



REPORT OF GROUP MANAGER PLANNING

BASSETLAW DISTRICT REF. NO.: 1/60/12/00001
MANSFIELD DISTRICT COUNCIL REF. NO.: 2/2012/0072/NT

PROPOSAL: PROPOSED RESTORATION OF THE NORTHERN PART OF WELBECK COLLIERY SPOIL HEAP INVOLVING THE IMPORTATION OF CIRCA 1.9 MILLION CUBIC METRES OF SUITABLE ENGINEERING FILL, RECOVERED AGGREGATES AND OTHER SUITABLE MATERIALS, INCLUDING WASTES SUCH AS PULVERISED FUEL ASH, THIRD PARTY SOILS AND STONE

LOCATION: WELBECK COLLIERY, MEDEN VALE, MANSFIELD

APPLICANT: UK COAL & TETRON POINT LP

Purpose of Report

1. To consider a planning application for the restoration of the northern part of Welbeck Colliery spoil heap, Meden Vale, Mansfield. The proposed restoration would involve the importation of circa 1.9 million cubic metres of suitable engineering fill, recovered aggregates and other suitable materials, including wastes such as pulverised fuel ash, third party soils and stone. The key issues relate to planning policy and need; landscape and visual impact; ecology; geology; hydrogeology and contaminated land; traffic and transport. The recommendation is to grant planning permission subject to conditions.

The Site and Surroundings

2. The Welbeck Colliery site spans the Mansfield and Bassetlaw District boundaries, sitting approximately 9.5km north of the centre of Mansfield (see Plan 1). The colliery complex covers a total area of circa 127 hectares. The colliery was an active coal mine until May 2010, when mining operations ceased.
3. Immediately to the south of the colliery is the village of Meden Vale. Approximately 330m to the south-west of the colliery is Church Warsop, beyond which is Market Warsop; and 900m to the north is the village of Cuckney.
4. The site is bordered to the north and west by a belt of trees which form plantations. These include the Warsop Hill Plantation, Presley's Plantation and

the Hatfield Plantation. Along the eastern half of its southern boundary the site is bordered by Meden Vale, and to the western half of the colliery site's southern boundary agricultural fields border the site. To the east there are further agricultural fields.

5. The colliery site itself comprises three main sections: the un-restored northern half of the spoil tip, the restored southern half of the spoil tip and the former pit head area to the east.
6. The southern section of the spoil tip, which is restored, forms a large engineered hill with its toe at the northern edge of Meden Vale village. The tip slopes northwards rising from 65m Above Ordnance Datum (AOD) to about 123m AOD over approximately 470m. The restored tip section stretches for approximately 1.25km from east to west and is bordered by the Cuckney Hill Road (A60) to the west and the Meden Vale sports ground and football pitches to its east. The majority of the restored area comprises semi-improved grassland. There is a 50m wide belt of trees running along the eastern half of the southern boundary, providing screening for residential properties in Meden Vale. In addition, there are some small areas of tree planting to the north-west of the restored tip area that are yet to mature.
7. To the east of the spoil tip is the site of the former colliery works and pit head complex. Since closure the buildings have been progressively demolished and the area now comprises a large area of levelled hardstanding. The rail track and rail head remain.
8. The main focus of the planning application is the un-restored northern half of the colliery spoil tip. The planning application boundary runs along the northern boundary of the colliery site, adjacent to the woodland plantations and curves back on itself to roughly follow the line of the already restored southern half of the spoil tip. The un-restored spoil tip area measures approximately 1.15km in length from the A60 in the west to the former pit head area in the east. In terms of width, the tip measures between 320m to 400m from the northern boundary to the top of the tip where un-restored and restored areas meet.
9. The un-restored spoil tip area is of a variable landform, due to the early closure of the colliery and there being insufficient spoil to complete the approved restoration profiles. The landform includes gently sloping lower level sections, with some hollows in which water has gathered, to steep and almost vertical escarpments. The majority of this area is bare mining spoil, although there are some parts where a covering of rough grass has developed.
10. The planning application boundary includes two spurs off the eastern side of the colliery spoil tip area. One of the spurs follows the length of the existing colliery access road that heads in a north-east direction and forms the northern boundary of the wider colliery site. The access road runs for approximately 1.1km and connects to the A616. The second spur follows the rail track from the spoil tip in an easterly direction for approximately 650m where the red-line boundary then opens into a wider area for storage purposes for the wastes and materials delivered via rail. In total the planning application area measures approximately 44 hectares.

11. There are two vehicular access roads into the wider colliery site. One of the accesses, as mentioned above, connects to the A616 to the north-east. The other colliery site access is off Elkesley Road at the southern boundary of the former pit head area. Elkesley Road passes through the residential area of Meden Vale where it connects to Netherfield Lane in the south. It is noted that only the A616 access is included within the planning application boundary.
12. In addition to the access roads, there is a rail line which heads into the eastern side of the site. The rail line curves around the eastern side of Meden Vale before heading in a southerly direction.
13. Due to the size of the site, the distances to residential sensitive receptors vary. To the west of the planning application site the nearest sensitive receptor is Metz Lodge which is located off the A60 approximately 100m west of the application boundary. In terms residential receptors located within Meden Vale the closest are between 350-400m from the southern application boundary of the unrestored tip area, although there are Meden Vale properties located approximately 130m to the south of the eastern part of the application site. In relation to the access road there is a single property, Sedan Lodge, which is circa 150m to the west off the A616.
14. The Cuckney Conservation Area is approximately 350m north of the application boundary at its closest point and circa 830m south of the application site is the Church Warsop Conservation Area. Within the Cuckney Conservation Area the most notable heritage assets are the Cuckney Motte and Bailey Castle (Scheduled Ancient Monument) and the Church of St Mary (Grade I Listed). Within the Church Warsop Conservation Area there is the Church of St Peter and St Paul (Grade I Listed) and the Bishops Lodgings (Grade II* Listed). Within and around both of the conservation areas there are a number of other Grade II Listed Buildings.
15. The nearest ecological site is the Elkesley Hill Site of Importance for Nature Conservation (SINC). This is a small hill with a noteworthy mosaic of scrub and acidic grassland communities located immediately adjacent to the southern boundary of the eastern most section of the planning application area. Also of note is The Bottoms, also a SINC, which is a length of good riparian habitats along the River Meden. The Bottoms is, at its closest point, 500m south of the application site.
16. The nearest statutorily designated ecological sites are the Birklands and Bilhaugh Site of Special Scientific Interest (SSSI); the Birklands and Bilhaugh Special Area of Conservation (SAC), which is within the SSSI area; and the Welbeck Lake SSSI. The Birklands and Bilhaugh sites are located to the south-east of the application area, with the nearest part 1.8km distant and the Welbeck Lake SSSI is approximately 2km away to the north-east.
17. Whilst it is not a designated site, it is still important to note that approximately 1.5km south-east of the application area is the Natural England Indicative Core Area (ICA) and RSPB Important Bird Area (IBA) for breeding Nightjar and Woodlark. These are areas which may form the basis of a Special Protection

Area (SPA) in the future for nightjar and woodlark. In addition, the site is within the 5km buffer zone of the IBA.

18. The site is not located within an area at risk of flooding. The nearest flood risk area is either side of the River Meden to the south of the site, with the nearest point approximately 500m distant.
19. The geology beneath the site (Sherwood Sandstone Group) is classified as a Principal Aquifer. The site lies within the Environment Agency's total catchment Groundwater Source Protection Zone.
20. The nearest rights of way include a bridleway located approximately 200m to the north-west of the application site, which runs from the A60 to Cuckney. In addition, there is an existing footpath that runs partially along the western side of the application site and then also along the length of the southern boundary of the restored spoil tip and along the northern edge of Meden Vale.

Proposed Development

21. The scheme as proposed is the importation of approximately 1.9 million cubic metres of waste and other material to re-contour the northern slopes of the Welbeck Colliery spoil tip and then restore the site to an amenity after-use which would include grassland, woodland, ponds and wetland planting, footpaths, picnic areas and a viewpoint. However, it should be noted that as a result of a more detailed and recent topographical survey the required volume of material and waste to be imported has been revised downwards to circa 1.6 million cubic metres, as detailed in the further information document, submitted subsequent to the original planning application submission.

Background

22. Welbeck Colliery was operational from 1912 and has extracted coal from deep coal seams in the Carboniferous strata, over 634m below the site. The colliery operations expanded through the 20th century and included shafts; headstocks; coal processing plant; a railway and rail head; coal handling areas; a power plant; boiler buildings and a maintenance building. The whole colliery complex covered an area of approximately 127 hectares.
23. The coal was extracted and brought to the surface via shafts. The coal was then processed and sent for power production. The coal was delivered to recipients primarily via rail, but also by road. A proportion of the material was unusable and was disposed of in the spoil tip in the western section of the colliery.
24. In February 2002 (Ref: 2/2001/550/ET) planning permission was granted for a revised restoration scheme that included additional spoil capacity. The proposal did not alter the southern boundary, but allowed for a vertical increase in height and an alternative northern face profile. The existing permitted restoration scheme seeks to restore the site to woodland and agriculture and can be seen in Plan 2.

25. In May 2010 Welbeck Colliery ceased extraction and at this point the southern section of the spoil tip and a small part of the north had been restored and planted. The northern section of the spoil tip remains un-restored. Insufficient spoil has been deposited on the tip for the restoration profiles approved in the February 2002 permission to be achieved.
26. Condition 23 of the extant planning permission allows for a situation where tipping ceases before the completion of the spoil tip. The condition requires the operator to submit an alternative restoration scheme using the material that exists at the time. This condition requires all the work of restoration to be complete within two years of the colliery closure or cessation of tipping. The full condition is set out below:
- “Should for any reason Welbeck Colliery close or tipping cease on this site for a period in excess of 6 months before the completion of the approved tipping scheme, the applicant shall upon written request from the MPA, produce a scheme for the shaping and reshaping of the tip which exists at that time and such a scheme shall include a scheme of timings, provisions of soiling, grassing, tree planting and fencing in a similar manner to that referred to in the conditions of this permission. All the work of restoration shall be complete within two years, unless otherwise agreed in writing by the MPA, of the colliery closure or cessation of tipping in accordance with the revised scheme which shall have been approved in writing by the MPA”.*
27. Rather than submit a scheme for an alternative restoration scheme under Condition 23, the applicant has chosen to submit an application for an alternative restoration scheme to import non-colliery materials to achieve profiles generally in accordance with those indicated in the approved restoration scheme.

The Approved Restoration Scheme

28. The approved restoration scheme allows for the spoil tip to have final formation levels of 130m AOD. The approved profiles of the southern slope start at 65m AOD and rise over a distance of approximately 310m to the 130m AOD peak. The northern slope of the tip would then slope down to between 90m and 100m AOD at the northern boundary.
29. The restoration scheme involves oak/birch woodland planting around the perimeter of the spoil tip and upper parts of the southern slope. The southern slope would comprise mostly pasture. The northern slope would comprise pasture/acid grassland and other areas of acid grassland adjacent to wooded areas which would be allowed to revert to heathland/scrub/woodland edge. Two settling ponds would be retained, one at the base of the southern slope and one at the north-eastern edge of the tip. In addition, there would be an access track running in an east/west direction centrally across the spoil tip, skirting around the southern edge of the top of the tip.

The Proposed Restoration Scheme

30. The proposed restoration scheme (see Plan 3) relates to the northern half of the spoil tip, as the southern parts have already undergone restoration. The

proposal would result in the restored tip reaching a total height of 127.5m AOD, circa 2.5m lower than the highest point of the approved restoration scheme and some 5m lower than the highest point of the spoil tip at present. The northern slope would descend to the north, east and west to between 80m and 100m AOD at the boundary of the application site.

31. The steepest slopes would be on the northern face of the spoil tip, descending from approximately 115m to 80m AOD over the space of 200m, with the gradient at some points just over 1:3. The slopes on the east and west of the tip are shallower with a descent from 127.5m to 105m AOD over the course of 380m on the western slope and a descent from 125m down to 85m AOD over the course of 280m on the eastern slope. Plan 4 shows the location of cross-sections and Plans 5 and 6 show the existing and proposed cross-section profiles of the restoration scheme.
32. At the top of the restored spoil tip there would be a viewing point and a separate picnic area. The viewing area would have a central stone plinth at its centre approximately 0.9m in height inlaid with a brass plaque highlighting landmarks that can be viewed from the site. The stone plinth would be surrounded by boulders selected from imported site material, employed as seats to surround the central plinth. The picnic area would include six picnic tables and benches located at strategic points to take advantage of views. The picnic tables would be situated on Breedon gravel to prevent wear to the grass. Tree planting would be incorporated around the picnic tables. A mown grass path would connect the picnic area and the viewpoint which would be located approximately 100m apart.
33. These two areas would be surrounded by grassland. There is a 230m long tree belt proposed to the north of the picnic and view point areas screening these areas from views from Cuckney and other areas to the north. Beyond the grassland areas (and the tree belt to the north) these slopes would be restored to meadow, much the same as existing restored areas on the southern slopes of the tip.
34. A significant belt of woodland is proposed to curve around the northern part of the application boundary. The woodland belt would vary between 30m and 100m in depth. In addition, there would be three woodland pockets; two located towards the south-eastern part of the planning application area and one towards the south-western part of the application area.
35. Curving around the north-western edge of the application boundary would be a drainage ditch with wetland planting. At either end of the drainage ditch there would be an attenuation pond also with wetland planting. There would be a third attenuation pond, larger than the other two, located in the north-east of the application site which is proposed as a nature conservation area. Adjacent to the west of the largest attenuation pond a second picnic area is proposed.
36. The proposals include a network of footpaths and cycle/bridleways around the restored spoil tip. It is proposed that a cycle/bridleway would encircle the whole of the restored spoil tip, although only part of it falls within the application area. The cycle/bridleway within the application area would follow the northern

boundary running along the foot of the restored spoil tip and immediately north of the drainage ditch and attenuation ponds.

37. There would be a footpath that runs along the southern edge of the planning application boundary, providing access to the picnic area and viewpoint at the top of the restored spoil tip. Both ends of the footpath would connect to the circular cycle/bridleway, one at the east of the site and one at the west. The area where the footpath would connect to the cycle/bridleway in the west falls outside of the application area. A footpath would also pass adjacent to the nature conservation area connecting to the picnic area next to the wetland areas on the northern boundary.
38. The applicant states that the area to the east of the spoil tip is going to be subject to an application for employment development. The planning application red line boundary extends into the area for proposed development to include the access road, and the rail head and 'soil management area'. This application does not include restoration proposals for these areas.

Construction

39. In order to complete the restoration scheme to the profiles indicated in the planning application the applicant proposes to import approximately 1.6 million cubic metres of waste and engineering materials to the site.
40. The applicant states that at this stage the proportion of materials that will be waste is unknown. However, in the Further Information document submitted the applicant has provided details of the types of material to be used in the scheme according to engineering specification, as outlined in the table below.

Table 1 – Proposed Waste and Material Types

Engineering class	Use	Volume	Material types for use
Class 6 Type 1 Type 2	Paths – Bridleway/Cycleway (width 2.5m, depth 0.25m)	2,350m ³	Aggregate, processed hardcore including brick, concrete, tile, soil and stone fines
	Picnic area and viewing platform (depth 0.2m)	1,325m ³	
Class 4	Landscaping	1,448,000m ³	Aggregate Hardcore including brick, concrete, tile Soil and stone Recovered minerals Pulverised Fuel Ash Soil
Class 2	Subsoil (depth 0.25m over surface area)	87,000m ³	Soil
Class 5	Top soil (depth 0.2m over surface area)	70,000m ²	Soil and sand

Class 6A	Drainage ditches (French drains) (width 0.5m, depth 0.5m)	500m ²	Aggregate, processed hardcore
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42. The applicant states that the sources of waste to be imported to the site have not yet been confirmed, as no contract can be made with potential sources without planning permission being granted. The materials would comply with the Class 4 engineering specification and are likely to include aggregates, stones, soils, hardcore and pulverised fuel ash (PFA). The exact composition would be determined according to the waste available for recovery during the period of restoration (e.g. local demolition projects or construction works). The sources of PFA, however, are more identifiable as PFA can only be sourced from power stations. The applicant has identified a number of potential sources of PFA (see Table 2), and all of these have been consulted and are willing to provide PFA, although in the absence of planning permission the sources not secured by contract.

Table 2 – Potential PFA Sources

Source (italics indicate possible source)	County	Distance from Site (via road vehicle route as outlined below)
West Burton CCGT Power Station, Retford	Nottinghamshire	25 Miles
EDF Cottam Power Station, Cottam, Retford	Nottinghamshire	30 Miles
<i>E.ON UK Plc., Radcliffe Power Station, Radcliffe-on-Soar</i>	<i>Nottinghamshire</i>	<i>32 Miles</i>
British Energy, Eggborough Power Station, Goole	East Yorkshire	47 Miles
Drax Power Station, Drax, Selby	North Yorkshire	52 Miles
International Power Plc., Rugeley Power Station, Rugeley	Staffordshire	70 Miles
Fidlers Ferry Power Station (Scottish and Southern Energy) Warrington	Cheshire	90 Miles (rail link is proposed)

* Radcliffe Power Station is a possible source because at present it already has other committed disposal sites. Whilst it may become a viable source in coming years, it is unlikely to be made a source in the short term.

