles and amphibians during vegetation clearance is secured by condition.
89. No signs of protected species were found during the surveys in 2009 or 2011. However, NWT have highlighted that protected species are regularly recorded foraging across sparsely vegetated mineral sites, as they may find large beetles and other good food sources, and the dry and friable nature of the material in soil bunds can be attractive to young protected species trying to establish new habitats. It is therefore recommended that a pre-commencement check for protected species is undertaken, which could be secured by condition.
90. The restoration scheme involves the majority of the site being sown to provide acid grassland. There would be woodland planting around the southern and eastern edges of the site and wetland areas. There would also be an area of sandy soils allowed to self-colonise. NCC Ecology and NWT are satisfied with the restoration to acid grassland with the introduction of some small wetland areas. Overall the general restoration concept is welcomed and supported. The commitment to a long term period of aftercare of 15 year is also welcomed, and the prevention of unauthorised use of the site by motocross vehicles is seen as a benefit. However, there are a number of aspects of the restoration scheme that would need amendment or further clarification, including:
- a) An updated restoration plan to ensure that the restored quarry base is not perfectly flat, and that some micro-topographic features are included, such as humps, hollows and berms.
 - b) Details of the woodland planting mix and acid grassland seed mix;

- c) Details regarding provenance of heather brash/plug plants are required (this should be of Nottinghamshire origin), along with confirmation that all other stock/seed will be of native genetic origin;
 - d) Ensuring that bramble is not included in the species mix for the 'edge mix', which should be amended accordingly (bramble will colonise naturally, and become a management problem);
 - e) The creation of hibernaculae for amphibians/reptiles; details of these features should be provided, along with indicative locations marked on the restoration plan;
 - f) The use of a more naturalistic margin along the northern edge of the main waterbody.
91. Policy W3.22 of the WLP seeks to protect species and habitat of county importance, stating that where the need for the development outweighs the local conservation interest of the site conditions will be imposed to secure accommodation on site or the provision of suitable alternative habitats. The conditions suggested by NCC Ecology and NWT above allow the proposed development to comply with Policy W3.22.

Landscape and Visual Impact

92. The proposed operations would not be visible from the highway or directly from the village, being screened by rock outcrops and trees. Limited distant views of the site would be visible from higher ground to the east and south, although site operations would be largely screened by field hedgerow. The infill activity would have limited visibility from outside the quarry, as would the restored site in the wider general landscape. There are conditions on the existing permission that ensure the existing screening around the site is maintained. These conditions would be repeated on any new permission granted, in line with Policy W3.4 of the WLP which promotes the use of conditions to ensure that screening and landscape proposals reduce visual impact.
93. The principle of the landscape restoration scheme and the appropriateness in the wider landscape character has been assessed and approved in relation to the original planning permission. The NCC Landscape Team has no objections to the extension of life of the permission.

Heritage

94. There are a number of Grade II Listed buildings within the village of Styrrup, the nearest is approximately 290m to the north-east of the site. The listed buildings are separated by agricultural fields and the site is screened by field boundary hedgerow and other buildings within Styrrup. It is considered that there would be no visual impact on these buildings and the development is in line with Policy W3.28 of the WLP which seeks to protect listed buildings.

Traffic and Access

95. The applicant outlines in the planning statement that on average there would be 14 loads of waste per day delivered to the site, although, waste deliveries could reach 30 loads (60 movements – in and out) per day as the company work on a campaign basis.
96. Proposed traffic movements associated with the site were assessed under the 2002 application, and conditions were attached to the permission to manage HGV movements. The conditions included:
- a) access and egress to the site only being via the existing access off the B6463 to the south of Styrrup village;
 - b) there being no right turn out of the site onto the B6463 for any HGVs, unless in the event of an emergency;
 - c) the number of HGVs entering or leaving the site being restricted to 30 in and 30 out per week day and 15 in and 15 out on Saturday mornings.
97. The development as proposed in this application falls within the vehicle movements as approved under the existing permission. Should permission be granted the existing traffic conditions would be repeated on the new permission to minimise disturbance from vehicle movements. This would be in accordance with Policy W3.14 of the WLP which seeks to ensure that vehicle movements can be satisfactorily accommodated on the highway network, and Policy W3.15 which promotes the use of conditions to direct the routeing of HGVs. The Highways Authority is satisfied that vehicle movements are acceptable and have no objection to the development.
98. One letter was received from a local resident concerned with an increase in heavy traffic through the village of Styrrup. Vehicle movements associated with the development have been assessed as acceptable and the existing conditions on the permission will help to minimise vehicle movements overall and also restrict the number of HGVs from passing through the village by preventing them from turning right out of the site.