43. The exact quantity of PFA is unknown, although it will comprise a proportion of the landscaping material. The precise composition would depend on the availability of other suitable material at the required time.
44. It is proposed to import the material by road and rail, with the applicant stating that the majority of material would be brought in by rail. However, the actual proportion of material to be imported by road is not detailed in the application.
45. With regard to material brought to the site by road the applicant states that all HGVs would access the site via the A616, and other vehicles would use both the A616 and Elkesley Road access through Meden Vale. HGVs travelling to and from the site would be routed to/from the east travelling along either the B6034 (Ollerton Road), A614 or A616 (see Plan 7). The access routes to the site off the A616 and Elkesley Road are former accesses to the Colliery and there are no proposals to modify them, or make any modifications to the road network. This

routeing scheme would avoid HGVs travelling through the villages of Meden Vale and Cuckney.

46. With regard to vehicle numbers, the maximum number of road vehicles entering the site would be 150 per day during the construction phase of the development, which equates to 300 one way movements to/from the site per weekday and 150 on Saturdays. The proposed hours of vehicle movements are between 08:00 and 18:00 on a weekday and 08:00 and 13:00 on Saturday. This would equate to 30 vehicle movements per hour.
47. The applicant intends to use the existing railhead to transport material to the site by rail. This is intended to be the primary mode of transport for material import. The applicant states that the rail head is in good order and is capable of being used without any major improvements. Train arrival, unloading and departure would occur on a 24/7 basis, although the 24/7 working would not include haulage operations to and from the restoration area or placement of material.
48. To the east of the planning application area there would be a Soil Management Area (SMA) which would be a site for treating materials as necessary. Material in the SMA would be transferred directly to the point of restoration or stored, tested and treated, as necessary. The applicant states that any treatment of material would be subject to the waste requirements of the bespoke Environmental Permit. The SMA is a roughly oval shaped area measuring approximately 250m by 140m. It would utilise the existing hardstanding surface, and there would be a 2.5m high soil bund on the east, west and southern boundaries. The SMA would also include offices, welfare and stores. The existing rail track forms the northern boundary of the SMA and runs towards the restoration area to the west. From the west of the SMA there would be a haulage route, potentially a conveyor and the existing rail track running alongside each other to the spoil tip.
49. The infrastructure required for the restoration process includes the following:
 - a) retention and repair of the existing railway siding;
 - b) a haulage road between the land formation and the SMA;
 - c) weighbridge;
 - d) wheel wash;
 - e) offices and welfare facilities located in the SMA;
 - f) a 2.5m high bund would be constructed around the eastern, western and southern perimeter of the SMA; and
 - g) a conveyor belt and/or haulage system from the SMA.
50. In addition to the infrastructure operations would include the following plant:
 - a) excavators;
 - b) dozers;
 - c) crushing and screening mobile plant (as required);
 - d) compactor or roller;
 - e) road sweeper; and
 - f) tractor and bowser.
51. The proposed restoration would be undertaken in the following sequence:

- a) Completion of ecological mitigation works and associated drainage works;
 - b) Construction of haul routes, repair of railway sidings and establishment of compound;
 - c) Import and restoration. The placement of material would commence in the western and southern sections of the restoration area. The land would be progressively raised to formation level;
 - d) The infill of material would work progressively east and north until the formation level is fully achieved;
 - e) Once the required level is achieved the site would be restored with soil and seeded. This activity would be undertaken as soon as practicable to prevent fugitive dust emissions;
 - f) Planting would be undertaken within one planting season post formation being achieved;
 - g) Footpaths and amenity facilities would be constructed following completion of the restoration.
52. Whilst no contracts can be entered into regarding the supply of potential waste and material (due to planning permission not being secured yet), based on dialogue with potential suppliers, the applicant estimates the project would have a duration of 3 to 5 years.
53. The normal working hours of the site would be 07:00 to 19:00 Monday to Saturday and this would include mobilisation and demobilisation of the site. However, train arrivals, unloading and departures would occur on a 24/7 basis (this would not include internal haulage operations). HGV movements to the site would occur between 08:00 and 18:00 hrs on weekdays and 08:00 and 13:00 hrs on Saturdays.
54. The proposed development would create employment opportunities over the three to five years that construction is proposed. However, the number of employees is not confirmed.
55. The application is accompanied by an Environmental Impact Assessment (EIA) and further information has been submitted within a Regulation 22 submission.

Consultations

56. **Mansfield District Council** – *No objection. The proposal is in accordance with Saved Policies BE1, DWM1 and BE16 of the Adopted Mansfield District Plan 1998, meeting the relevant objectives and criteria. The proposed development would have a beneficial impact to the appearance of the spoil heap and the surrounding area in general. The proposal would also have a positive impact on the surrounding environment and the use would be beneficial to the local community, and there are no other material considerations that indicated that a decision should be taken at variance with the above policy or guidance.*
57. **Bassetlaw District Council** – *The District Council has considered the application and does not wish to make any observations.*

58. **Cuckney Parish Council** – *To the east of the A60 there is only one footpath/bridleway, which runs from off the A616, opposite Old Mill Lane, diagonally, to meet the A60 at the top of Cuckney Hill.*
59. *The footpath network on the reclaimed pit tip site would link into all the Sherwood Forest network of footpaths. However, to access the footpath network on the pit tip site, from Cuckney, one would have to exit the top of the A616/A60 bridleway and walk over the top of Cuckney Hill (a very busy A-road with only a narrow footway on the opposite side of the road, accessed by climbing a steep roadside bank). A short footpath from the top of the bridleway of about 25-50 yards could link the existing footpath to the reclaimed colliery tip site, and link the village to miles of footpath networks without the risks of walking on the main road.*
60. **Rufford Parish Council** – *The Parish Council objects to the application due to the adverse environmental effect of the proposed method of transport.*
61. *The Parish Council recommends that maximum use is made of the existing railhead facility to eliminate the need to import any spoil heap fill material by road haulage. The planning application suggests that an additional 150 lorries per day would be using the surrounding highways including the A614 through the Parish of Rufford. The effect of this is considered to be:*
- a. *Additional traffic would result in an increase in dust and noise levels. The Parish Council rejects the statement in the Transport Assessment produced by i-Transport that “...there will be negligible impact in comparison to the previous use of the site as a coal-washing facility...” it is no justification to state that conditions will be no worse than they were before (which were equally bad);*
 - b. *There is likely to be a significant impact on road accidents and safety on the A614 which is already considered to be a dangerous stretch of highway;*
 - c. *There are concerns about the ability of the A614 Ollerton roundabout to cope with increased traffic volume;*
 - d. *There will be a detrimental effect on the local tourism business (e.g. Rufford Country Park), which could detract potential visitors to the area during a time when the area is still recovering from the effects of the former mining industry.*
62. **Environment Agency (EA)** – *The EA has no objections in principle to the development but recommends that if planning permission is granted the following conditions are imposed:*
- a. *Development shall not begin until details of a sustainable drainage system for the site have been submitted and approved by the planning authority. In particular it will be necessary to agree details on proposed discharge rates and consequent storage volumes, and sediment management.*
 - b. *No development shall take place until a scheme for detailed restoration, including long-term design objectives, management responsibilities and*

maintenance schedules have been submitted to and approved in writing by the local planning authority.

63. *This development will require an Environmental Permit under the Environmental Permitted Regulations from the EA. There are permits available for the use of waste in the reclamation of land or in construction activities if the applicant can satisfy the EA that it is a recovery activity.*
64. *The applicant must complete a Waste Recovery Plan and submit this to the EA if they are to apply for a Waste Recovery Permit. The Waste Recovery Plan must satisfy a number of tests, including:*
 - a. *Is there are clear benefit from the activity?*
 - b. *Is the recovered waste material suitable for its intended use?*
 - c. *Is the minimum amount of waste being used for the intended benefit?*
 - d. *Is the waste being used as a substitute for a non-waste material?*
 - e. *Will the proposal be completed to an appropriate standard?*
65. *The EA also provides information relating to the site's catchment area and abstraction licenses, and ponds and their storage areas.*
66. **NCC (Planning Policy)** – *NCC Planning Policy consider the proposed development a waste disposal scheme and have assessed it as such.*
67. *Policy W10.1 of the Waste Local Plan (adopted 2002) is the most relevant policy. Criteria (a) and (c) are considered to be met, as evidenced by the supporting information submitted with the application. Criteria (b) is covered in the Planning Statement in paragraphs 6.4-6.24, setting out that the Waste Local Plan states that there is a need. This remains the situation and the shortfall is set out in the emerging Waste Core Strategy (WCS).*
68. *As the scheme is a waste disposal development, it sits at the bottom of the waste hierarchy (as set out in national planning policy). In relation to the emerging WCS the local stance is set out in Policy WCS2. This states that proposals should accord with the aim to achieve 70% recycling/composting and, as such, new and extended disposal capacity will only be permitted where it is shown that it is necessary to manage residual waste that cannot economically be recycled or recovered.*
69. *In terms of the more detailed criteria for disposal sites set out in Policy WCS4, the site location sits roughly just outside the main shortfall area and so must be assessed against the additional hierarchical criteria. As a re-working of an old colliery tip this proposal is the second choice, behind extensions to existing disposal sites. Therefore, despite being last choice in terms of the waste hierarchy, the location and type of site give support to the proposal in principle.*
70. *Another element to consider is the source of the waste. Policy WCS11 requires that where waste from outside Nottinghamshire and Nottingham is to be*

disposed of, it should be demonstrated that the proposal will also make a significant contribution to the waste management needs of Nottinghamshire and Nottingham and have wider social, economic or environmental sustainability benefits that clearly support the proposal.

71. *Although this proposal is being considered primarily as a waste development, there are a number of policies in the Nottinghamshire Minerals Local Plan (MLP) that have a bearing on it. Particularly relevant is Policy M4.5 which concerns schemes relying on the importation of waste for long term reclamation. Although it is more concerned with extraction proposals, the requirements to provide satisfactory evidence that the waste will be available in the categories and quantities assumed remains relevant. It also requires evidence that it is not practical to re-use or recycle the waste to be used.*
72. *Additional information submitted by the applicant demonstrates that there has been sufficient consideration of the nature and source of the waste to be used in the development to ensure its viability and suitability. The information on the source of the waste (particularly with reference to PFA) goes some way in meeting the criteria in the emerging WCS Policy WCS2 regarding disposal only being permitted where it is necessary to manage residual waste. This is also the case with the thrust of MLP Policy M4.5 regarding evidence of sufficient waste being available.*
73. *Policy WCS6 (General Site Criteria) provides support for the proposal suggesting that in principle colliery land in need of restoration (under 'derelict land') is suitable for waste disposal. However, this must be considered in light of all of the other WCS policies.*
74. *It is noted that the majority of the materials to be used in the restoration consist of Class 4 materials, which include some waste materials. Both PFA and Aggregates have numerous alternative uses, which would involve them being re-used or recycled (as opposed to being landfilled, as in this proposal). However, NCC Planning Policy is aware of the current situation with PFA, as also set out by the applicant, regarding its overprovision and stockpiling at power station sites. In light of this new information, emerging WCS Policy WCS5 (Power Station Ash) can now also be considered. This policy states that where ash cannot be recycled in the foreseeable future, priority will be given to proposals that will use the ash to fill and reclaim mineral workings. This policy provides support for the proposal.*
75. *MLP Policy M4.8 provides support for the proposals stating that where the current use/appearance and existing provisions for reclamation are unsatisfactory and the proposal would result in an improved environmental and/or amenity after-use the alternative reclamation proposal will be granted. It is considered that these criteria are satisfied by the proposal and so this policy supports the proposed development.*
76. *Regard should be given to the criteria for colliery spoil disposal schemes set out in MLP Policy M12.3 when assessing the details for the scheme.*

77. *The NCC Planning Policy Team conclude that the proposal meets the main policies, namely W10.1 of the WLP and M4.8 of the MLP as well as the material considerations of the policies in the emerging WCS. This is subject to there being confidence that the development will bring about environmental benefits and not have any unacceptable environmental impacts, which can be established through advice from the appropriate County Council teams and consultees. As such, the NCC Planning Policy has no objection.*
78. **NCC (Nature Conservation)** – *The proposals will not directly affect any statutorily designated nature conservation sites. Similarly, no locally designated conservation sites will be directly affected.*
79. *To the knowledge of the NCC Ecology Team there are no records of woodlark or nightjar within the immediate vicinity of the tip. The nearest part of the ‘Indicative Core Area’ upon which any future SPA designation may be based, is located 1.6km away. Direct impacts on woodlark and nightjar are unlikely.*
80. *In relation to both the Birklands and Bilhaugh SAC and the ‘prospective’ Sherwood SPA, the assessment concludes that increased nitrogen deposition and noise generated by traffic associated with the proposed development would have no likely significant effect on these sites. Natural England’s views should be sought on these conclusions.*
81. *There is no objection to the proposed development, however, conditions are recommended relating to the following:*
- a) *A condition should be used to secure a botanical survey of the area of overburden in the north of the site has naturally regenerated into acid grassland habitat;*
 - b) *The use of temporary fencing to protect the habitat along the railway sidings during the operation of the Soil Management Area;*
 - c) *Ensure that works proceed in compliance with the submitted Method Statement including in relation to breeding birds;*
 - d) *The production of a Construction Environmental Management Plan (CEMP);*
 - e) *Ensure the production and implementation of an Ecological Management Plan;*
 - f) *The submission of a detailed restoration scheme, based on the submitted Preliminary Landscape Proposals Plan;*
 - g) *Control of works during the bird nesting season; and*
 - h) *Ensure the monitoring of protected species activity at the site and other related matters.*
82. **Natural England** – *The proposed restoration site does not fall within any statutory or locally designated sites. Given the distance and the proposed mitigation strategies to reduce dust, it is expected that there will be no significant*

impacts on these statutorily designated sites. It is not anticipated that the proposals will have any significant impact on these designated sites as a result of increased traffic.

83. *The production of a Hydrological Risk Assessment will help to identify if there are any potential hydrological implications to these protected sites.*
84. *The Environmental Statement states that the site falls within the 5km buffer zone around Sherwood potential Special Protection Area (pSPA). Natural England, therefore, recommend a 'risk based approach' is adopted to provide a degree of future proofing for decision taking until such a time that it is clear whether or not the statutory policies concerning pSPAs apply to an area of Sherwood Forest.*
85. *Natural England is generally satisfied with the scope of the surveys undertaken to inform the EIA. Attention is drawn to the possible presence of breeding birds particularly the sand martin nests present on site. Of note is the compensatory nesting opportunities for sand martins which is mentioned within the text of the ES but not shown within the restoration plan. If this mitigation is to be undertaken then it is recommended that it is included within the restoration plan to ensure its implementation.*
86. *The recommendation for the production of a Construction Environmental Management Plan (CEMP) is welcomed and details of the working practices relating to protected species and specifically to breeding birds in the area is expected.*
87. *Natural England supports the restoration proposals. The creation of acid grassland with heathland elements along with additional woodland and wetland through the Sustainable Urban Drainage (SUDs) and drainage system will help to enhance the local area and will also contribute towards Local Biodiversity Action Plan (BAP) aims. Natural England also welcomes the increased public access across the site for a variety of different users and the provision of picnic areas and viewing points which contribute to providing multifunctional green infrastructure. The provision of an Ecological Management Plan to provide for the long term management of the site to ensure maximum biodiversity gain should be secured through an appropriate planning condition.*
88. **Nottinghamshire Wildlife Trust** – *The applicant has submitted a method statement for nesting birds, on the whole this is satisfactory, however 10m is an insufficient stand-off distance for breeding Little Ringed Plover (a Schedule 1 bird species which is very sensitive to human disturbance). Therefore, it is recommended that the stand off distance is at least 20m.*
89. *The applicant has not provided an assessment of light or noise impacts on bird species recorded on site these species, but has recognised the need for the removal of TN2 (an existing soil stockpile) to be undertaken outside the breeding season and the rigorous implementation of the Nesting Bird Method Statement. These measures should reasonably mitigate for the likely impacts on these species.*

90. *The applicant has agreed to construct an alternative sand bank, and to ascertain whether the birds have moved, in advance of the removal of the existing sand bank. They have agreed to undertake improvement works to another suitable bank along the railway cutting. With these measures taken together NWT are satisfied that this concern has been met.*
91. *Given the relative freshness of the spoil, it is concurred that the habitat is not suitable for reptiles, and that there is not suitable habitat for amphibians or bats.*
92. *The potential presence of protected species nearby is noted, and it is agreed that the surveys should regularly be undertaken in case they become more active in the vicinity of the site and to carry out good site practices.*
93. *The applicant has qualitatively assessed the scheme against the extant restoration scheme and demonstrated that there would be an increase in some key BAP habitat.*
94. *With regard to nitrogen deposition, the projected increase for both the SAC and pSPA falls below the 1% change significance threshold. The applicant's conclusions are agreed with. Whilst the impacts of noise on birds (particularly breeding birds) needs to be considered differently to that of humans as sensitive receptors, a change of less than 1dB is unlikely to have a significant effect.*
95. *The latest revision to the proposed restoration scheme, which would result in substantial areas of acid grassland with a lowland heath component, is welcomed. However, it is recommended that there are a number of changes relating to seed mixes and woodland planting, in order to move matters forward, NWT would be prepared to agree on to this, subject to consultation on the details restoration and the EMP commitment from the application to the use of only appropriate native species, rather than commercial cultivars.*
96. **NCC (Noise Engineer)** – *The ES has been reviewed and it is confirmed that noise as a topic for detailed assessment has been scoped out of the submitted ES.*
97. *It is viewed that noise from this proposal can be controlled to acceptable levels by suitably worded planning conditions, so as to be comparable to the levels of noise generated by the former working colliery. A number of conditions are recommended relating to the following:*
- a) *Hours of working being restricted to 07:00 to 19:00 Monday to Saturday, with no working on Sundays, Public or Bank Holidays.*
 - b) *Activity outside these hours is restricted to the operation of the railway and unloading.*
 - c) *The Soil Management Area has a 2.5m high earth bund.*
 - d) *The number of two way vehicle movements is limited to 150 Monday to Friday and 75 on Saturdays.*

- e) *If a conveyor system is used to transport material from the SMA it shall be fully enclosed.*
 - f) *If operations associated with the development are to take place within 100m of Metz Lodge a noise assessment will be required.*
 - g) *A standard condition relating to noise complaints.*
98. **NCC (Landscape)** – *There is some concern that the visual envelope, with a radius of 2.5 kilometres, is limiting especially in the north-west sector, although it is generally accepted that the site is well screened from the immediate locality.*
99. *The landscape and visual impact appraisal is thorough and has been carried out according to current and accepted methodology. The conclusions are generally concurred with. The documents refer to the Nottinghamshire Landscape Character guidelines and address relevant issues. There are no objections to the proposals.*
100. **NCC (Reclamation)** – *The issues of contamination and water quality are discussed within the ES and it is noted that further investigative studies are proposed. The underlying geology is classified as a principal aquifer and within the total catchment of a Groundwater Source Protection Zone.*
101. *From the aspect of contaminated land management there would appear to be no significant impact either to human health or the wider environment from the site proposals, provided the appropriate assessments are undertaken and mitigation measures employed. As such, there is no objection to the proposed development provided that the following is submitted for approval to the WPA:*
- a) *A robust Materials Management Plan, to ensure the control of the quality of the imported materials (i.e. that the imported materials are inert rather than non-hazardous or hazardous);*
 - b) *An assessment of the risks posed by any potential contamination on the end-users of the site and the local environment;*
 - c) *An assessment of the risks posed by any contamination of the waste environment, with particular reference to drainage from the materials deposited not compromising surface water quality and/or groundwater quality and flow.*
102. *Welbeck Colliery Tip is currently classified as a Disused Tip due to the abandonment of the mine shafts. Disused Tips must comply with Part 2 of the Mines and Quarries (Tips) Act 1969. It is a requirement under Part 2 of the Act that the Local Authority (NCC in this instance) ensures that tips do not, by reason of instability, constitute a danger to members of the public. Best practice for the construction of colliery tips is contained in the National Coal Board (NCB) Codes and Rules Tips 1971 and the NCB Technical Handbook on Spoil Heaps and Lagoons.*
103. *It is recommended that the developer takes notice of the above documents during the construction phase of adding engineering material to the northern*

flanks of the disused tip. Engineering calculations will be required to prove the structural adequacy and safety of the proposed design and these can be secured by condition.

104. **NCC (Highways)** – *The proposed importation of waste material by road will mean an average of 1 vehicle trip (i.e. an “in” or an “out”) every couple of minutes. Whilst this is a relatively high rate it must be considered against the previous trip generation from the site when it was an active colliery.*
105. *The NCC Highways Team accepts the conclusions drawn in the Transport Assessment that the traffic generated by the proposal will not have a significant additional effect on the road network. It is requested that conditions relating to the following are applied to any permission granted:*
 - a. *All HGV movements and construction workforce access must use the existing access/egress via the A616 when travelling to and from the site from all directions.*
 - b. *There shall be no more than 300 HGV movements (150 in, 150 out) at the site in any one working day.*
 - c. *No development shall commence until wheel washing facilities have been installed on site.*
106. *As a point of information, traffic on Netherfield Lane linking the A616 to the A614 can be exceptionally busy when there are events at Thoresby, but these are few and seasonal and an alternative route using the B6034 and the A57 to link the A1 could be used.*
107. **NCC (Archaeology)** – *Having considered the ES there does not appear to be any real archaeological issues. The proposal involves the importation of material rather than its removal so it would have no, or few, impacts on buried archaeology. The new raised levels seem unlikely to be so different from the previously approved scheme that there will be additional negative impacts on the setting of designated heritage assets in the surrounding area.*
108. **NCC (Built Heritage)** – *The ES makes reference to the nearby heritage assets, but fails to identify a number of designated assets which are within 1km of the site.*
109. *The proposals refer to a ‘new amenity area’, but the Built Heritage Team are unsure precisely what the nature of this will be. At present the land is hidden from view from Cuckney behind a bank of trees and it is not clear if the restoration would change that relationship. If it does become more visible from the north (looking south), and presents a less rural character than the present view, then the impact would be deemed to be a negative one on the setting of the Cuckney Conservation Area and listed buildings therein (as these are within the visual envelope of the proposals). However, if the ‘amenity area’ remains rural in character then the impact would be negligible.*
110. *According to the visual envelope illustration the setting of the key listed buildings and Church Warsop Conservation Area do not appear to be affected by the*

proposals when completed. There is no reason to disagree with this information and, as such, it is found that there would be no impact on the setting of Church Warsop of the listed buildings therein resulting from the change in appearance of the landscape brought about by the proposed restoration.

111. *During the process of restoration the character of Cuckney and Church Warsop Conservation Areas will be negatively affected by the lorry activity. However, this must be considered a temporary impact that would not be linked to any permanent negative impacts on the setting or character of these designated heritage assets so long as no additional highway development is required to manage any additional pressure on the existing infrastructure. Should the proposals lead to an NCC request for highway developments anywhere within the adjacent conservation areas this will require assessment for heritage impacts and should be brought forward for appropriate consideration prior to granting permission for the restoration.*
112. **English Heritage** – *The application should be determined in accordance with national and local policy guidance, and on the basis of NCC's specialist conservation advice.*
113. **NCC (Countryside Access)** – *There are a total of four pedestrian access points into the site. In order for as many people as possible to benefit from the site and the creation of new routes, these accesses should also be made accessible for cyclists and equestrians.*
114. *There is a strong desire for a link to be provided from the site to tie in with Cuckney Bridleway No 6. This would make it easier for people living nearby in Cuckney to make good use of the site and give benefit to a larger number of local people.*
115. *The proposed car park and associated vehicular access need to be properly segregated from the adjacent public footpath to ensure the safety of people using the footpath and / or accessing the site.*
116. *None of the recorded rights of way should be restricted or obstructed in any way and the widths currently available for people to use need to be maintained. Additionally, no new structures should be installed on any recorded right of way.*
117. **The Ramblers' Association** – *The approach set out in the document named "statement of response to regulation 22 request for further information" under Section 3 heading 'Access Routes and Cycle / Bridleways' is agreed with.*
118. *However, it is requested that the Ramblers' Association is involved in any future applications and consultations on how links with existing / planned external rights of way are incorporated, as this is a great opportunity to enhance the surrounding network. It is hoped that, as mooted in Paragraph 3.3 of the further information that conditions can be imposed to make sure all matters raised involving rights of way and car parking are resolved before any works start within a sensible time scale.*

119. **Health and Safety Executive** – *EIAs are concerned with projects which are likely to have significant effects on the environment. HSE’s principal concerns are the health and safety of people at work and those affected by work activities. HSE has no comments on this ES.*
120. **Network Rail** – *No comments on the proposal, provided the operations are carried out strictly in accordance with the application details submitted.*
121. *Neither Network Rail Freight Manager, nor any of the Freight Operating Companies have been approached regarding bringing the Welbeck Colliery Branch back into use. It is requested that the applicant liaises with the Senior Route Freight Manager to ensure that the transport proposals can be achieved.*
122. **The Coal Authority** – *The application site falls within the coalfield area as defined by The Coal Authority. Records indicate there are no recorded coal mining legacy issues that are likely to have an impact on the proposed development. However, due to the historical nature of coal mining operations across the UK there is still the potential for unrecorded mining activities to exist in some areas.*
123. *The Coal Authority would therefore recommend that the existing Standing Advice be included within any decision notice in the interests of public health and safety.*
124. **Ollerton & Boughton Town Council, Bilsthorpe Parish Council, Edwinstowe Parish Council, Perlethorpe-Cum-Budby P C, Severn Trent Water Limited, Western Power Distribution, National Grid (Gas), National Planning Casework Unit and the British Horse Society** have not responded. Any response received will be orally reported.

Publicity

125. The application has been publicised by means of site notices, press notices and neighbour notification letters sent to the nearest occupiers in accordance with the County Council’s adopted Statement of Community Involvement.
126. The County Council has received one e-mail of support for the proposed development, from Meden Vale the Future, a registered charity which co-ordinates social, sporting and regeneration activity within the village. The e-mail states that the application has been extensively discussed at committee meetings and more generally within the community and there is consensus that the scheme as presented is exactly what is required and represents improvements to the visual appearance of the area (particularly from the Cuckney aspect) and gives enhanced leisure facilities and opportunities.
127. No objections have been received by the County Council, other than those detailed above in the Consultation Section of the report.
128. Councillors John M Hemsall and John Allin have been notified of the application.

129. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

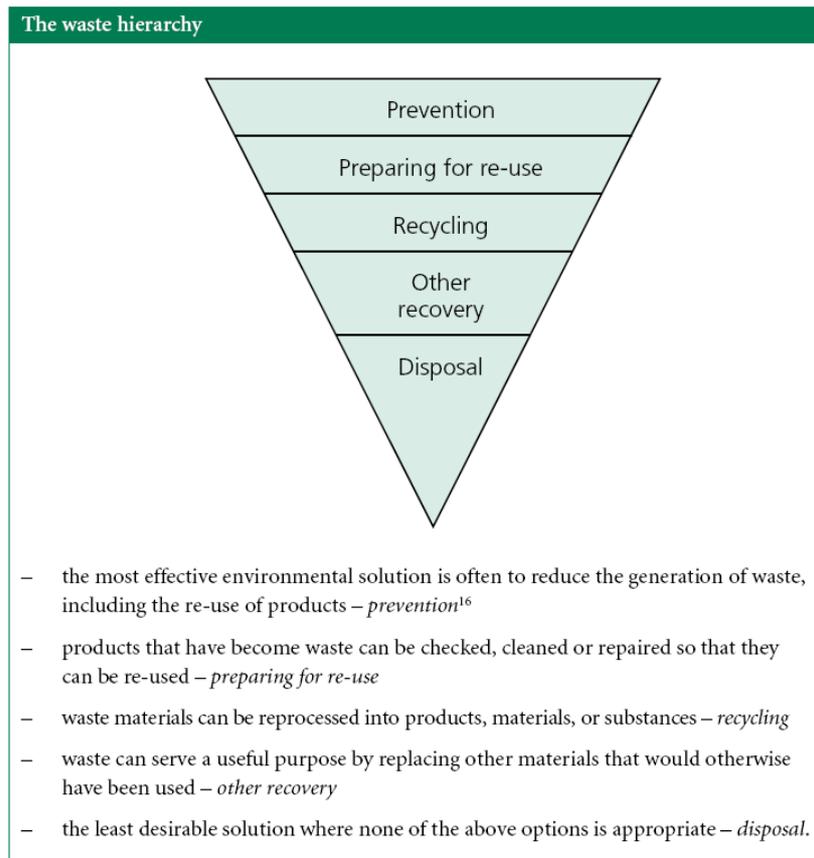
130. UK Coal and Tetron Point have submitted a joint application to import approximately 1.6 million cubic metres of waste and other material to re-contour the northern slopes of the Welbeck Colliery spoil tip and restore the site to an amenity after-use which would include grassland, woodland, ponds and wetland planting, footpaths, picnic areas and viewpoints.

Minerals and Waste Policy Position

National Policy

131. 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 143 encourages worked land to be reclaimed at the earliest opportunity, whilst taking account of the quality of the restoration and aftercare, particularly for agriculture, geodiversity, biodiversity, native woodland, the historic environment and recreation.
132. Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) sets out the Government's overall objective on waste, which is to protect human health and the environment by producing less waste and by using it as a resource where possible. PPS10 promotes the movement of waste up the waste hierarchy of prevention, preparing for reuse, recycling, other recovery and disposing only as a last resort (see Figure 1). Other national guidance promotes the waste hierarchy including the Waste Strategy for England 2007.
133. Paragraphs 22-39 of PPS10 provide advice to planning authorities in determining planning application. Paragraph 22 states that where proposals are consistent with an up to date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal.
134. Paragraph 24 relates to planning applications for sites that have not been identified, or are not located in an area identified, in a development plan as suitable for new or enhanced waste management facilities. It states that applications in such locations should be considered favourably when consistent with the policies in PPS10 and the waste planning authority's core strategy. Paragraph 25 states that in the case of waste disposal facilities, applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy.

Figure 1: Waste Hierarchy



Regional Policy

135. The East Midlands Regional Plan (EMRP), adopted in March 2009, continues to form part of the development plan, despite the Localism Act (November 2011), providing a mechanism to revoke regional plans. However, this mechanism has not yet been undertaken, therefore, for the time being at least, the EMRP remains a material consideration in the assessment of planning applications, although the weight attached to it is limited due to its anticipated revocation.
136. The EMRP sets out in Policy 38 the regional priorities for waste management and promotes waste being treated higher up the waste hierarchy. It also promotes, in the northern sub-area, that the broad pattern of facilities should combine a centralised strategy of larger facilities on previously used land (including former colliery land) with the expansion of existing facilities. High standards of restoration and, where appropriate, securing the aftercare of waste management facilities to contribute to the objectives of the regional spatial strategy, particularly those relating to biodiversity, recreation and amenity, are also encouraged.

Nottinghamshire and Nottingham Waste Local Plan (adopted January 2002)

137. Within the Nottinghamshire and Nottingham Waste Local Plan (WLP) there are two key policies that deal with the principle of the development. Policy W10.1 (Waste Disposal in Mineral Sites, other Voids and Incomplete Colliery Spoil Heaps) states that proposals for the reclamation of incomplete colliery spoil heaps through waste disposal will be permitted provided they:

- a) achieve environmental benefits; and
 - b) meet a recognised need for additional disposal capacity; and
 - c) do not have an unacceptable environmental impact.
138. The second key policy is Policy W4.2 (Availability and Timescales) which states that proposals for waste disposal will only be permitted where satisfactory evidence has been provided to show that sufficient waste material is likely to be available to achieve reclamation of the site within an acceptable timescale.

Nottinghamshire and Nottingham Waste Core Strategy – Proposed Submission Document

139. The Nottinghamshire and Nottingham Waste Core Strategy (WCS) will be a strategic document forming part of the development plan, containing policies against which planning decisions will be made. At present a WCS proposed submission document has been issued, which is not an adopted document, although its contents, having been subject to public consultation, are a material consideration when it comes to determining planning applications.
140. Policy WCS6 (General Site Criteria) states that disposal activities will be supported, subject to there being no unacceptable environmental impacts, on derelict land/other previously developed land, which is described as land that is no longer needed or has been abandoned which could include former colliery land in need of restoration.
141. Policy WCS4 (Disposal Sites for Non-Hazardous and Inert Waste) states that where it is shown that additional landfill capacity is necessary, priority will be given to sites within the main shortfall areas around Nottingham and Mansfield/Ashfield. Development outside this area will be supported where it can be demonstrated that there is no reasonable, closer alternative. Preference will be given to the development of sites in the following order:
- a) The extension of existing sites;
 - b) The restoration and/or reworking 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 suitable alternatives.
142. The applicant has indicated that Pulverised Fuel Ash (PFA) would be included in the material to be imported. The WCS highlights that historically the amount of PFA produced far exceeded demand and large quantities were pumped into sand and gravel workings that were then reclaimed to agriculture. However, the decline in coal-fired power generation has led to a significant fall in the amount of PFA that is produced.
143. At present no ash is pumped into sand and gravel workings and within Nottinghamshire disposal is limited to on-site land raising at Cottam Power

Station and at West Burton Power Station PFA is mostly stockpiled and sold as needed. PFA from Radcliffe-on-Soar Power Station can be stockpiled but sales tend to be higher because of its more central location and good road access. The WCS states that overall there is just over 4 million tonnes of capacity remaining at existing PFA disposal sites, but future PFA disposal requirements are difficult to assess because this depends on power generation rates and ash sales.

144. The WCS states that the most sustainable way of managing PFA is to promote recycling by creating temporary stockpiles to be sold in the future when it is needed. However, where the prospect of selling the ash is unlikely then using it to reclaim sand and gravel workings is considered to be the next best option. If disposal within sand and gravel workings or other derelict voids is not possible then disposal near the power station is considered to be the only other reasonable option. In light of the above Policy WCS5 (Power Station Ash) is of note which indicates that for ash that cannot be recycled in the foreseeable future, priorities will be given to proposals that use it to fill and reclaim mineral workings or other derelict voids.