Noise

99. A noise impact assessment was submitted to accompany the original application and noise levels from the development were assessed as being acceptable, subject to a number of conditions, including:
- a) A requirement to submit plant and machinery details and no plant or machinery being used other than that specified and subsequently approved;
 - b) A condition which sets out measures to reduce noise. The condition sets out acceptable noise levels from plant/machinery and noise levels at the nearest noise sensitive receptors. It also sets out the measures to be taken in the event of a noise complaint.

100. The noise conditions on the extant planning permission would be repeated on any new planning permission in line with Policy W3.9 of the WLP which seeks to impose conditions on waste management development to minimise potential noise impact. There is no objection to the proposed extension of life application from the NCC Noise Engineer.
101. A letter raising concern about an increase in noise in the village from the proposed operations has been received. As described above, the expected noise generated from the development has been assessed as acceptable and there are measures in place to address complaints if received.

Air Quality/Dust

102. Properties within Styrrup are in the line of prevailing winds from the site, however, they are in excess of 100m from the site and separated by intervening trees and hedgerow.
103. Attached to the existing planning permission are conditions to mitigate potential dust impact and include restriction of lorry speeds, use of site watering facilities and sheeting of loaded HGVs. In exceptionally windy conditions the Authority may require temporary cessation of activities. These conditions would be repeated on any new planning permission granted in line with Policy W3.10 of the WLP which states that conditions will be imposed to suppress dust generation where planning permission is granted for waste management facilities.

Ground and Surface Water/Flood Risk

104. The planning application site is not within an area of food risk and the Environment Agency has not objected to the development. Ground water and potential contamination issues will be regulated by the Environment Agency through the permitting process.
105. The information submitted to 'discharge' Condition 13 of the existing planning permission, which relates to surface water, is sufficient and the EA conclude that the information submitted in the application and subsequent letter of clarification demonstrates that the surface water drainage will be effectively managed on site without causing increased flood risk off site. As such, the development is in accordance with WLP Policy W3.13 which seeks to prevent development from adversely affecting the integrity of the local drainage system.

After Use & Long Term Management

106. Once sufficient material has been imported and the agreed profiles have been reached the site would be restored to acid grassland with woodland planting around the eastern and southern edges of the site. The site would include some small pond areas, and there would be some gorse plant plugs and heather (ling and bell) scattered randomly. The site would be suitable for grazing by sheep, cattle and ponies to manage the acid grassland and heathland.

107. In order for the existing inert landfill planning permission to be acceptable, a Section 106 Agreement was entered into which, among other things, secured the long term management of the site for a period of 15 years, with an accompanying 'management schedule'. To ensure that any new planning permission benefits from the same long term management, and the other controls that the Section 106 Agreement conveys, a deed of variation will have to be agreed so as to apply to any new planning permission granted. Indeed, given the time that has elapsed, and the requirement for an updated restoration plan, it is advised that a revised and updated management schedule forms part of the deed of variation.

Other Issues

108. Styrrup with Oldcotes Parish Council have objected to the proposed development and highlighted a number of concerns in their representation.
109. Firstly, the Parish Council raise concern about the company's ability to run the site responsibly, alleging that other sites managed by this company are poorly managed. The planning process, however, considers the acceptability of a development and/or use at a particular site, and does not assess whether a company is a 'fit and proper' operator. Notwithstanding this, suitable conditions will be placed on any planning permission granted, to ensure that the site is managed in a suitable manner without unacceptable impact, and the County Council would be able to enforce such conditions where expedient.
110. Secondly, the Parish Council feel that the development should only be granted in exchange for a Section 106 Agreement that ceases further sand and mineral extraction. There is an existing Section 106 Agreement attached to the extant planning permission which does that, and it is recommended that this is carried over to any new permission issued through a deed of variation. It is noted that some sand excavation would occur, however, this is in order for its use as a covering material and the sand would not be taken off site.
111. Finally, the Parish Council suggest that immediate steps should be taken to safeguard the environment of nesting sand martins and the seeding of rare orchids. It is suggested that restricting activity to September to March would not protect the SSSI or the nesting site per se. With regard to orchids, none have been identified in the ecological surveys, or raised as an issue by the ecological bodies. The sand martin nesting sites would be protected through the use of conditions requiring the area to be suitably fenced during works. The SSSI is designated as a geological exposure and lies outside of the planning application site; the proposed development would have no impact on the exposure.
112. As discussed earlier the extant planning permission is based on a report which was taken to Committee recommending planning permission in 2004, however, a decision notice was not issued until 2007 when a Section 106 Agreement was finalised. To avoid lengthy delays in the restoration of this site, in line with the NPPF, it is recommended that the commencement of development begins within 1 year of the permission being issued.