Nottinghamshire Minerals Local Plan

145. The Nottinghamshire Minerals Local Plan (MLP) is part of the statutory development plan, and contains policies against which planning decisions will be made including policies that relate specifically to the reclamation of former mineral sites.
146. Policy M4.5 (Reclamation with Fill – Long Term Schemes) of the MLP states that mineral extraction proposals which rely on the long term importation of waste for reclamation must include satisfactory evidence that the waste will be available in the categories and quantities assumed, and that it is not practical to re-use or recycle the waste. Policy M4.6 relates to reclamation proposals which are reliant on a small quantity of inert waste, however, it is considered that whilst the scheme at 3-5 years is not particularly long term the import of 1.6 million m³ of material is certainly not a small quantity of material and, therefore, Policy M4.5 is more appropriate.
147. Policy M4.8 supports alternative reclamation proposals which would result in the satisfactory reclamation and after use of mineral workings where:
- a) the current use and/or appearance is unsatisfactory;
 - b) the existing provisions for reclamation are unsatisfactory, inappropriate or absent;
 - c) the proposals result in an improved environmental and/or amenity after use.
148. Whilst the proposed development is not for colliery spoil disposal, regard should be had to Policy M12.3 (Colliery Spoil Disposal) of the MLP as it recommends conditions to ensure that colliery spoil tip schemes are designed so that:
- a) priority is given to the early construction and reclamation of the external, visible faces;

- b) tipping profiles avoid 'engineered' or other alien landforms;
- c) opportunities are taken to improve the appearance of existing adjacent tipping schemes;
- d) reclamation is phased to minimise visual impact and problems of surface runoff;
- e) opportunities are taken to reclaim sites to suitable local Biodiversity Action Plan priority habitats.

Policy Considerations

149. The applicant has expressed the view that the proposed scheme does not constitute waste disposal and therefore WLP Policies W10.1 and W4.2 do not apply. They have stated that as part of the Environmental Permit (EP) application a Waste Recovery Plan will be submitted to demonstrate that the proposed development is waste recovery rather than disposal. The Environment Agency have responded on this issue and state that the supporting Waste Recovery Plan would be used in assessing this EP application with no guarantee that it would be accepted and issued.
150. At this point in time the applicant does not have a Waste Recovery Permit and whilst they have declared their intention to apply for one there is no guarantee that the Environment Agency will agree that the development is recovery rather than disposal.
151. The applicant suggests that WLP Policies W10.1 and W4.2 are not applicable to the proposed development because they refer to disposal rather than a recovery scheme. Irrespective of whether the proposed scheme is considered 'recovery' or 'disposal' from an Environmental Permitting perspective, Policy W10.1 relates to the use of waste for the reclamation of incomplete colliery spoil heaps and the potential that it is classed as recovery rather than disposal is at best a secondary issue, and possibly not an issue at all, as it does not alter the thrust of the policy. This view is deemed to apply to Policy W4.2 as well, the intention of which is to ensure that there is sufficient material for reclamation of a site. In light of this, the development will be assessed against these policies. The NCC Policy Team support the view that the application is classed as waste disposal and recommends that it is assessed as such.
152. The proposed development would result in the reclamation of a colliery spoil tip. From a national perspective, the NPPF recommends that worked land is reclaimed at the earliest possible opportunity. The applicant states that the scheme would require the importation of 1.6 million cubic metres of material and take 3-5 years. It is possible that the site can be restored now, using existing on-site materials, as set out in alternative restoration proposals section of the ES. In light of this, the proposal is not considered to be reclaiming the site at the 'earliest possible opportunity' in line with the NPPF. However, the NPPF also notes that it is important to take into account that a high quality restoration and aftercare takes place, including for agriculture, geodiversity, biodiversity, native woodland, the historic environment and recreation. Bearing this in mind, the

applicant has demonstrated that from a landscape and ecological perspective the scheme as proposed is preferable over alternative options that may bring about an earlier restoration. Therefore, the development is not considered contrary to this aspect of the NPPF.

153. WLP Policy W10.1 is the most directly applicable policy to the principle of the proposed development as it applies to the use of waste to reclaim incomplete spoil heaps. Within the policy criteria a) and c) are relevant from a reclamation perspective and require schemes to achieve environmental benefits without having an unacceptable environmental impact.
154. In terms of criteria a) of this policy, restoration of a site from one which comprises hectares of exposed spoil, to one which includes amenity, grassland, woodland and nature conservation areas clearly has an environmental benefit over the existing site. However, it has been suggested, by Nottinghamshire Wildlife Trust, that the appropriate benchmark against which to assess environmental benefits is the approved restoration scheme under the extant planning permission for the spoil tip. It is important to note that, due to early closure of the colliery the approved restoration scheme cannot be implemented (which is part of the reason for this application). However, the applicant has provided a brief comparison stating that the original restoration scheme for the site was to restore the land back to woodland and agriculture, similar to that of the already restored southern section of the colliery tip. If the proposed restoration of the northern slopes is granted permission it would include a series of water-bodies and swales, native woodland planting and extensive areas of lowland dry acid grassland (a Biodiversity Action Plan - BAP Habitat) providing a range of new habitats and an overall improvement compared to the original permitted restoration scheme.
155. With reference to criteria b) of Policy W10.1, the development has been assessed against a wide range of environmental issues including landscape and visual impact, ecology, contamination, heritage impact and transportation and, subject to conditions, is not considered to have any unacceptable environmental impacts.
156. The current use and appearance of the application site is clearly unsatisfactory and in need of restoration. The existing provisions for reclamation are unachievable as insufficient spoil was deposited to meet the approved restoration profiles. This scheme represents an improvement compared to the existing site and, from a landscape perspective, to the existing approved reclamation scheme. The development is therefore considered to be entirely in accordance with Policy M4.8.
157. Policy M12.3 relates to colliery spoil disposal and recommends conditions to ensure that tips are constructed in an appropriate manner. Whilst the proposed development is not spoil disposal, part b) encourages tip profiles to avoid 'engineered' or other alien landforms, which provides support for the proposed development. The policy also promotes the early construction and reclamation of external faces. However, as highlighted in the NPPF, early reclamation should also take into account the quality of restoration.

158. One of the key issues regarding the principle of the development is whether there is sufficient waste available to create the proposed profiles of the restored spoil tip. WLP Policy W4.2 and MLP Policy M4.5 require applicants to demonstrate that waste will be available in the categories and quantities assumed to achieve reclamation within an acceptable timescale. Policy M4.5 goes further, also requiring the applicant to demonstrate that it is not practical to reuse or recycle the waste.
159. Within the Further Information document submitted by the application there is a break down of the materials to be used in landscaping, subsoil, top-soil, drainage ditches, paths and picnic areas (see Table 1). The total material adds up to 1.61 million m³ of material (which is lower than the estimated 1.9 million m³ detailed in the site description). Notwithstanding the breakdown of materials and their proposed uses, However, the applicant states that at this stage it is unknown what proportion of the imported materials will be waste and this is dependant on the availability of different types of material at the time of the scheme being undertaken.
160. The applicant has also singled out PFA as a landscaping material typically compliant with Class 4 engineering specification and proposed to be imported to the site for use in restoration. However, whilst it would form a proportion of the landscape material, they cannot confirm exact quantities and the precise composition would be subject to the availability of other suitable material at the time.
161. The applicant has, however, provided a list of potential sources willing to contribute PFA to the site (Table 2 above). The applicant explains that PFA can be used in concrete, ceramic tiles and bricks, although the current market for these uses is not sufficient to utilise the current quantities of PFA being produced. This is because most of these uses are in the construction sector which is suffering due to the economic climate and the applicant expects the downturn to continue for at least another 24 months. The applicant states that large volumes of PFA are being stockpiled at each producer's site and at this time there are limited opportunities for recovery to occur. The applicant asserts that, for commercial reasons, producers will not declare the quantities of PFA at each site, although they all have reported a surplus.
162. The emerging WCS is more reserved on the need for additional PFA disposal, stating that there is just over 4 million tonnes of capacity remaining at existing PFA disposal sites and future requirements are difficult to assess because it depends on power generation. Notwithstanding this, Policy WCS5 does state that for ash that cannot be recycled in the foreseeable future, priority will be given to proposals that use the ash to fill and reclaim mineral workings or other derelict voids. The NCC Policy Team concur that Policy WCS5 provides support for the proposed development.
163. The applicant states that in addition to PFA, local sources of suitable material would be available on an 'ad hoc' basis, with local sources considered preferable due to closer proximity and lower cost of transportation. Table 6 of the emerging WCS does state that there is a need for additional inert disposal capacity of 3.2 million m³ to 2025, which on a purely quantitative basis provides additional

support for the scheme (although it is noted that there are other criteria for disposal sites for inert waste – including location).

164. In light of the above, the key question is whether sufficient information has been provided to demonstrate that there is sufficient waste to complete the scheme in the timescales proposed (i.e. 3-5 years), to assess whether the scheme is in accordance with Policies W4.2 and M4.5. The applicant has chosen to dismiss these policies as irrelevant as they consider that these policies only apply to disposal schemes. However, one of the key functions of these policies is to ensure that sites are restored in a timely fashion and not left partially completed. The function of these policies remains whether the material imported is classed as disposal or recovery.
165. Notwithstanding the above, the applicant has gone some way to demonstrating that there will be material for the scheme though the identification of potential PFA sites that have indicated a willingness to contribute material. Furthermore, whilst the applicant has not fully demonstrated this, there is an identified need for additional inert disposal within Nottinghamshire. The applicant has argued the difficulty in providing further information about sources of material due to it taking material as and when it becomes available, or on an 'ad hoc' basis and because contracts cannot be secured without planning permission. On the balance of probabilities, it is considered that there will be sufficient material available to complete the scheme within the proposed timescales. The NCC Policy Team agree that there has been sufficient consideration of the nature and source of the waste to be used in the development to ensure its viability and suitability.
166. Notwithstanding the view as to availability of material, it will be necessary to place conditions on any approval to ensure that it will be complete within the proposed timescales. Such conditions should include a limit to the life of the permission and the submission of a phasing scheme, with an alternative restoration being triggered if it appears that there is insufficient material and the scheme cannot meet its completion date. This would be in line with Policy W4.1 of the WLP.
167. PPS10 seeks to move the management of waste up the waste hierarchy, with the disposal of waste as the least desirable solution (see Figure 1). As such, the proposed development is considered to be at the bottom of the waste hierarchy. Notwithstanding this, the proposed development does meet a recognised need for additional disposal capacity for both inert waste and PFA, which means the proposed development also meets criteria b) of Policy W10.1 of the WLP. Furthermore, the NCC Policy Team state that the waste hierarchy principle has been incorporated into local planning policy and, as such, accordance with the local policy context also demonstrates accordance with the national policy context and the waste hierarchy.
168. Whilst limited weight is afforded to the Regional Plan it is of note that from a location perspective there is support in Policy 38 which considers that the broad pattern of facilities should combine a centralised strategy of larger facilities on previously used land including former colliery land. In addition, there is generally support for disposal of waste at incomplete colliery spoil tip locations in the WLP and in Policy WCS6 of the emerging WCS. However, there is more specific

guidance in terms of location for disposal sites for non-hazardous and inert waste in Policy WCS4.

169. For non-hazardous and inert waste disposal sites, where it is demonstrated that additional landfill capacity is necessary, Policy WCS4 prioritises sites that are located within the main shortfall areas around Nottingham and Mansfield/Ashfield. Development outside of the shortfall area will be supported where there is no reasonable, closer alternative and preference is given to extensions of existing sites, then restoration and/or reworking of colliery tips and finally disposal on Greenfield sites where there are no other more sustainable locations.
170. The site is not located within the main shortfall area (see Plan 8) and the applicant has chosen not to demonstrate that there are no reasonable, closer alternatives in line with Policy WCS4. Part of the reason the applicant has not assessed the application against this policy is because their view is that the scheme does not comprise waste disposal and therefore this policy is not relevant. As discussed above, the Authority does not share this view and considers Policy WCS4 of the emerging core strategy a material consideration in the determination of the application.
171. Whilst the applicant has not demonstrated that there are no reasonable, closer alternatives there are a number of location factors that weigh in favour of the proposed site. Firstly, of sites located outside the shortfall area it is unlikely that there are any sites materially closer to the shortfall area, as the proposed development is sited on the edge of the boundary to the north-east of Mansfield (see Plan 8).
172. Secondly, one of the key reasons the WCS outlines a preference for certain locations is to help ensure that waste disposal sites are as close to the main sources of waste as is reasonably possible to reduce long distance transport of waste which is viewed as less sustainable. However, the proposed development would not result in a permanent/long term inert disposal solution operating through the 20 year life of the WCS, rather a scheme that achieves its restoration aims through waste disposal over a relatively short period of three to five years.
173. Finally, the site benefits from a rail link and the applicant has stated that the majority of material would be imported by rail. This is considered to be a more sustainable method of transporting waste than by road and goes some way to resolve the sustainability concerns associated with a site outside of the shortfall area.
174. It should be noted that there is a policy distinction between inert waste and PFA in the WCS, and whilst both would be used in the restoration of the spoil tip the proportions of each that would be used are unknown at this stage. As such, it is difficult to assess how much weight should be afforded to each policy. However, as discussed above, the scheme has been assessed as being in accordance with the thrust of both policies.

Other Applications

175. Attention should be drawn to two other planning applications which are currently in the process of being determined and could be viewed as having a bearing on the proposed development. One is an application to increase the spoil tip at Thorsby Colliery and the other is a variation of the PFA disposal site at Cottam Power Station.

Thoresby Colliery

176. Thorsby Colliery is an operational colliery owned by UK Coal Mining Ltd and is located to the north-east of Edwinstowe and west of Ollerton, within the Sherwood Forest area. Based on known reserves it is expected that the current seam will be worked until 2017/18 and remaining capacity within the approved spoil tip is not sufficient to meet the disposal needs. As a result, UK Coal has submitted an application to increase the height of the tip and extend it eastwards. The proposed scheme creates an additional 5.1 million cubic metres of spoil disposal capacity.
177. Given that UK Coal currently have applications six miles apart, one seeking additional colliery spoil disposal (Thoresby) and another seeking additional material to complete a spoil tip (Welbeck), there is an obvious question as to why UK Coal are not proposing to utilise spoil from Thoresby at Welbeck to complete the restoration. This has been addressed within the planning application supporting statement and the applicant has stated that it is not economically viable.
178. The application states that of all the remaining operating collieries, Thoresby is economically the poorest placed. This is because it is suffering operational difficulties caused by a split seam. If UK Coal were to transport colliery waste from Thoresby to Welbeck it would add significant extra costs to the operation of Thoresby and would undermine its financial viability as a working colliery. In addition, the transportation of colliery spoil from Thoresby to Welbeck would result in the loss of train paths to transport coal from Thoresby to end users, which it is claimed would cause an access issue for coal and further undermine Thoresby's financial viability.
179. In addition, UK Coal state that using suitable third party discarded or recovered materials, rather than imported primary aggregate or imported colliery waste has significant economic benefits, assisting UK Coal to complete the restoration with greater ecological, amenity and landscape value, however, if colliery spoil from Thoresby is used this would divert UK Coal funding away from achieving the employment generating redevelopment of the pit head site at Welbeck.

Cottam Power Station Ash Disposal Site

180. EDF Energy Ltd operates Cottam ash disposal site, which lies on the west bank of the River Trent adjacent to Cottam Power Station, east of Retford in Nottinghamshire. The site is used for the permanent disposal of surplus PFA that cannot immediately be processed for sale.
181. Nottinghamshire County Council is currently dealing with two planning applications that relate to the Cottam ash disposal site. One application is to

make a number of minor alterations to the extant planning permission including new working methodologies and alternative restoration proposals; and to extend the life of the site to 2016 (for the north lagoons) and 2023 (the south lagoons) in line with a recent potential extension in life of the power stations themselves. The second application is to increase the disposal capacity of the south lagoons from 1.4-1.8 million tonnes of PFA to 2.25 million tonnes.

182. The reason for additional disposal capacity is due to a number of factors including:
- a) Increased power generation has resulted in increased PFA generation;
 - b) The economic recession in the construction sector has reduced ash sales;
 - c) A recent revision to the final north lagoons landform, to preserve Great Crested Newt (GCN) habitat that the original design would have destroyed, has reduced the capacity for PFA disposal;
 - d) There is a potential for the life of the power station to be extended, as mentioned above.
183. Within the Non-Technical Summary of the ash disposal application EDF Energy state that they always seek to maximise sales of PFA for re-use in the construction industry. However, PFA production rates always exceed demand. Therefore, provision is always required for the disposal of surplus ash which cannot immediately be sold.
184. UK Coal state in their application that there are no contracts in place for restoration material and it should be reiterated that Cottam is only cited as one of a number of potential sources of PFA. However, attention should be drawn to the fact that Nottinghamshire County Council is dealing with an application for increased PFA disposal capacity and a separate application for restoration of a colliery spoil tip which could potentially be a recipient of significant quantities of PFA. This would be in line with Policy WCS5 of the emerging WCS which highlights a preference for PFA to be used as a colliery restoration material over final disposal.

Alternatives

185. The EIA Regulations require Environmental Statements to outline the main alternatives studied by the applicant and indicate the main reasons for the choice, taking into account environmental effects. The applicant has considered a number of different restoration approaches.
186. The first is a 'do nothing scenario' which assumes that no restoration takes place at the site which would leave an incongruous landform of little value to the community or the wider environment. It would also leave surface water unmanaged potentially resulting in flooding and pollution.
187. The next (option 1) is a 'do minimum alternative' which involves regrading the steepest slopes, but mostly leaving the spoil heap in its current form. Material would be generated by a cut of 2.5m from the top of the current restored profile

to use in the regrading and a thin layer of soil would be placed to support grass growth.

188. The third (option 2) would follow the formation set out in the extant permitted scheme and would not involve the importation of any material to the site. This option would eliminate the steep slopes and abrupt changes of level throughout the northern slopes by cutting and filling. To achieve sufficient material it would be necessary to cut into and remove a section of the already restored southern section of the spoil tip. The operation would result in a reduction of up to 20m from the permitted height to around 112m AOD.
189. The applicant states that option 1 would not reform the shape of the spoil tip which is considered out of keeping with the character of the surroundings and therefore inappropriate. The applicant deems it to be more harmful to views from the north than the current permitted scheme and the proposed formation.
190. Option 2 is considered to give a more appropriate profile in the context of the landscape, although the plateau's shape to the ridge would not be typical of the hills in the area and may appear more engineered. The scheme would also require the excavation of a section of the already restored southern side of the spoil tip.
191. The applicant's assessment has concluded that both the proposed restoration and option 2 would be acceptable, although the proposed scheme is slightly more preferable as the brow of the hill would be less plateau-like and it would not result in the destruction of already restored areas of the southern spoil tip slopes.
192. In addition to the alternative methods for restoration the applicant has explored alternative materials (i.e. the importation of spoil from Thoresby) as referred to in the section above relating to other applications.

Traffic and Transport

193. The applicant states that the proposed development would require the importation of approximately 1.6 M m³ of material. However, it is noted that in the further information provided a break down of waste and material types that importation would amount to 1.61m³ of material. The intention is for the construction works to take place over a period of 3-5 years.
194. The ES states that material imported would primarily be undertaken using the existing railway, which is in line with Policy M3.15 of the MLP and Chapter 4 (Promoting Sustainable Transport) of the NPPF. Notwithstanding this, there would still be a requirement for material to be imported by road and there would be a maximum of 150 HGVs visiting the site per day. Historically HGV movements and employee car movements associated with the colliery site were significant and potentially reached 750-850 two way movements.
195. The import of material by road would be via the A616. The A616 and Elkesley Road would be used for site operations, but all HGVs would be routed via the A616. It is proposed that a routeing scheme would be used to minimise traffic

impact on the local communities of Meden Vale and Cuckney. HGVs travelling to and from the site would be routed along the B6034, A614 or A616 (see Plan 7). The proportions of HGVs along each of the routes are shown in Table 3 below.

Table 3: Two-Way HGV Movements by Route

Route / Origin of Fill Material	No. of Vehicle Movements (Two-Way)		
	Per Hour	Per Saturday	Per Weekday
B6034 Ollerton Road	14	70	142
A616	13	65	130
A614	3	15	28
Total	30	150	300

196. The applicant has undertaken a transport assessment for the roads that HGVs delivering material to the site would use. The assessment considers existing traffic levels and those generated by the proposed development. Table 4 below provides a break-down of the existing and proposed traffic flows on the main roads around the colliery site and shows the anticipated increase.

Table 4: Percentage Increase in Two-Way Traffic Flows on Local Highway Network

Location	Average Weekday 24-hour					
	Existing Two-Way Flows		Future Two-Way Flows 'with proposal'		% Change	
	All Vehicles	HGV %	All Vehicles	HGV %	All Vehicles	HGV
A616 (west of access)	3,964	4.0%	4,264	10.8%	+7.6%	+6.8%
B6034 Ollerton Road	5,501	8.5%	5,643	10.8%	+2.6%	+2.3%
Netherfield Lane	2,632	8.9%	2,660	9.8%	+1.1%	+0.9%
A616 (South)	6,573	11.2%	6,703	12.9%	+2.0%	+1.7%
A614 (North)	10,690	19.5%	10,718	19.7%	+0.3%	+0.2%

197. The applicant highlights that the Institute of Environmental Management and Assessment (IEMA) guidelines for the Environmental Assessment of Road Traffic sets out that 'highway links should be assessed when traffic flows have increased by more than 30% or other sensitive areas are affected by traffic increases of at least 10%. The transport assessment demonstrates that traffic associated with the proposed development would result in less than 10% increase in vehicle flows at all locations.
198. Personal injury accident data has been obtained for the area covering the proposed routing strategy in the vicinity of the site, including the A616 Worksop Road and the B6034 Ollerton Road. The data covers the three year period from 1 January 2008 to 31 January 2011. A review of the injury accident data demonstrates a total of 18 accidents were recorded; with seven classified as serious and the remaining 11 classed as slight. There have been no fatal accidents recorded in this three year period and only one accident has been recorded on the site access on the A616. The Environmental Statement states that the number, cause and location of the accidents do not suggest a particular highway safety problem on the local or strategic highway network.
199. To reduce the dust impacts, and prevent mud and deleterious material entering the highway the applicant has detailed vehicle management methods including covering of fill material coming into the site, provision of wheel wash facilities and the inspection of the local highway network and cleaning as necessary.

200. Rufford Parish Council has objected to the proposed development due to the adverse environmental effect of the proposed method of transport. Concern is raised about the increase in noise and dust levels associated with the traffic; a significant impact on road accidents and safety on the A614; the ability of the Ollerton A614 roundabout to cope with the increase in traffic volumes; and the detrimental effect on the local tourism business.
201. It is considered that the proposed development would not have a significant effect on the surrounding road network, accident data does not suggest a particular highway safety problem in the surrounding area and suitable measures can be put in place to prevent dust and mud becoming an issue on the highway. The issue of noise and tourism are dealt with in a separate section of this report. The NCC Highways Team is satisfied with the conclusions drawn in the transport assessment, that this proposal would not have a significant effect on the road network, subject to a number of conditions to ensure that vehicle movements and construction workforce enter/exit the site from the A616 access; there will be no more than 300 HGV movements per day (150 in and 150 out); and no development shall commence until wheel washing facilities have been installed on site.
202. In light of the above the proposed development is deemed to accord with Policy W3.14 of the WLP and M3.13 of the MLP which seeks to ensure that development does not have a detrimental impact on the surrounding highway network; and M16 of the Mansfield Local Plan which in addition seeks to ensure that safe vehicle access, egress and internal movement is provided.
203. Conditions will be imposed on the permission to ensure that vehicles approach and exit the site using suitable routes to minimise disturbance, and to ensure highways safety, in line with Policies W3.11 (Mud) and W3.15 (Vehicular Routing) of the WLP and Policies M3.14 (Vehicular Routing) and M3.12 (Highways Safety and Protection) of the MLP.

Ecology

204. There are no statutory ecological designations within, covering or immediately surrounding the site. The nearest statutory designated site is The Bottoms Local Nature Reserve, located approximately 750m south of the site with the nearest non-statutory site Elkesley Hill (a Local Wildlife Site) lying immediately adjacent to the south of the eastern section of the site.
205. NCC Nature Conservation and Natural England are satisfied that it is unlikely that there would be any significant impacts upon any statutory designated sites. In addition, NCC Nature Conservation state that no locally designated sites will be directly affected.
206. Natural England have highlighted that the submission of a Hydrological Risk Assessment would help in identifying if there are any potential hydrological implications to statutory protected sites. However, they are satisfied that the submission and approval of this is the subject of a condition.

207. The desk top survey highlights the indicative core areas (ICA) for breeding nightjar and woodlark and the Sherwood Forest Important Bird Areas (IBA), which are areas of interest highlighted by Natural England and the RSPB respectively, due to their importance for breeding nightjar and woodlark population. The boundaries for these areas are approximately 1.5km away, and the site itself lies within the 5km buffer zone for the IBA.
208. The applicant has undertaken an assessment of the Likely Significant Effects of nitrogen deposition and noise on both the Birklands and Bilhaugh SAC and the Sherwood pSPA. The assessment has demonstrated that in terms of nitrogen deposition the projected increase would be below the 1% significance threshold for both sites. In relation to noise, the development would result in a change of less than 1dB, which is deemed to be insignificant. Natural England, NCC Nature Conservation, NWT are satisfied by these findings.
209. In addition to the desk top study a Phase 1 habitat survey has been undertaken. Within the application site there are areas of semi-improved grassland, plantation woodland, hardstanding, ephemeral/short perennial vegetation, scattered and dense scrub, tall ruderal, individual trees and standing water. The value of these areas as habitat for wildlife is deemed to be limited. Overall, the walkover survey highlighted that the majority of the site is dominated by the disused spoil area. As spoil has been deposited relatively recently with some continued activity from site management operations it is almost devoid of vegetation. Therefore, there is no cover or habitat to support any species and is of overall low ecological value.
210. There were no records of protected species on the application site itself, but there were casual and roost records of bats within the wider study area. There were no records of Great Crested Newt (GCN) within the study area. There were records of water vole within the study area, although these were at the River Meden (750m south) and the River Poulter (1km north).
211. There are no buildings within the application area and none of the trees were considered to provide any roosting opportunities for bats.
212. There is little opportunity for reptiles due to the lack of suitable habitat on the site, although adjacent grassland to the south may provide some opportunities. The existing water body on site was considered to be unsuitable for amphibians due to its form, lack of established aquatic vegetation and isolated position.
213. Sand Martins were recorded in a sandy bank on the north side of the site close to the existing railway sidings. A number of other birds were recorded flying overhead during the survey including yellowhammer, skylark, wood pigeon, carrion crow, meadow pipit and kestrel. The yellowhammer and skylark are UK BAP species and National Red Listed Birds of Conservation Concern. The meadow pipit, sand martin and kestrel are National Amber Listed Birds of Conservation Concern. The applicant has provided a nesting bird method statement for carrying out clearance works on site.
214. NCC Nature Conservation and NWT are satisfied that the nesting bird method statement would reasonably mitigate the likely impacts on bird species (although

NWT recommend a 20m stand off should any nesting Little Ringed Plover be present, rather than the 10m stated in the method statement).

215. In relation to sand martins the applicant has proposed to provide an alternative nesting site at the railway cutting. This would be provided early on in the scheme, and prior to the existing sand bank being destroyed (at an appropriate time of year). NCC Nature Conservation and NWT are satisfied with this approach and it is recommended that a condition is attached to any permission to identify the exact location of the proposed alternative bank.
216. A Preliminary Landscape Proposals Plan has been provided by the applicant. This is considered acceptable in general by NCC Nature Conservation and NWT, however, it is recommended that a detailed restoration scheme is secured by condition. The detailed restoration scheme should include details relating to the UKBAP / LBAP habitats to be created; the location of a receptor site for substrate translocated from the acid grassland on one of the overburden mounds; details of pH nutrient status of restoration substrates; species mixes, establishment methods and maintenance regimes; enhancements to retained areas of habitat; the location of a replacement sand martin nesting bank(s); and the location of infrastructure (e.g. fencing) to facilitate future management.
217. In addition to the above, the ecological bodies have recommended conditions relating to the implementation of an Ecological Management Plan (to ensure the ongoing management of the site); the production of a Construction Environment Management Plan (CEMP); and monitoring of protected species activity to ensure that they are not impacted upon during the construction works. The Environment Agency have also recommended the submission of a scheme for detailed restoration, including long terms design objectives, management responsibilities and maintenance schedules, which should be covered within the proposed CEMP.
218. The applicant has undertaken a brief ecological comparison of the extant permitted restoration scheme against the proposed scheme. The applicant highlights that the original permitted scheme to restore the land back to woodland and agriculture, which is similar to that of the already restored southern half of colliery spoil tip. Whilst these areas would provide habitat for wildlife, the farmland would be permanent pasture and would used for grazing and/or silage/hayledge. It is viewed that as there are already these habitat types on the southern slopes, the nature conservation value of more of these types is limited. However, the proposed restoration scheme includes a new range of habitats including a series of waterbodies and swale as part of the drainage solution, native woodland and extensive areas of dry acid grassland (a UK BAP Habitat). The applicant states that as a range of new habitats would be created, the diversity of flora and fauna would be increased. In addition an Ecological Management Plan (EMP) would be prepared to ensure that ongoing management.
219. The applicant has provided a quantitative comparison of habitats to be created under each scheme which is summarised in the table below:

Table 5: Habitat comparison table

	Consented Scheme	Proposals
Ponds (m²)	0	21617
Ditches (m – linear)	0	291
Wetland (m²)	0	28030
Oak/birch woodland (m²)	137,489	99450
Trees (No.)	40	38
Hedgerow (m – linear)	1,304	0
Pasture/managed acid grassland (m²)	173,501	53188
Acid grassland (m²)	24,971	145109
Total (m²)	337,305	347723
Total area included in assessment	358,686	358689

220. NCC Nature Conservation and NWT are satisfied that the proposed development would result in an increase of habitat that would represent an ecological improvement over the approved restoration scheme, specifically of some key BAP habitats.
221. As the development will not have a significant impact upon any designated or non-designated sites of nature conservation, the development is considered in accordance with Policy W3.23 (Nature Conservation and Geological Sites) of the WLP; M3.19 (Sites of Special Scientific Interest) of the MLP; Policies NE12 (Sites of Special Scientific Interest) and NE13 (Sites of Local Nature Conservation Interest) of the MDLP; Policy DM9 (Green Infrastructure; Biodiversity and Geodiversity; Landscape; Open Space and Sports Facilities) of the Bassetlaw Core Strategy (BCS); Policy 26 (Protecting and Enhancing the Region's Natural and Cultural Heritage) of the EMRP; and Chapter 11 (Conserving and Enhancing the Natural Environment) of the NPPF.
222. Subject to conditions the development is not considered to harm any protected species and is, therefore, in accordance with Policy NE16 (Protected Species) of the MDLP.
223. As demonstrated above, the proposed development would result in an increase of habitat, including BAP Priority Habitat, over the existing site and the currently approved restoration scheme. The development is therefore in accordance with Policy W3.22 (Biodiversity) of the WLP; Policies M3.17 (Biodiversity) of the MLP; the relevant sections of Policy DM9 (Green Infrastructure; Biodiversity and Geodiversity; Landscape; Open Space and Sports Facilities) of the Bassetlaw Core Strategy (BCS); Policy 1 (Regional Core Objectives), Policy 7 (Regeneration of the Northern Sub-area), Policy 29 (Priorities for Enhancing the Region's Biodiversity) and Policy 26 (Protecting and Enhancing the Region's Natural and Cultural Heritage) of the EMRP; and Chapter 11 (Conserving and Enhancing the Natural Environment) of the NPPF.

Landscape and Visual Impact

224. The context of the site is one of a semi-rural and semi-urban character, on the edge of an urban area which extends south-westwards to the other side of Market Warsop. Views to the south are across the roofs of houses in Meden Vale and nearby settlements. In contrast views to the north are across woodland

and rich farmland, offering a distinctly rural feel. As a result of this, the un-restored northern half of the spoil heap, with its exposed dark spoil waste and barren, uneven, engineered surface finish, is incongruous in its rural context. The ES highlights that Nottinghamshire's landscape assessment notes that the spoil heaps and mineral railway of Welbeck Colliery are detracting features in the landscape.

225. The ES considers that the landscape effects during the construction phase of restoring the site are not considered to be significantly different from the baseline condition, as the site was until recently an active colliery spoil tip. Earth moving plant has been engaged in the process of tipping and ground modelling for many years and as a result soils and spoil material have been evident for long periods and the landform of the site has been constantly changing.
226. In terms of the Soil Management Area (SMA), this would only be operational during the restoration phase and the area is surrounded by trees, screening it on its northern, western and southern sides. The ES also states that Elkesley Hill provides a visual and psychological barrier between the SMA and nearby properties in Meden Vale to the south and screens the colliery in views from the wider countryside to the east and south.
227. With regard to the visual effects during the construction phase the ES has assessed these as being neutral, and therefore insignificant, for similar reasons to those above. However, during the construction period vehicles transporting materials from the SMA to the spoil heap may be visible to some properties at the northern end of Elkesley Road, although colliery vehicles and material haulage trucks have been active within the area for many years. The presence of these vehicles would not therefore be seen as an adverse effect compared to the baseline condition.
228. The applicant has assessed the potential landscape character and visual amenity impacts of the proposal as entirely appropriate and states that the proposed re-profiling of the spoil heap would naturalise the appearance of the landform, whilst the planting would mature over time to blend appropriately with the landscape, so that the spoil heap would no longer be perceived as a tip, but rather as a natural hill linked to the existing ridge of wooded high ground north of Church Warsop and Meden Vale.
229. The Landscape Character and Visual Impact Assessment also states that the proposals would bring benefit to the character of the landscape, to the countryside's visual amenity and to the outlook from some public places and private homes. Views from sensitive receptors towards the site would be improved as the spoil heap is re-shaped to gentle, smooth-flowing contours and the land surface is grassed and planted with indigenous woodland trees.
230. The applicant also highlights the benefits in the form of habitats created and managed for conservation, and of public access into a site that is presently closed to the public. Associated with the permissive access would be footpaths, bridleways and cyclepaths, viewing platform and picnic areas.