113. Due to the requirement to undertake spring breeding bird surveys before development commences, work could not begin on site until summer 2014 at the earliest. Based on the applicant's waste importation figure of 40,000 cubic metres per annum, the applicant would take approximately 3.25 years to import sufficient material to meet their proposed restoration profiles, and a further year to finish the restoration. Which means restoration would be completed by approximately the end of 2018. This is beyond the June 2018 extension that the applicant has applied for. As such, it is recommended that sufficient time is allowed in the time limiting condition to suitably restore the site.

Conditions

114. The applicant has used this planning application to submit information requested in a number of conditions attached to the extant planning permission. However, Section 73 applications present authorities with an opportunity to review conditions attached to the whole of the planning permission and add, remove and amend where necessary. This is considered particularly relevant in this case given the time that has elapsed since the conditions were originally drafted, and that the development has not commenced in earnest. As such, below is a table of all existing conditions and what is recommended for alteration as a result of this planning application.

Condition No.	Condition Description	Amendment
1	Refers to the approved drawing and limits infill to 130,000 cubic metres	No change.
2	Development shall begin within 1 years of permission.	Varied to limit the time to commence development.
3	Lists the approved drawings and documents.	Varied to refer to new drawings.
4	Topographical survey to be submitted before development commences.	Removed as a topographical survey showing the existing situation has been submitted as part of the planning application.
5	Site to be marked out in accordance with details, including the base of the batter shown on drawing C6446/3a	Varied to refer to new drawing.
6	Details of location, construction, elevation and colour of site offices, WC and car park to be submitted.	Condition previously discharged in letter dated 17 December 2009. Condition will be varied to refer to details approved in the letter.
7	Details of all plant and machinery to be submitted for approval.	This condition was not discharged in relation to the previous planning permission and insufficient information has been submitted to strike it off any new permission. The condition shall remain, with added clarification that sound power levels of plant and machinery need to be submitted.
8	Details of measures to protect SSSI and SINIC to be submitted and approved.	Condition previously discharged in letter dated 17 December 2009. Condition will be varied to refer to approved details.
9	Submission of ecological surveys relating to protected species, birds,	Condition deleted . New conditions requiring sand martin fencing; Little

	breeding birds and herptiles.	Ringed Plover method statement; breeding bird survey; Japanese Knotweed removal; reptile and amphibian method statement; and pre commencement protected species check.
10	Survey work to also cover structures remaining on the adjoining worked out quarry. Structures to be removed if there is no reason to retain them (e.g. roosting bats).	Condition deleted . No structures to be removed. The survey is not necessary.
11	Plan showing existing and proposed perimeter fencing and gates to be submitted.	Condition previously discharged in letter dated 17 December 2009. Condition will be deleted and replaced with a condition to require the applicant to show a scheme to secure the site from access by motocross vehicles.
12	Submission of a detailed restoration scheme.	Varied to reflect the requests and comments made by NCC Ecology and NWT.
13	Submission of a surface water run-off scheme.	Information submitted with the application is sufficient to demonstrate that the surface water drainage scheme is acceptable. The approved plans and letter are listed in Condition 3. Therefore this condition can be deleted .
14	Submission for scheme of foul and surface water scheme.	Condition varied . Surface water details acceptable. Foul water aspect of the condition discharged in letter dated 17 December 2009.
15	Date of commencement to be notified to WPA at least 7 days prior to commencement.	No change.
16	Waste operations shall cease and all plant and equipment removed from site 4 years from commencement. Restoration works completed no later than 5 years from commencement.	Condition varied to extend the timescale to restoration to the end of 2018
17	Access and egress shall only be off the B6463.	No change.
18	No right turn out of the site onto the B6463 (unless an emergency).	No change.
19	HGVs limited to 30 in/out per weekday and 15 in/out on Saturdays.	No change.
20	Hours of operation between 07:30-18:00 weekdays and 08:00-13:00 on Saturdays. HGVs into/out of site only between 09:00-16:00.	No change.
21	No plant or machinery used on site other than that specified in application or in accordance with Condition 7.	Deleted . To save duplication, the requirements of this condition have been incorporated into the former condition 7 which requires the submission and approval of plant and machinery details.
22	Sets noise levels, prescribes working practices to minimise noise and sets out measures in the event of a noise complaint.	No change.

23	Measure to prevent dust.	No change.
24	Prevention of mud on highway.	No change.
25	Appropriate oil storage.	No change.
26	Nothing other than uncontaminated inert material shall be tipped at the site.	No change.
27	No burning of materials.	No change.
28	No crushing or screening of materials.	No change.
29	No stripping of soils within 4m of public highway or 3m of hedgerow.	No change.
30	All trees bordering the site shall be retained and protected in accordance with Condition 12.	Varied to refer to restoration scheme condition.
31	Site to be restored in accordance with restoration scheme, unless a variation results from differing on site volumes. Variation to be submitted within three months of written request from WPA.	Varied to refer to amended drawing.
32	No soils to be removed from site unless as part of approved restoration scheme.	No change.
33	Before placement of soils surface of site shall be graded and cross ripped.	No change.
34	Following re-spreading of soils, stones larger than 50mm shall be removed.	No change.
35	Following placement of soils, grass seed to be sown in first available sowing season.	No change.
36	Tree/shrub planting to be carried out in first available season following placement of soils.	No change.
37	Restoration of site to be completed within 12 months of date of completion of waste infilling.	No change.
38	Submission of aftercare scheme.	No change.
39	Measures to be taken in the event of premature cessation of the site.	No change.

115. Please note that due to a number of conditions being deleted and new conditions being introduced, the conditions that have been retained will have different numbers in the new schedule of conditions.

Other Options Considered

116. 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

117. 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.

Financial Implications

118. There is a Section 106 Agreement attached to the existing planning permission which restricts any further extraction, and removal off site, of sand from the site. Should permission be granted it is recommended that a deed of variation to the existing Section 106 Agreement be undertaken. The costs associated with this would be borne by the applicant and any decision notice will not be issued until the Agreement has been completed.

Crime and Disorder Implications

119. Styrrup Quarry is currently unoccupied and there is no working activity on the site. It is difficult to secure and there is no presence at the site. There is evidence of trespass and has been used for motor cross activities. It is considered that active operation at the site would help deter such activities and the final restored site would not be as attractive for motor biking, thus discouraging crime.

Human Rights Implications

120. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce impacts on the amenity of local residents including noise, dust and traffic; however, mitigation measures controlled through conditions are deemed to reduce any impacts to acceptable levels. These considerations need to be balanced against the wider benefits the proposals would provide in landscape and ecological terms from the restoration scheme, and the anticipated reduction in the use of the site for anti-social activities. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

121. The application has been considered against the National Planning Policy Framework, the Nottinghamshire and Nottingham Waste Local Plan and the Nottinghamshire and Nottingham Waste Core Strategy, all of which are underpinned by the objective of achieving sustainable development. The development would provide a site for disposal of inert material for which there is no viable alternative and would result in the restoration of a former minerals site.

Conclusions

122. The disposal of waste is at the bottom of the waste hierarchy and should only be used as a last resort, in line with Planning Policy Statement 10: Planning for Sustainable Waste Management. The waste delivered to the site will be the

remaining element of pre-processed inert waste for which there is no readily available alternative.