231. Whilst the NCC Landscape Team consider the 2.5km radius of the visual envelope is limiting, they do concur with the conclusions of the Landscape Character and Visual Impact Appraisal and do not object to the proposals.
232. The development is outside the defined urban boundary and is, therefore, to be assessed against the relevant countryside policies. The proposed development does restore a bare spoil tip to a site for public amenity use with nature conservation and woodland area. This is in accordance with Policy NE1 (Development Outside the Defined Urban Boundary) of the MDLP; Policy DM3 (General Development in the Countryside) of the BCS; and Policy 30 (Regional Priorities for Managing and Increasing Woodland Cover) of the EMRP.
233. In light of the above the proposed development is in accordance with MLP Policy M3.3 (Visual Intrusion) which seeks to ensure planning permission visual impact from minerals development is acceptable. The development has also sought to implement screening measures where necessary and is considered to be in accordance with Policy M3.4 (Screening) of the MLP and Policies W3.3 (Visual Impact of Plant, Building and Stockpiles) and W3.4 (Visual Impact – Screening and Landscape Measures) of the WLP. The applicant has also demonstrated that the surrounding landscape character and local distinctiveness has been taken into account in the development proposals in line with Policy M3.22 (Landscape Character) of the MLP.
234. The development also accords with Policy BE1 of the Mansfield District Local Plan as the scheme seeks to integrate existing landscape and nature conservation features and the landscape character and visual impact appraisal has demonstrated that the proposed landscaping is consistent with the surrounding area.
235. Policy DM4 of the Bassetlaw Core Strategy (BCS) relates to design and character in planning applications and encourages development to make clear and functional links with existing settlements and surrounding areas, complement the natural environment and improve open spaces. Policy DM9 of the BCS expects proposals in and adjoining the countryside to be sensitive to their surroundings and enhance the distinctive qualities of the landscape policy zone that the development is located within. Policy 2 (Promoting Better Design) of the EMRP promotes design which benefits the quality of life of local people and encourages the enhancement of biodiversity and landscape quality. The development is in accordance with these policies.

Geology, Hydrogeology and Contamination

236. The application states that based on the shaft records, the geological sequence is Sherwood Sandstone (to 86m Below Ground Level - BGL); over Marl and Magnesian Limestone (to 145m BGL); over Carboniferous Coal Measures (to >630m BGL).
237. The site does not contain any features of international or national geological importance.

238. In terms of surface water and drainage the nearest main river to the site is the River Meden, located approximately 750m south of the site. The nearest watercourse sampled by the Environment Agency is a section of the Sookholme Brook located approximately 2km south-west of the site. There are no watercourses which cross the site. There are two settlement ponds and several ditches within the site, connecting to wider colliery drainage network. There have previously been lagoons operated to treat coal processing sludge, although the residual silts have been stabilised and infilled.
239. The geology beneath the site is classified as a Principle Aquifer (formerly known as a major aquifer). Principle aquifers may support water supply and/or river basin flow on a strategic scale. The geology beneath the site assumed to have high leaching potential and, therefore, the groundwater is of high vulnerability. The site lies within the Environment Agency's total catchment Groundwater Source Protection Zone.
240. The Environmental Statement highlights that weathering and leaching of soluble materials from colliery spoil (particularly chlorides, sulphates and metals) are known to have resulted in contamination of aquifers in coal mining areas. Metal rich waste materials from mining are also recognised as a potential source of contamination of soils and sediments. Mine water also has the potential to contribute to ochre deposition and acidification of nearby watercourses. The ES states that the potential for the spoil heap to have contaminated the underlying groundwater is currently unknown and if contaminants are, or have been, present in a leachable form, there is a residual risk that the spoil heap may have given, or is currently giving, rise to groundwater pollution. However, given the age of the spoil heap, if any contamination is present, it is likely to be extensively weathered and degraded, and any ongoing pollution to groundwater is unlikely.
241. There were numerous buildings associated with the colliery and a wide range of chemicals were stored on the site. It is considered that spillages possibly occurred from the stores at the colliery which may have given rise to contamination. The range of previous land uses and key potential contaminants are outlined in Table 6 below.

Table 6: Potential Contamination Sources

Land Uses	Key Potential Contaminants
Coal mining (including spoil heap)	– Metals and metalloids

	<ul style="list-style-type: none"> - Arsenic – naturally present in coal - Chlorides, sulphates and other mineral compounds - Hydrocarbons, Polycyclic Aromatic Hydrocarbons (PAH) and asbestos – inappropriate disposal of industrial waste and boiler ashes
Oil and fuel storage; plant use associated with mining works	<ul style="list-style-type: none"> - Hydrocarbons – spills and leaks from fuel tanks and/or refuelling, and plant lubricants.
Made ground	<ul style="list-style-type: none"> - PAH – typically from ashes within the made ground and burning. - Metals and metalloids – typical contaminants associated with made ground. - General construction waste – due to inappropriate disposal. - Hydrocarbons – from oil and fuel due to spills and leaks.
Railway sidings	<ul style="list-style-type: none"> - Hydrocarbons (fuels) – leakage and/or spillage from vehicles/machinery. - Hydrocarbons (mineral oil, greases and preservatives) – Spillage and leakage of track maintenance products. - PAH – residues from burning of fossil fuels. - Solvents – cleaners, degreasers and adhesives.
Landfill (industrial waste, special waste and liquid sludge)	<ul style="list-style-type: none"> - Hydrocarbons - Metals and metalloids - Asbestos - PAH
Electrical sub-station	<ul style="list-style-type: none"> - Hydrocarbons including Polychlorinated Biphenyls (PCB) – leakage

242. The applicant has undertaken a ground investigation of the site which included 19 soil samples taken from trial pits to the north of the spoil heap, around the rail track and in the proposed SMA. The results show no exceedences of commercial and industrial soil guidance values. No existing residual contamination hotspots have been identified and therefore the applicant does not propose any remediation prior to works commencing. In addition, the investigation did not reveal any contamination at depth or any signs of leaching.
243. The investigation did not include any analysis of the spoil heap. The applicant acknowledges that the spoil heap has the potential to contain residual contamination and it is proposed that an investigation of the spoil heap will be undertaken as part of a Phase 2 Environment Risk Assessment (ERA) to assess the composition of the spoil heap and identify any residual contaminants and if necessary remedial works. The applicant states that if any residual contaminants are found, the risk to groundwater from the proposed scheme would be no different to the baseline condition.

244. The applicant states that as part of the Phase 2 ERA a Hydrological Risk Assessment would be produced. This would establish current groundwater quality through detailed routine monitoring and will indicate whether the spoil heap composition, possible inappropriate waste disposal or the proximate historic landfill has had an effect on the groundwater conditions. The applicant asserts that the risk to controlled waters from any residual contamination within the spoil heap would be no worse than existing as a result of the proposed restoration, and therefore the impact on controlled waters would be neutral.
245. The baseline understanding of the groundwater conditions and the Hydrological Risk Assessment would be used to inform a Materials Management Plan (MMP), which would be used to outline the environmental standards for the material to be imported as part of the restoration. To ensure that there is no impact upon controlled waters during and after the scheme, a regular sampling regime would be implemented to ensure that the restoration has no adverse impact upon groundwater.
246. In terms of human health, the imported material is proposed to form a capping layer to the spoil heap to sever contact pathways from any users to residual contamination in the tip.
247. In terms of ecosystems, the MMP would set out the necessary standards for imported material, based on an investigation of existing groundwater conditions. The MMP would ensure that nearby aquatic ecosystems are not negatively affected by the restoration.
248. The NCC Landscape and Reclamation Team consider the scheme to be one which is likely to provide significant environmental betterment and can be supported in principle provided that site controls and methods of work are implemented in agreement with NCC and the Environment Agency. They do, however, recommend that the requirement for the submission and approval of the proposed Phase 2 Environmental Risk Assessment and the Materials Management Plan form conditions should planning permission be granted and recommend that these are agreed prior to and construction works commencing.
249. Based on an assessment of the existing spoil tip and surrounding land, and the proposed development, the importation of appropriate material is considered to be in accordance with Policy W3.5 of the WLP, M3.8 of the MLP; the relevant section of Policies NE17 and Policy DWM1 of the MDLP; and Policy 32 of the EMRP, all of which seek to ensure development would not have an unacceptable risk of pollution to groundwater. Policy W3.6 of the WLP recommends conditions, where planning permission is granted, to protect surface and groundwater resources. The requirement for a Phase 2 ERA and associated MMP will be in line with Policy W3.6.

Construction and Stability

250. NCC Landscape and Reclamation state in their consultation response that the Welbeck Colliery spoil tip is classed as a disused tip due to the abandonment of the mine shafts, and have highlighted that Disused Tips must comply with Part 2 of the Mines and Quarries (Tips) Act 1969. Part 2 of the Act requires Local

Authorities (in this instance NCC) to ensure that disused tips do not, by reason of instability, constitute a danger to members of the public.

251. In light of this, engineering calculations will be required to prove the structural adequacy of the proposed design. These should be in accordance with the NCB Codes and Rules Tips 1971 and the NCB Technical Handbook on Spoil Heaps and Lagoons, which contain best practice for the construction of colliery spoil tips. A condition would be attached to any planning permission granted requiring the submission, and approval, of engineering calculations prior to development commencing.

Surface Water and Flood Risk

252. The Environment Agency's flood map indicates that the site is not located within Flood Zone 2 or 3 and is not considered to be at risk of flooding from rivers or seas. The Environmental Statement also deems that there is no risk of flooding from existing water features on site (which are part of the existing drainage system on site and include outflow pipes and subsurface drains that discharge to the River Meden) or ground water (due to the depth of the groundwater and the topography of the site).
253. As highlighted in the ES, spoil heaps from disused mine workings are identified as potential sources of flooding within the Mansfield District Council Strategic Flood Risk Assessment (SRFA). The Mansfield SRF identifies the former spoil tip at Welbeck stating that a particular flood risk is associated with the coal tip at Meden Vale which has caused recurrent incidents of flooding from surface run-off. In light of this, the applicant has outlined the measures to mitigate potential risk and ensure that there is no net increase in flows from the site to adjacent catchments.
254. During the construction phase of the development the restoration of the spoil tip there would be bare slopes and the gradient would be increased, which would result in an increase run-off with high suspended solid loads. The applicant states that to mitigate this impact, attenuation ponds would be constructed in the east and west of the site. The connecting swale would be constructed maximising infiltration and would be used to intercept and attenuate run-off and will also act as a settling pond to reduce the suspended solid load, before connecting to the wider existing drainage network. During the restoration, completed areas would be vegetated as soon as practicable to maximise infiltration and minimise solid loads.
255. The applicant states that with these measures the impact of the construction phase of the development would be neutral.
256. With regard to the completed restoration of the spoil tip, the proposed development would include a drainage system designed to maximise infiltration and attenuation, to improve the existing situation and reduce off site flood risk. The drainage design has the capability to achieve anticipated Greenfield run-off rates and mitigates the risk of off-site flooding from surface water. The applicant states that the final drainage design would not contribute to the surface run-off from the southern restored section of the spoil heap.

257. The drainage scheme includes surface water features (swales and ponds) around the northern boundary of the planning application site (see Plan 3). The features connect to one another and overall would connect to the existing wider existing colliery drainage system. These features would not be lined, in order to maximise infiltration.
258. The applicant states that in the extant permission, no surface water attenuation features or wetland features are shown, although Condition 17 required surface water drainage design to be submitted as part of the detailed design. As no drainage proposals are available for the currently approved restoration scheme, the applicant considers that the proposed restoration scheme would result in betterment compared to the currently approved restoration scheme, and the existing situation.
259. The applicant states that the drainage calculations to develop the drainage scheme are conservative and at this stage are indicative only. At the detailed design stage the applicant would agree the appropriate detailed methodologies for calculating the run-off generated by the site with the EA to inform the final drainage system. This would include determining the dimensions, storage volumes and flow controls linking each attenuation feature.
260. The EA does not object to the proposed development, but they do recommend a condition that requires, before development commences, details of a sustainable drainage system for the site to be submitted to, and approved by, the local planning authority.
261. The proposed development has been assessed as having a neutral impact on surface water flows during the construction phase, and the proposed restoration scheme would have an overall betterment compared to the currently approved scheme and the existing site. The development is therefore in accordance with Policy M3.9 of the MLP which states that planning permission will not be granted for development which would have an unacceptable impact upon flood flows and local land drainage systems; Policy W3.5 of the WLP which seeks to protect the integrity and function of floodplains; Policy 35 of the EMRP which states that development would not be permitted if it would result in an unacceptable risk of flooding elsewhere; and Chapter 10 of the NPPF which also seeks to ensure the flood risk elsewhere is not increased. It is recommended that detailed drainage designs are submitted before any development commences in line with the EA's recommendation and Policy W3.13 of the WLP which states that conditions should be imposed to protect the integrity of the local drainage systems.
262. Policy DM12 of the BCS encourages systems which would contribute to the conservation and enhancement of biodiversity and green infrastructure in the District. The proposed drainage management, water bodies and swales associated with the scheme are in accordance with this policy.

Heritage Impact

263. There are a number of heritage assets close to the existing spoil tip, including the Cuckney Conservation Area (350m north of the application boundary) and the Church Warsop Conservation Area (circa 830m south of the application site).

Within the Cuckney Conservation Area the most notable heritage asset are the Cuckney Motte and Bailey Castle (Scheduled Ancient Monument) and the Church of St Mary (Grade I Listed). Within the Church Warsop Conservation Area there is the Church of St Peter and St Paul (Grade I Listed) and the Bishops Lodgings (Grade II* Listed). Within and around both of the conservation areas there are a number of other Grade II Listed Buildings.

264. The applicant has not undertaken a heritage assessment as part of the planning application or ES, although a cursory consideration of heritage assets has been provided within the Further Information document.
265. Notwithstanding the above, the NCC (Built Heritage) team has considered the potential impact of the proposed development, using the Landscape Character and Visual Assessment within the Environmental Statement, particularly the drawing which shows a 2.5km visual envelope around the site.
266. NCC (Built Heritage) consider that that if the scheme becomes more visible from the north (looking south) and presents a less rural character than the present view then the impact would be deemed as negative on the setting of the Cuckney Conservation Area and listed buildings within it (as these are within the visual envelope of the proposal). However, if the amenity area remains rural in character then the impact would be negligible.
267. Given that the proposal results in a reduction of 5m in height compared to the existing spoil tip, and a 2.5m reduction compared to the approved restoration scheme, the proposal would be no more visually prominent than either the existing site or the currently approved proposals. With regard to the amenity area, that application proposes that this would include a picnic area with six tables and benches, and a separate viewing area that focuses around a stone plinth (0.9m in height) and a number of boulders which would be employed as informal seats. The picnic and viewing areas would be located approximately 100m apart. In light of this, the amenity area is considered to be rural in character and therefore, the impact is deemed to be negligible.
268. Based on the visual envelope illustration the NCC (Built Heritage) team consider that the Church Warsop conservation area is not affected by the proposed development, and as such, there is no impact on the setting of Church Warsop or the listed buildings therein resulting from the change in appearance of the landscape brought about by the proposed restoration.
269. The NCC (Built Heritage) team consider that during the process of restoration the character of Cuckney and Church Warsop conservation areas would be negatively affected by lorry activity, although this is considered temporary and would not be linked to any permanent negative impacts on the setting or character of these designated heritage assets, so long as no additional highway development is required to manage the additional pressures. Notwithstanding these comments, it should be noted that the applicant's proposed lorry routing would not pass through Cuckney or Church Warsop and therefore, there should be no negative effect on these designated heritage assets from vehicle movements.

270. In addition to the heritage comments above, NCC Archaeology and English Heritage were consulted and neither party had any objection to the scheme.
271. Based on the above, the proposed development is not considered to impact upon archaeology from the proposed development, and not negatively affect the setting of any heritage assets. The development is therefore in accordance with Policies W3.27 (Archaeology) and W3.28 (Listed Buildings and Conservation Areas) of the WLP; Policies M3.24 (Archaeology) and M3.25 (Listed Buildings, Conservation Areas, Historic Battlefield and Historic Parks and Gardens) of the MLP; Policy BE4 (Development Affecting the Setting of a Listed Building) of the MDLP; Policy DM8 (The Historic Environment) of the BCS; Policy 27 (Regional Priorities for the Historic Environment) of the EMRP; and Chapter 12 (Conserving and Enhancing the Historic Environment) of the NPPF.

Noise

272. The distances to residential sensitive receptors vary depending on which part of the site is being considered. To the west of the planning application site the nearest sensitive receptor is Metz Lodge which is located on the A60 and is approximately 100m west of the application boundary. In terms residential receptors located within Meden Vale the closest are located between 350-400m from the southern application boundary. To the east of the site there are properties located approximately 130m south of the proposed SMA. In relation to the access road there is a single property, Sedan Lodge, which is circa 150m to the west on the A616.
273. The potential noise generating machinery and plant would include excavators, compactors, dozers, conveyors, generators and lighting towers, haulage goods vehicles and articulated dumper trucks, and trains.
274. During the pre-application scoping exercise, the applicant proposed that a detailed noise assessment for the development was not necessary. The reasoning was that the site was, until May 2010, an active colliery operating on a 24 hour basis, and from a noise perspective the proposed development would be comparable. The NCC Noise Engineer accepted this view and highlighted that they were not aware of any complaints relating to noise from the former operation of this site. As a result the need for a detailed noise assessment was scoped out of the ES.
275. Notwithstanding the above view, the applicant has outlined the measures for minimising potential noise nuisance from the proposed construction phase of the development. These measures include:
- a) Maintaining working hours of 07:00 – 19:00 from Monday to Saturday. This is in line with the working hours permitted on the extant permission.
 - b) Out of hours work would be restricted to the operation of the railway and unloading activities. No placing or compaction would take place outside of the above working hours.