123. It is highlighted in the emerging Nottinghamshire and Nottingham Core Strategy that there is a need for 3.2 million cubic metres of inert disposal capacity over the life of the plan (to 2031). On the face of it the 130,000 cubic metres of capacity would provide some assistance in meeting this need, however, the applicant has acknowledged that much of the waste would come from outside of Nottinghamshire. As such, whilst the development would have some contribution to the County's capacity needs, the level of contribution is unknown, although likely to be limited.
124. The applicant has not proved that there are no reasonable alternative sites for the waste to be disposed at, as required in Policy WCS4 of the Nottinghamshire and Nottingham Waste Core Strategy (WCS). However, it is noted that whilst substantially advanced, the WCS is not yet adopted so it is considered as a material consideration to which significant weight is attached. A separate material consideration is Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) which seeks to enable waste to be disposed of at one of the nearest appropriate installations, which it is considered the applicant has demonstrated.
125. The National Planning Policy Framework (NPPF) provides support for the proposal seeking to restore former minerals sites at the earliest opportunity to high environmental standards. The development, whilst extending the time for restoration would allow it to be restored to a higher ecological standard, the principle of which is supported by the relevant ecological bodies.
126. It is noted that the site has suffered from unauthorised use by motorcycles, scramblers and mountain bikes, which cause ecological damage, disturbs species and has safety implications. It is a material consideration that an operational presence on site is likely to reduce this, as would the final restoration of the site.
127. It is also a material consideration that the site has planning permission for the development with it having been assessed as acceptable in the past. Whilst the development has rightly been re-assessed against current policy situation, should be recognised that the application is to extend the duration in which to complete a development that already has planning permission.
128. Overall, the key policy in the Waste Local Plan is Policy W10.1 which states that proposals for the reclamation of mineral voids through waste disposal will be permitted provided that they achieve environmental benefits, meet a recognised need for additional disposal capacity and do not have unacceptable environmental impacts. It is considered that the development meets these requirements.
129. The County Council is of the opinion that the proposed development is in accordance with the relevant policies in the development plan. Whilst there are material considerations that do not support the development, on balance it is considered that the benefits of the restoration scheme put forward enable support for the development. The County Council considers that any potential

harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

Statement of Positive and Proactive Engagement

130. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework and other material considerations. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a determination of the application. Issues of concern have been raised with the applicant, such as impacts on ecology and have been addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

131. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a Deed of Variation to ensure that the original Section 106 legal agreement shall apply to the permission hereby approved as varied in respect of the date by which the landfill shall be restored and updating the management schedule.
132. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. 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 Licencing Committee has authority to approve the recommendations set out in this report by virtue of its terms of reference.

[NAB 31.10.13]

Comments of the Service Director - Finance

The financial implications are set out in the report.

[SEM 01/11/13]

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 9696516

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

W001133
PSP/PAB/EP5383.Docx
1 November 2013

RECOMMENDED PLANNING CONDITIONS

Definition of the Permission

1. The development hereby permitted relates to the use of the site shown on Drawing No. C6446/2 received by the Waste Planning Authority (WPA) on 16/09/02 for restoration by means of infilling with inert waste to a capacity of 130,000 cubic metres.

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the approved plans and documents.

Commencement and Duration of Operation

2. The development hereby permitted shall be begun within 1 year of the date of this permission.

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

3. The date of commencement of operations shall be notified to the WPA at least 7 days in advance.

Reason: To ensure that the development is carried out in an orderly manner in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan (WLP).

4. Waste operations shall cease and all associated plant and equipment shall be removed from the site no later than 4 years from the date of commencement as notified under Condition 15, and 30th November 2018 at the latest. Restoration works shall be completed no later than 5 years from the date of commencement, no later than 31st December 2018.

Reason: To secure the proper restoration of the site within an acceptable timetable and in accordance with Policy W4.1 of the WLP.

Planning Application Details

5. The development hereby approved shall only be carried out in accordance with the following documents and with the details referred to elsewhere in this Schedule of Conditions unless otherwise agreed in writing with the WPA.
 - a) Drawing Ref: TDE/SQ/13 01 titled 'Plan showing existing quarry layout as per 15th June 2011 Topographical Survey' – received by the WPA on 15 March 2013;
 - b) Drawing Ref: TDE/SQ/13 02 titled 'Plan showing existing quarry re-shaped to comply with SSSI Boundary to North of Site' – received by the WPA on 15 March 2013;

- c) Drawing Ref: TDE/SQ/13 03 titled 'Plan showing terrain design of restored quarry and associated landscaping' – received by the WPA on 4 April 2013;
- d) Drawing Ref: TDE/SQ/13 04 Rev A titled 'Plan showing cross section through existing and proposed landforms' – received by the WPA on 4 April 2013;
- e) Drawing Ref: TDE/SQ/13 05 Rev A titled 'Cross Sections through Eastern Face between Existing and Proposed Landforms' – received by the WPA on 4 April 2013;
- f) Drawing Ref: TDE/SQ 01 Rev 00 titled 'Plan showing existing site layout' – received by the WPA on 15 March 2013;
- g) Drawing Ref: TDE/SQ 02 Rev 00 titled 'Plan showing final excavation of cover soils to be stockpiled in quarry' – received by the WPA on 15 March 2013;
- h) Drawing Ref: TDE/SQ 03 Rev 00 titled 'Plan showing base of quarry filled to 20m AOD and initial 1:10 side slopes constructed' – received by the WPA on 15 March 2013;
- i) Planning Application Forms – received by the WPA on 15 March 2013;
- j) Planning Statement to Extend the Time to Restore the Quarry – received by the WPA on 28 May 2013;
- k) Styrrup Quarry Ecological Conditions Updated reports, dated November 2011 and May 2013 – received by the WPA on 15 March 2013 and 20 May 2013 respectively.
- l) Letters from Cromwell Wood Estate Company Ltd dated 30 May 2013, 27 July 2013, and 29 July 2013 – received by the WPA on 30 July 2013.

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the approved plans and documents.

- 6. The location, construction, elevations and colour of all on site offices and WCs and the location of car parking shall be in accordance with Drawing 8159/10A Rev A titled 'Site Plan' and 8159/5 titled 'Cabin Elevations' received on the 18 June 2009.

Reason: To ensure satisfactory implementation of the development in accordance with Policies W3.3 and W3.4 of the WLP.

- 7. The measures to protect the Site of Special Scientific Interest (SSSI) and Site of Interest for Nature Conservation (SINC), as set out in document Ref: 8159/CJB/RL/AK/100609 received by the WPA 6 July 2009, shall be implemented and maintained for the duration of the permission.

Reason: To ensure the satisfactory protection of nature conservation interests in accordance with Policies W3.23 of the WLP.

Prior to the Commencement of Development

8. Prior to commencement of the development hereby permitted, the site shall be clearly marked out in accordance with the details, including the position of the base of the batter on the northern boundary, as shown in Drawing TDE/SQ/13 03, and shall be maintained in accordance with the approved layout unless otherwise varied with the express consent of the WPA.

Reason: To ensure the satisfactory implementation of the development in accordance with Policies W3.9 of the WLP.

9. Prior to commencement of development details, including sound power levels, of all plant/machinery to be used on the site shall be submitted to the WPA for its written approval. Plant and machinery shall be restricted to that approved unless otherwise agreed in writing by the WPA.

Reason: To ensure satisfactory implementation of the development in accordance with Policies W3.3 and W3.4 of the WLP.

10. Prior to the commencement of development details of the length of cliffs to be retained and the location of fencing to protect sand martin nesting areas shall be submitted to, and approved in writing by, the WPA. The fencing shall be installed in accordance with the approved details before any works commence, and shall be retained for the life of the development.

Reason: To avoid disturbance to sand martins.

11. Prior to the commencement of development a method statement to limit disturbance of Little Ringed Plover (LRP) shall be submitted to, and approved in writing by, the WPA. The method statement shall deal with any activities commencing during the period March – May inclusive, and shall include the targeted surveying for LRP during this period. The development shall be undertaken in accordance with the measures set out in the method statement.

Reason: To avoid disturbance to Little Ringed Plovers.

12. Prior to the commencement of development a breeding bird survey shall be undertaken during spring 2014, and submitted to the WPA for its written approval. The results of the breeding bird survey shall be used to inform the restoration scheme.

Reason: To ensure that the restoration scheme provides suitable habitat for birds present at the site in accordance with Policy W3.23 of the WLP.

13. Prior to the commencement of development a method statement shall be submitted to, and approved by, the WPA for the removal of Japanese Knotweed. Development shall proceed in accordance with the approved method statement.

Reason: To prevent the spread of an invasive species and ensure appropriate removal.

14. Immediately prior to the commencement of any development a pre-construction check for protected species shall be undertaken by a suitably qualified ecologist.

Should any protected species be found a method statement shall be submitted to, and approved in writing by, the WPA before any works begin.

Reason: To safeguard protected species.

15. Prior to the commencement of development a method statement shall be submitted to, and approved by the WPA, to ensure that reptiles and amphibians are protected during vegetation clearance. Development shall proceed in accordance with the approved method statement.

Reason: To safeguard protected species.

16. Prior to commencement details of measure to secure the site from inappropriate use by bicycle and motorised vehicles shall be submitted to, and approved in writing by, the WPA. Development shall proceed in accordance with the approved details, and measures shall be retained for the life of the development.

Reason: To prevent anti-social behaviour and harm to areas establishing habitat restoration in line with Policy W3.23 of the WLP.