- c) Soil screening and treatment would take place within the SMA. This would be screened from properties and neighbouring land uses with a 2.5m high bund around the southern, western and eastern boundaries of the SMA.
 - d) All static plant would benefit from enclosed engines and would be super-silenced where practical.
 - e) All plant would be switched off when not in use.
 - f) Residents would be notified when the site is working out of hours
 - g) Before any out of hour operations take place a noise assessment would be undertaken and submitted to the County Council for approval to demonstrate that noise emissions and controls are acceptable.
276. Although the applicant did not undertake a noise assessment of the proposed development on nearby receptors, in response to consultation responses, a Further Information document was submitted which included an assessment of noise from traffic generated by the proposal on the surrounding area, particularly the nearby Birklands and Bilhaugh SPA and the 'might be' Sherwood SPA.
277. The assessment highlights that in general a doubling or halving of traffic flow is equivalent to a change of approximately 3dB(A), and under the old Planning Policy Guidance PPG24: Planning and Noise a change of 3dB(A) is the minimum perceptible under normal conditions. The Department of Transport's *Design Manual for Roads and Bridges* indicates that an abrupt change in flows can result in a greater degree of annoyance from road traffic noise. It states that a change of 25% in traffic flow equates to a noise change of approximately 1dB(A). As outlined in the traffic section above, greatest change in traffic flows would be an increase of 7.6% on the A616. Therefore, the developed is assessed as having a less than 1dB(A) increase in noise from road traffic, which is considered negligible.
278. One of the reasons that Rufford Parish Council objected to the proposed development is due to an increase in noise resulting from an increase in traffic movements. However, as demonstrated above, the noise increase is considered negligible. There have been no objections to the scheme from local residents.
279. The NCC Noise Engineer has no objection to the proposed development, but recommends a number of conditions to mitigate potential noise impact. Conditions relate to working hours; operation of the rail line; the soil management area's screening bund; HGV movements; the use of a conveyor system for transporting material to the spoil heap; plant and machinery details; the submission of a noise assessment if work is to take place any closer to certain sensitive receptors; and a procedure to be undertaken if complaints are received.
280. Based on the above assessment, the proposed development is deemed to be in accordance with M3.5 of the MLP which seeks to prevent development which would have an unacceptable noise impact. Conditions would be attached to any

planning permission granted to reduce potential noise impact in line with policy W3.9 of the WLP.

Rights of Way and Parking

281. The development proposes to restore the spoil to an amenity afteruse, with two picnic areas, and a viewing point at the restored tip summit. The scheme also includes a network of footpaths through the restored site and a section of cycle / bridleway which would form part of a wider cycle/bridleway that would circle the whole of the restored colliery tip site. A plan of the proposed footpaths can be seen in Plan 9.
282. Surrounding the site in the local area there is a network of rights of way. The applicant highlights the potential of the site to link into the existing footpath network at both the eastern and western sides of the site.
283. Whilst the restoration scheme includes a network of footpaths, it is important to note that some of the cycle/bridleway and footpaths discussed in the application, and shown on the proposed block plan, fall outside of the red-line boundary (particularly the circular bridleway/cycleway around the restored southern half of spoil tip) and, as such, they are not covered by this planning application.
284. It would have been desirable for the full network of footpaths around the colliery site to have been included within the planning application area, given that the proposal is to restore the site to an amenity area accessible to the public.
285. The applicant has, however, indicated in the 'Further Information' submission that all access routes, cycle paths and bridleways linking the site to existing routes would be the subject of a separate planning application, where planning permission is required. This approach is acknowledged, and it is recognised that express planning permission for the footpaths outside of the planning application boundary would be required depending on whether or not the footpaths comprise an 'engineering operation'. In light of this, and the fact that the proposed footpaths all fall within land that the applicant owns/has control over, it is recommended that a condition is attached to any permission granted requiring access to and around the colliery site in line with the footpaths shown on the proposed block plan. The condition would also require the applicant to submit details of the exact location and footpath construction for all paths, cycleways and bridleways shown on planning application Drawing No. 2012-PL001 Rev B. These details shall be submitted and approved before development commences. The condition will require all paths to be suitable for their intended use.
286. It is also recommended that a note is attached to any permission granted, referring to the path construction condition, reminding the applicant that separate planning permission may be required for the construction of footpaths and cycle/bridleways outside of the application boundary.

287. NCC Countryside Access team highlights that there would be four pedestrian access points to the site and recommend that these should also be made accessible for pedestrians and cyclists. The Ramblers' Association note that there are several points where pedestrians cross the cycleway, and whilst this is unavoidable, they feel that care should be taken to maximise safety in these locations (ensuring visibility and placing footpath furniture to prevent cyclists accessing the public footpaths). It is recommended that these details are resolved through the footpath details condition discussed above. When details are submitted, NCC Countryside Access team and the Ramblers Association would be consulted.
288. The NCC Countryside Access Team state that no rights of way should be restricted or obstructed in any way and the widths currently available for people to use need to be maintained. In addition, no new structures should be installed on any recorded rights of way. These recommendations will form a condition on any permission granted.
289. A number of parties have commented on the proposed application and its connection to the wider network of footpaths, including the NCC Countryside Access team, the Ramblers Association and Cuckney Parish Council. All three of these parties have highlighted the potential for the proposed development to connect to an existing path to the north-west of the application site (Cuckney Bridleway No. 6) which runs from the A616 in Cuckney to the A60, where the path ends. At its closest point, this bridleway is approximately 200m from the north-western edge of the site.
290. The applicant recognises that a key goal for local communities is the connectivity of the restored site to the existing wider footpath network, bridleway and cycleway network and they explain that the proposed restoration has been informed by the existing amenity access routes and network around the site. However, they state that any additional amenity access beyond the boundary of the project cannot reasonably fall for the applicant to secure and provide, but suggest that the restored site would allow connectivity with the wider network if there is local will to work with the relevant landowners.
291. Any connection to the Cuckney Bridleway No. 6 would fall outside the application site and outside land under the applicant's control. As such, the applicant has indicated that it is not their responsibility to provide such a link. From a planning perspective, such a link would be desirable, but is not fundamental to the determination of this planning application.
292. Through discussion with local residents the applicant has established a requirement for the provision of a car park associated with the restoration of the site and its amenity after use. Originally the car park was proposed on the western side of the site, accessible from the A60. However, in discussion with local residents its proposed location was moved to the sports ground facility in Meden Vale, to the east of the application site. This relocation is due to reasons of highways safety, anti-social activity concern and as a wider benefit for the sports club. However, the applicant has highlighted that the shared use car park also falls beyond the red-line boundary and it is being pursued through an application to the District Council.

293. The Planning Statement states that the provision of the car park is not considered to be of pivotal importance to the principle of the restoration and amenity after use and, therefore, would not need to be tied to any planning permission for the restoration and after use of the northern part of the tip.
294. At the time of writing no application has been made to Mansfield District Council for the car park detailed in this application. However, as stated by the applicant, the provision of a car park is not essential to this application; furthermore, this application has been assessed without taking the car park into consideration as it falls outside the planning application boundary and land under the applicant's control. Notwithstanding this, it would be disappointing if the applicant were to renege on their commitment in the application to seek planning permission for such a car park.
295. Consultation responses from the NCC Countryside Access team and the Ramblers Association highlight the need for proper segregation between the proposed casual car park and the existing footpath to ensure safety of the footpath users. Whilst this is acknowledged the car park is not within the planning application boundary, and the applicant has stated that it would be the subject of a separate application to Mansfield District Council, as discussed above.
296. Subject to conditions recommended above, the proposed development would not temporarily or permanently disrupt any public rights of way. Therefore the development is in accordance with Policy W3.26 of the WLP and M3.26 of the MLP, which seek to protect public rights of way.
297. The development is also in accordance with Policy DM13 of the BCS, which seeks to provide linkages, or develop new footways, cycle paths and bridleways giving access to key local facilities.

Air Quality

298. The proposed restoration would include various operations including placement, handling and delivery of material to the site. The applicant has highlighted within the ES that if these measures are not suitably controlled, operations can generate local emissions of air pollutants. The sources of emissions that require controlling include exhaust emissions from construction traffic, site plant, equipment and machinery; and fugitive dust emissions from soil management and restoration activities.
299. In light of the potential for emissions resulting from the proposed development the applicant has committed to producing a Construction Environmental Management Plan (CEMP). This would include a number of controls to reduce emissions at source relating to the management, maintenance and location of plant, machinery and equipment.
300. Due to the potential for dust to be created, particularly on exposed areas during dry and windy conditions, the application has outlined a series of dust control measures relating to the following:

- a) Haulage control – includes only using surfaced roads; provision of wheel wash facilities; maintenance and cleaning of internal roads as necessary; sheeting of vehicles carrying friable material; and enforcement of speed limits.
 - b) Soil handling and restoration – includes minimising drop heights; compacting and covering ashes with suitable soils as soon as possible; no long term storage stockpiling of material; restored areas being covered and seeded as soon as practicable; fully enclosing the conveyor system if this is used to transport material; use of misting systems or wind netting where appropriate.
 - c) Air quality monitoring – a network of up to 4 passive dust monitors; additional monitoring in the summer months; the use of a trigger threshold of 200 mg/m²/day. If the trigger threshold is exceeded it would necessitate a review of on site controls and processes.
301. Based on the above mitigation measures and controls, it is considered that the development would not give rise to unacceptable levels of dust and in the event that dust does become a problem there would be measures in place to review working practices. Conditions would be attached to ensure these suggested measures are put in place. In light of this, the development is deemed to be in accordance with Policy W3.10 (Dust) of the WLP; Policy M3.7 (Dust) of the MLP; the relevant section of Policy NE17 (Protection of Air and Soil Resources) of the MDLP; and Policy 36 (Regional Priorities for Air Quality) of the EMRP.

Cumulative Impact

302. The application assesses the impacts of the development taking into account operations in the vicinity of the site operational at the time of establishing the baseline data. However, the baseline data does not consider developments which have recently been determined and are not operational, or those currently in the determination process.
303. Within the ES the applicant has undertaken an assessment of other committed and potential future developments in the area surrounding the application site. These are summarised in Table 7 below.

Table 7: Cumulative Impact Assessment

Name of Development	Approximate Distance	Description of Development
Elkesley House, Elkesley Road, Meden Vale	250m from Soil Management Area (SW)	Outline permission for approximately 11 residential dwellings. Application to replace extant permission in order to extend time limit for implementation. Both applications have been granted.
Welbeck Colliery Miners Institute, Elkesley Road, Meden Vale	500m (SE)	2 pairs of semi-detached houses and 13 flats/apartments. Application to replace extant planning permission in order to extend time limit for implementation. Both applications have been granted.
Welbeck Farm, Netherfield Lane, Meden Vale	800m (SSE)	Outline planning application for residential development of 35 dwellings including access. Application has been refused (but the ES states that it is understood that the application is likely to be pursued in the future).
Land off Burns Lane, Market Warsop	1.7km (SSW)	Erection of new foodstore with associated works. Application is currently being determined.
Nottingham Sleeper Company, Alpine Industrial Park, Jockey Lane, Elkesley	+10km (NE)	Erection of metals recycling and motor de-pollution centre. Application has been granted.
R Plevin and Sons Limited, Crookford Hill, Elkesley	+10km (NE)	Construction and operation of a biomass fuelled CHP plant. Application is currently being determined.
Welbeck Colliery Regeneration	Immediately adjacent to site and in land made temporarily available for construction.	UK Coal currently has a master plan for the regeneration of the wider colliery. The master plan is still in development. The current considerations include a solar farm and commercial/industrial units. No planning submission has been developed for this scheme.

304. The applicant has considered the potential landscape, ecological, contaminated land, hydrology, transport and construction impacts of the proposed development cumulatively with the above development listed in Table 7. The assessment states that there are no additional impacts identified within the cumulative assessment and, as such, no further mitigation is considered necessary.

305. Policy M3.27 of the MLP and W3.9 WLP state that development would not be granted which would result cumulatively in a significant adverse impact on the environment, amenity of local communities, or the existing landscape character. Based on the above, it is considered that the application is in accordance with these policies.

The Rail Line

306. The existing rail head and the connection to the wider rail network is very important to the scheme. This is demonstrated in the Environmental Statement which states “The material import will primarily be undertaken using the existing railway. The material will be imported 24 hours a day”. The ES also highlights that use of the existing rail head to transport material by rail is the preferred method of transportation of material to the site, in addition to the sustainable transport of material to the site, it would facilitate a much speedier and efficient completion of the construction of the restoration scheme.
307. The applicant has indicated that by using the rail line and head this retains the facility and keeps it in use, which would potentially help make the pit head site more attractive and viable for employment generating development and this facility could be of direct benefit to such uses.
308. Concern has been raised both in the ES and by local group Meden Vale the Future that infrastructure could be stolen and vandalised. The applicant states that the proposals would ensure that there is an on-site presence would assist in protecting and securing the rail link on the site. It is recognised that this is a genuine concern and it is has been reported that parts of the existing railway have already been subject to metal theft.
309. Network Rail has no objections to the scheme, provided that operations are carried out strictly in accordance with the application details supplied. However, it is noteworthy that at the time of the consultation response neither the Network Rail freight manager nor any of the Freight Operating Companies had been approached by the applicant regarding bringing the Welbeck Colliery Branch back into use, although the response was dated 27th February 2012 and there may have been contact since this time.
310. It is considered that the use of rail to import material is significant to this proposal and is one of the key elements to the scheme’s sustainability claims in line with Chapter 4 of the NPPF. As such, it is recommended that a condition is used to ensure the rail line and head is in place and in full working order prior to any material being imported to ensure that it is available for importation as soon as construction begins.

Soil Placement and Aftercare

311. Policy W4.5 (Soil Conservation and Use of Alternative Materials) of the WLP and Policy M4.3 (Soil Conservation and Use of Soil Making Materials) of the MLP

seek to ensure that that soils are stripped, stored and placed in appropriate manners to ensure that conservation of the resource and that viable vegetation cover can be established. In line with these policies a number of conditions are recommended relating to the existing overburden mounds on site, sub-soil and top-soil (re)placement and management methods.

312. Policy W4.9 (Aftercare Conditions) of the WLP and M4.9 (Aftercare) of the MLP recommend that aftercare conditions are imposed upon all planning permissions waste disposal and mineral planning permissions respectively where reclamation is to be to agriculture, forestry or amenity. Given that this proposal is for the reclamation of a spoil tip to an amenity after-use, via the importation of waste and other fill material, it is recommended that after-use conditions are attached to any permission granted.
313. The applicant has stated that they will submit an Ecological Management Plan which will ensure that the site's ecological value and the species that it supports can be maximised. The production and implementation of this will be the subject of a condition along with other aftercare conditions relating to:
- a) the period of aftercare;
 - b) Cultivations, weed control sowing of seed mixtures, soil analysis;
 - c) Keeping of records and an annual review of performance and proposed operations for the coming year;
 - d) Drainage amendments as necessary;
 - e) Sub-soiling and under-drainage proposals;
 - f) Management practices such as cutting vegetation and tree protection;
 - g) Remedial treatments;
 - h) Irrigation; and
 - i) Fencing.

Other Considerations

314. From a vibration perspective, the type of development proposed is comparable to the colliery activities that took place until recently. Furthermore, potentially unacceptable levels of vibration are generally not associated with the type of development proposed. As such, unacceptable vibration is not considered to be a potential impact from the proposed development.
315. Temporary lighting would be installed during the restoration works around the areas of working and to provide security. The applicant states that when mobile lighting is used it would be directed to minimise spillage and the lighting would only be used when necessary and turned off when not required. Given that the working hours would be 07:00 to 19:00 it is considered lighting would generally only be required in the winter months, and is unlikely to cause any amenity

issues. Notwithstanding this, it is recommended that lighting is controlled as an issues covered in the CEMP and should light spillage become a problem there is a mechanism to review the lighting strategy. This will be covered by condition in line with Policy W3.3 of the WLP and M3.3 of the MLP, which seek to prevent unacceptable visual intrusion.

316. The proposed development would have socio-economic benefits in that it would create employment opportunities during the construction phase, directly through on-site activity and indirectly in the transportation of materials. This is in line with Chapter 1 (building a Strong Competitive Economy) of the NPPF and Policy DM7 of the Bassetlaw Core Strategy. Although it is noted that the duration of the scheme is limited. From a more long term perspective, the applicant considers that this scheme would assist the regeneration of the pit head area, which has the opportunity to provide more long term employment opportunities.

Other Options Considered

317. The site to be restored is the Welbeck Colliery spoil tip. Therefore, from a site or location perspective no other options have been considered by the applicant.
318. The applicant has discussed different restoration options, as set out below:
- a) The 'do nothing' scenario, where no restoration takes place;
 - b) A 'do minimum' alternative, which involves regarding the existing slopes, but mostly leaving the spoil tip in its currently state;
 - c) The third option, which involve regarding the wider site. This option involves excavation of parts of the already restored southern slopes to use material to eliminate the steep slopes and create a profile akin to the restoration scheme under the extant planning permission (albeit of a lower total height);
 - d) The scheme that has been put forward in this application, which involves the importation of circa 1.6 cubic metres of material to act as fill for the northern slopes.
319. It is noted that the restoration of the spoil tip would take longer under the proposed scheme than the other options, with the applicant stating a construction period of 3-5 years. However, the applicant has demonstrated that from a landscape and visual perspective the proposed option is the most acceptable, and from an ecological perspective the proposal is better than the do nothing scenario and restoring the site in line with the extant restoration scheme (there is no ecological comparison for the 'do minimum' option).
320. In addition, the applicant has explored alternative materials (i.e. the importation of spoil from Thoresby). However, this has been demonstrated to be economically unviable for the ongoing operation of Thoresby Colliery and the proposed Welbeck restoration scheme. In addition, the movement of spoil by rail would tie up network capacity which is required for export of coal from Thoresby Colliery.