17. Prior to the commencement of development full details of the concept restoration scheme shown in Drawing TDE/SQ/13 03 titled 'Plan showing terrain design of restored quarry and associated landscaping', received on 4 April 2013, shall be submitted to, and approved in writing by, the WPA. Such details shall include:

- a) Working design details for the construction of a maintenance road for access to the land north of the application site, and the relocation within the application site of the northern bund, shown as hatched blue on Drawing Ref: TDE/SQ/13 02;
- b) Design details, method statement and a timetable of works to mitigate any undue adverse impacts to the Styrrup Quarry SSSI. The details shall include a description of all mitigation works undertaken to date;
- c) Method statement and phasing details, including timescale, for infilling and progressive restoration, including measures for the protection of all trees and hedgerow bordering the site. The details shall be in line with drawings: TDE/SQ 01 Rev 00, TDE/SQ 02 Rev 00; and TDE/SQ 03 Rev 00 received by the WPA on 15 March 2013;
- d) A detailed assessment of the materials required to complete the approved restoration contours shown on Drawing Ref: TDE/SQ/13 03;
- e) A scheme of soil handling and placement, including proposed profiles and depths;
- f) Details of landscaping which shall include, but not be restricted to the following:
 - i) Planting proposals, including the locations, numbers, groupings, species, size and details of planting of native trees, shrubs and hedge plants;

- ii) A schedule of fertiliser applications;
- iii) Details of grass and wildflower mixtures to be sown, including those for hedgerow areas;
- iv) Measures for the protection of all plantings from animal damage;
- v) Arrangements for drainage of the planted areas;
- vi) Pond design, engineering and margin planting details;
- vii) Location and design of drainage ditches.

No development shall take place except in accordance with the details approved under this condition.

Reason: To ensure the satisfactory restoration of the site in accordance with Policies W4.6 and W4.12 of the WLP.

Access and Traffic

18. Access to and egress from the site shall only be via the existing access off the B6463 to the south of Styrrup village and as identified on Drawing No: C6446/2 – received by the WPA on 16 September 2002.

Reason: In the interests of highway safety and the amenities of nearby residents in accordance with Policies W3.14 and W3.15 of the WLP.

19. There shall be no right turn out of the site onto the B6463 for any HGVs at any time, unless in the event of an emergency when the B6463 to Oldcotes is wholly closed. Any such emergency shall be notified to the WPA immediately.

Reason: In the interests of highway safety and the amenities of nearby residents in accordance with Policies W3.14 and W3.15 of the WLP.

20. Unless otherwise agreed in writing by the WPA, the number of HGVs entering or leaving the site shall not exceed 30 in and 30 out in any one whole working weekday and 15 in and 15 out on Saturday mornings. The operator shall record all such vehicle movements and make such records available to the WPA upon request.

Reason: In the interests of highway safety and the amenities of nearby residents in accordance with Policies W3.14 and W3.15 of the WLP.

Hours of Operation

21. Unless otherwise previously agreed in writing by the WPA the site shall only operate between the hours of 07:30 – 18:00 on weekdays and 08:00 – 13:00 on Saturdays. No HGV movements into or out of the site shall take place before 09:00 and after 16:00 on any weekday. No operations shall be carried out on Sundays, Public or Bank holidays.

Reason: To protect the amenities of nearby residents, occupiers and other land users in accordance with Policy W3.9 of the WLP

Operational Matters

22. Any site clearance operations that involve the destruction or removal of vegetation including any felling, clearing or removal of trees, shrubs or hedgerows on site, shall not be undertaken during the months of March to August inclusive unless otherwise previously agreed in writing by the WPA.

Reason: To avoid disturbance to breeding birds.

23. Measures shall be taken to ensure that noise associated with the use hereby permitted is kept to a minimum. Such measures shall include:
- a) ensuring that all plant and vehicles are silenced and maintained in accordance with manufacturers' specifications;
 - b) minimising drop heights when unloading;
 - c) substituting an alternative means of providing reversing warning alarms from a beeper if necessary;
 - d) sound power levels from any plant/machinery deployed at the site, as detailed pursuant to Condition 9 above shall not exceed, in total, 107 dBA;
 - e) during normal operations, site attributable noise levels shall not result in a noise level exceeding 48 dB(A) Laeq (1 hour) at the nearest noise sensitive property (for the purposes of this Condition, this is to be defined as the southern boundary of the garden of The Cottage, Main Street, Styrrup);
 - f) during operations for the construction of the batter or other temporary works, noise levels shall not exceed 70 dBA Laeq (1 hour) at the northern boundary of the site, such works to be limited to a maximum of 8 weeks in any calendar year.

In the event of a complaint, the operator shall, upon the request of the WPA, carry out a noise survey, within 1 month of the complaint, at the nearest noise sensitive property, to ascertain whether the complaint is justified. Should the WPA consider that the complaint is justified in light of the survey, further noise mitigation measures shall be carried out by the operator in accordance with details that shall have previously been agreed in writing by the WPA.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

24. Measures shall be used to ensure that dust arising from the site is kept to a minimum. These shall include:
- a) the methods described in the statement accompanying the application;
 - b) a restriction to lorry speeds on internal roads of 15 mph;
 - c) sheeting of loaded HGVs arriving at the site.

In the event of any complaint and/or where considered necessary by the WPA, the operator shall, at the discretion of the WPA, be required to provide and use site watering facilities. In the event that none of these measures are effective in exceptionally windy conditions such that fugitive dust emissions are blowing from the site in the direction of Styrrup village, the WPA may require temporary cessation of all operations on the site.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

25. No vehicles shall leave the site in a condition whereby mud or other deleterious material is carried onto the highway. Should a justified complaint be received then, within two weeks of a written request from the WPA, measure to prevent mud on the public highway shall be submitted to the WPA for written approval. Such measures shall be implemented as approved.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

Environmental Controls

26. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents gages and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessel overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

27. Nothing other than uncontaminated inert material shall be tipped at the site.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

28. There shall be no burning of materials on the site at any time.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

29. There shall be no crushing or screening of materials carried out on the site at any time.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

30. There shall be no foul drainage on site. Toilet facilities shall be provided in the form of sealed toilets with the contents removed off site as and when required.

Reason: In the interests of the protection of groundwater and to prevent pollution of the water environment in accordance with Policy W3.6 of the WLP.

Hedgerow Protection

31. No stripping or storage of soils shall take place within 4 metres of the public highway or 3 metres of any hedgerow.

Reason: To ensure satisfactory protection of nature conservation interests in accordance with Policies W3.23 of the WLP.

32. All trees and hedgerow boarding the site shall be retained and protected from development operations and maintained for the duration of operations, in accordance with details approved under Condition 17 above.

Reason: To ensure the satisfactory protection of nature conservation interests in accordance with Policy W3.23 of the WLP.

Restoration and Aftercare

33. The site shall be restored in accordance with the concept scheme indicated on Drawing TDE/SQ/13 03 and the details approved under Condition 12 above, unless otherwise amended by a variation resulting from differing on site volumes. Such variation must be submitted to the WPA within three months of the WPA's written request for the written approval of the WPA.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

34. No soils shall be removed from the site, unless previously agreed in writing by the WPA, as part of the approved restoration scheme.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

35. Before any placement of soils in accordance with the restoration scheme approved under Condition 17, the surface of the site shall be graded and cross ripped so as to achieve, after soil placement, the approved restoration contours.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

36. Following re-spreading of soils on the site, any stones larger than 50mm in any dimension shall be removed from the site.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

37. Following the placement of soils in any phase, grass seed shall be sown in the first available season for sowing, in areas proposed for grassland creation, in accordance with the details approved under Condition 17.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

38. Tree/shrub planting shall be carried out within the first available planting season following placement of soils in any phase and any subsequent treatment, in accordance with details approved under Condition 17.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

39. Restoration of the site shall be completed within 12 months of the date of completion of waste infilling operations in any phase, or as otherwise agreed in writing by the WPA.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

Premature Cessation

40. In the event that the use of the site for the development hereby permitted should cease for a period in excess of six months, the operator, shall upon the written request of the WPA, clear the site of all buildings, plant and machinery and any other materials on site within three months of the date of the request. A detailed revised scheme for the restoration of the site, which may, as appropriate, incorporate a revision to the approved restoration scheme, shall be submitted to the WPA for its written approval, within three months of a written request. The revised restoration scheme shall include all details requested under the terms of Condition 17 and, once approved, it shall be implemented within 12 months of the date of written approval, unless otherwise agreed in writing with the WPA.

Reason: In the interests of the satisfactory restoration of the site in accordance with Policy W4.7 of the WLP.