321. It is considered that the proposed development, when compared against the various other options considered, is an acceptable option with landscape, amenity and ecological benefits.

Human Rights Act Implications

322. 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 light pollution; 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, and the amenity benefit of the provision of a publicly accessible restored site. Another benefit of the scheme is a short term site for the disposal of inert waste and PFA, for which there is a shortfall in disposal capacity. Members will need to consider whether these benefits would outweigh the potential impacts.

Statutory and Policy Implications

323. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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.

Crime and Disorder Implications

324. Welbeck Colliery is a large site and there is currently no working activity on the site. It is difficult to secure and maintain a presence over the whole area. Recently there have been instances of trespass and theft of site infrastructure, of particular note is theft of parts of the rail line. It is considered that through the construction period this proposal would provide a 24 hour presence on the site which would actively discourage crime.

Conclusions

325. There is a requirement for the spoil tip to be restored. Insufficient spoil has been deposited on the tip for the operator to comply with the approved restoration profiles. As such, this application has been submitted, seeking to import waste and construction fill material to complete the restoration scheme.
326. The applicant has explored a number of options for restoring the site. These include the leaving the site as it is; regrading the northern slopes to reduce the gradient; using material from the restored southern slopes to create a profile closer to the restoration scheme submitted under the extant planning permission

and the chosen option, the importation of material to create a more rounded restoration.

327. The applicant has demonstrated that the proposed development is the most appropriate and sympathetic to the character of the wider landscape, having a less engineered and alien profile than any of the other option. The scheme has also been demonstrated as creating a more ecologically beneficial habitat than the existing restoration scheme. Although it is noted that no ecological assessment against the regarding of the northern slopes option has been made, as no detailed restoration scheme has been undertaken for this option.
328. The scheme has also been shown to have an amenity benefit over the existing site and approved restoration scheme, by opening up the restored tip to the wider public supplying more access routes into and around the site and providing picnic areas, viewing points and a circulatory cycle/bridleway.
329. It is important to note that the proposed option is likely to be the most lengthy as it is the only one which requires the importation of material, and contracts for available material sources have not been secured and are unlikely to be until planning permission is granted. Notwithstanding this, the proposed 3-5 year construction period is relatively short compared to the overall life of the site.
330. Duration of the restoration development is a key point. It is important that this is controlled as a restoration scheme and does not evolve into a long term inert waste disposal site, due to lack of suitable waste and fill materials. The applicant has demonstrated within the application that there are sufficient sources of material, highlighting the need for additional inert waste disposal capacity in Nottinghamshire and the benefit the site would have as a source for PFA disposal. However, to ensure that the site is restored within a timely period a condition would be attached to any permission to require the submission of a phasing plan which would ensure that the restoration programme is on target throughout its permitted life.
331. Whilst it has been highlighted that there is a shortfall in inert waste disposal in parts of Nottinghamshire, the Welbeck Colliery spoil tip falls outside of the disposal shortfall area, as identified in the emerging WCS. Whilst the WCS is not part of the development plan yet, is a material consideration in determination. The purpose of the shortfall area is to ensure that disposal is not located in unsustainable locations from a transport perspective, and it is of note that the scheme is only just outside of the shortfall area. Furthermore, the scheme would utilise a rail line for material importation, which goes a long way to offset the fact that the site is marginally outside the shortfall area.
332. The use of the rail line would minimise the transport of materials by road and, therefore, has significant sustainability benefits. It also helps to reduce the impact of the scheme on the surrounding road networks. However, there is still a need to import material by road, although the applicant states that this would be limited to 150 HGVs per day. The impact that this level of HGVs is deemed to have on the surrounding road network is acceptable and it is also noted that the scheme is temporary in nature.

333. The management of waste associated with the proposed development is disposal, which is at the bottom of the waste hierarchy. However, the waste hierarchy does not allow for the distinction between 'disposal' and 'disposal with restoration benefits'. In this case, there is an identified need for inert disposal. In addition, the scheme would allow PFA to be used in a restoration scheme, which would otherwise be disposed of at the respective power station PFA disposal site; an approach which is in line with the emerging WCS.
334. The scheme does have the potential for environmental and amenity impacts arising from noise, dust and light pollution. However, suitable conditions would require mitigation measures in place to ensure that any impacts are maintained within acceptable levels. Further, the potential for impacts is limited to the 3-5 year life of the construction scheme.
335. The scheme includes a network of footpaths and a circular bridleway/cycleway around the whole of the restored spoil tip. The site access network would connect to rights of way and footpaths in the surrounding area. Some of the cycleway/bridleway proposed fall outside the application area, although they are within land that the applicant owns/has control over and, as such, conditions can be put in place to ensure that the footpaths and cycleway shown within the application are brought into use.
336. There has been public support for the applicant to connect the restored colliery access network to Cuckney Bridleway No. 6. The applicant has indicated that to connect to this Bridleway would require access over third party land and suggests that local bodies advance this opportunity.
337. Overall, the proposed development is a restoration scheme using waste disposal. It is recognised that there is a requirement for inert waste and PFA disposal capacity. The scheme provides a restoration option that has ecological, landscape and amenity benefits over the existing site and the restoration scheme approved under the extant planning permission. Potential ecological and amenity impacts are deemed to be mitigated to acceptable levels through the use of conditions. It is recommended that planning permission is granted subject to the conditions outlined in Appendix 1.

Statement of Reasons for the Decision

338. The application is accompanied by an Environmental Impact Assessment the contents of which have been assessed in the consideration of these proposals. The County Council is of the opinion that the proposed development is in accordance with the following policies.
339. Policy 38 (Regional Priorities for Waste Management) of the East Midlands Regional Plan (EMRP) promotes the use of former colliery land for waste management facilities in the northern sub-area, which the application site falls into. The site also encourages high standards of restoration and aftercare that contribute to biodiversity, recreation and amenity. The scheme is in accordance with these aspects of Policy 38.

340. Policy 38 of the EMRP also promotes the movement of waste up the waste hierarchy. The development is considered to be disposal and, as such, is at the bottom of the waste hierarchy. However, there is a recognised need for inert waste disposal capacity within Nottinghamshire.
341. The development has been assessed as achieving high quality benefits, meeting a recognised need for inert waste and PFA disposal capacity and, with the attached conditions, would not result in an unacceptable environmental impact. As such, the development is in accordance with Policy W10.1 (Waste Disposal in Mineral Sites, other Voids and incomplete Colliery Spoil Heaps) of the Nottinghamshire and Nottingham Waste Local Plan (WLP).
342. It has been demonstrated that there is sufficient material to complete the permitted scheme in a timely manner. Therefore, the development is in accordance with Policy W4.2 (Availability and Timescales) of the WLP and Policy M4.5 (Reclamation with Fill – Long Term Schemes) of the Nottinghamshire Minerals Local Plan (MLP).
343. Policy M4.8 (Reclamation Proposals for Existing Sites) of the MLP relates to alternative reclamation schemes for minerals sites where the current use is unsatisfactory, the existing provisions for reclamation are inappropriate and the proposals result in an improved environmental and/or amenity after use. The current appearance of the site is not satisfactory, the approved restoration scheme is unachievable and the proposed scheme provides ecological, landscape and amenity benefits. The development is considered fully in accordance with M4.8.
344. The scheme has endeavoured to reduce the appearance of the tip being alien or engineered. The scheme also seeks to reclaim the site to include local Biodiversity Action Plan (BAP) habitats. This is in line with Policy M12.3 of the MLP.
345. In addition to the above there are a number of other documents and policies which relate to the principle of the development and are material considerations in the determination of this application including the National Planning Policy Framework (NPPF), Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) and the Nottinghamshire and Nottingham Waste Core Strategy Proposed Submission Document (WCS).
346. The NPPF encourages worked land to be reclaimed at the earliest opportunity, whilst taking into account the quality of the restoration and provisions for aftercare. The development provides a high quality restoration scheme providing ecological, landscape and amenity enhancements and is in general accordance with Chapter 13 (facilitating the sustainable use of minerals) of the NPPF.
347. There is an identified need for inert waste disposal and it has been demonstrated that the market for PFA is significantly dampened. Therefore, it is considered that the scheme would not prejudice the movement of waste up the waste hierarchy, in line with the requirements of PPS10.

348. The proposal is in accordance with Policy WCS6 (General Site Criteria) of the WCS, which identifies colliery land in need of restoration as a suitable location for disposal, and Policy WCS5 (Power Station Ash) which relates to ash that cannot be recycled, prioritising its use as a fill and reclamation material for mineral workings or derelict voids.
349. Policy WCS4 (Disposal Sites for Non-Hazardous and Inert Waste) of the WCS highlights a preference for sites within the identified main shortfall area. If there are no reasonable closer alternatives then the extension of existing sites is preferred. Then preference is given to the restoration of old colliery tips with associated environmental benefits. The development is not necessarily in line with this policy, as there may be other sites for inert waste disposal higher up the list of preferences. However, limited weight has been given to the policy as it does not yet form part of the development plan, the site is on the very edge of the main shortfall area and inert waste is only one of the elements to be used in restoration scheme.
350. The development has been assessed as not having a detrimental effect on the surrounding highways network and would not cause unacceptable impacts to the environment or local amenity. It is, therefore, in accordance with Policy W3.14 (Vehicular Movements) of the WLP, Policy M3.13 (Vehicular) Movements) of the MLP and the relevant section of M16 (Development Requirements) of the Mansfield District Local Plan (MDLP).
351. Conditions are imposed on the permission to ensure that vehicles approach and exit the site using suitable routes to minimise disturbance, and to ensure highways safety, in line with Policies W3.11 (Mud) and W3.15 (Vehicular Routing) of the WLP and Policies M3.14 (Vehicular Routing) and M3.12 (Highways Safety and Protection) of the MLP.
352. In making use of the rail line the applicant has explored the opportunity for sustainable transport modes. In addition, it has been demonstrated that safe and suitable access to the site can be achieved. The development is therefore in accordance with the presumption in favour of sustainable development highlighted in the NPPF and specifically Chapter 4 (Promoting Sustainable Transport).
353. The proposed development has been assessed as not having a significant impact upon any designated or non-designated sites of nature conservation and would not impact upon any protected species. In addition, the development would result in the generation of a range of new habitats, including BAP Priority habitat. As such, the development is in accordance with Policies W3.22 (Biodiversity) and W3.23 (Nature Conservation and Geological Sites) of the WLP; Policies M3.17 (Biodiversity) and M3.19 (Sites of Special Scientific Interest) of the MLP; Policies NE12 (Sites of Special Scientific Interest), NE13 (Sites of Local Nature Conservation Interest) and NE16 (Protected Species) of the MDLP; the relevant sections of Policy DM9 (Green Infrastructure; Biodiversity and Geodiversity; Landscape; Open Space and Sports Facilities) of the Bassetlaw Core Strategy (BCS); Policy 1 (Regional Core Objectives), Policy 7 (Regeneration of the Northern Sub-area), Policy 29 (Priorities for Enhancing the Region's Biodiversity) and Policy 26 (Protecting and Enhancing the Region's

Natural and Cultural Heritage) of the EMRP; and Chapter 11 (Conserving and Enhancing the Natural Environment) of the NPPF.

354. The development would be restored from an open and bare colliery spoil tip to a site that includes a range of habitats and amenity space open to the public. It is an appropriate re-use of a previously developed area in the countryside. The development is considered to be of good design, sympathetic to the character of the surrounding landscape and has been demonstrated as being the best available restoration option from a landscape perspective. The visual impact of the construction phase is considered limited and no worse than the relatively recent operation of the colliery. The development is therefore in accordance with Policies W3.3 (Visual Impact of Plant, Building and Stockpiles) and W3.4 (Visual Impact – Screening and Landscape Measures) of the WLP; Policies M3.3 (Visual Intrusion), M3.4 (Screening) and M3.22 (Landscape Character) of the MLP; Policy NE1 (Development Outside the Defined Urban Boundary); Policy DM4 (Design and Character) and DM3 (General Development in the Countryside) of the BCS; and Policy 2 (Promoting Better Design) and Policy 30 (Regional Priorities for Managing and Increasing Woodland Cover).
355. The applicant has demonstrated that the development would not result in an unacceptable risk of contaminating ground or surface water, or soil, subject to conditions. The development is assessed as being in accordance with Policy W3.5 (Water Resources – Pollution Issues) and W3.6 (Water Resources – Planning Conditions) of the WLP; Policy M3.8 (Water Environment) of the MLP; the relevant section of Policy NE17 (Protection of Air and Soil Resources) and Policy DWM1 (Restoration of Derelict, Despoiled and Partially Restored Land) of the MDLP; and Policy 32 (A Regional Approach to Water Resources and Water Quality) of the EMRP.
356. The site is not located within Flood Zone 2 or 3 and is not considered to be at risk of flooding from rivers or seas. The drainage design has the capability to achieve anticipated Greenfield run-off rates and mitigates the risk of off-site flooding from surface water. Subject to conditions, the development is assessed as being in accordance with Policies W3.5 (Water Resources – Pollution Issues) and W3.13 (Flood Defences) of the WLP; M3.9 (Flooding) of the MLP; Policy DM12 (Flood Risk, Sewerage and Drainage) of the BCS; Policy 35 (A Regional Approach to Managing Flood Risk) of the EMRP; and Chapter 10 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) of the NPPF.
357. There would be no impact upon archaeology from the proposed development, and it would not negatively affect the setting of any heritage assets. The development is therefore in accordance with Policies W3.27 (Archaeology) and W3.28 (Listed Buildings and Conservation Areas) of the WLP; Policies M3.24 (Archaeology) and M3.25 (Listed Buildings, Conservation Areas, Historic Battlefield and Historic Parks and Gardens) of the MLP; Policy BE4 (Development Affecting the Setting of a Listed Building) of the MDLP; Policy DM8 (The Historic Environment) of the BCS; Policy 27 (Regional Priorities for the Historic Environment) of the EMRP; and Chapter 12 (Conserving and Enhancing the Historic Environment) of the NPPF.

358. Policies W3.9 (Noise) of the WLP and M3.5 (Noise) of the MLP seek to ensure that development does not result in unacceptable levels of noise. The development has been assessed as being acceptable from a noise perspective for both operations and transport of materials to the site, with suitable conditions to control noise. The development is therefore in accordance with policies W3.9 and M3.5.
359. The development would not result in the temporary or permanent disruption of any public rights of way. In addition, when the restoration is complete the site would provide a new publicly accessible resource with footpaths and a circular cycle/bridleway. The development is therefore in accordance with Policy DM13 (Sustainable Transport) of the BCS.
360. There is the potential for dust to be generated by the construction phase of the development, however, mitigation measures are the subject of condition which will ensure that dust is minimised to an acceptable level. In addition, conditions will ensure that pollution from plant, equipment and vehicles is minimised. As such, the development is in accordance with Policy W3.10 (Dust) of the WLP; Policy M3.7 (Dust) of the MLP; the relevant section of Policy NE17 (Protection of Air and Soil Resources) of the MDLP; and Policy 36 (Regional Priorities for Air Quality) of the EMRP.
361. Other development within the planning process has been considered in combination with the proposed development and there would not be any significant cumulative impacts. The development is therefore in accordance with Policy W3.29 (Cumulative Impact) of the WLP; and M3.27 (Cumulative Impact) of the MLP.
362. Conditions are attached to ensure that soils are conserved, handled in an appropriate manner and suitably laid to allow viable vegetation cover in line with Policies W4.5 (Soil Conservation and Use of Alternative Materials) of the WLP and M4.3 (Soil Conservation and Use of Soil Making Materials) of the MLP.
363. The applicant has elected to produce an Environmental Management Plan to safeguard the management of habitat and species post restoration. This Plan combined with suitable aftercare conditions will ensure that the development complies with Policy W4.9 (Aftercare) of the WLP and M4.9 (Aftercare) of the MLP.
364. The proposed development would result in direct and indirect employment. This is in line with Chapter 1 (Building a Strong Competitive Economy) of the NPPF and Policy DM7 of the BCS.
365. There are no material considerations that indicate that the decision should be made otherwise than in accordance with the above. 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.

RECOMMENDATIONS

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

SALLY GILL

Group Manager (Planning)

Constitutional Comments (SHB 30.08.12)

Committee have power to decide the Recommendation.

Financial Comments (DJK 06.09.12)

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

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Tuxford - Councillor John Hempsall

Warsop - Councillor John Allin

Report Author / Case Officer

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W000331 – DLGS REFERENCE

PSP.JS/RH/ep5185 – COMMITTEE REPORT FOLDER REFERENCE

22 June 2009 – Date Report Completed by WP Operators

RECOMMENDED PLANNING CONDITIONS

Extent of Planning Permission

1. This permission relates to land within the red line on Drawing No. 103186/P/001 Rev A titled 'Site Location Plan' dated February 2012 – received by the Waste Planning Authority (WPA) on 8 February 2012.

Reason: To define the extent of the planning permission

Commencement and Duration of the Development

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

Reason: To ensure restoration of the site begins within an acceptable timescale and to comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

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

Reason: To enable the WPA to monitor compliance with the Conditions of the Planning Permission.

4. The placement of waste and other fill material hereby permitted shall cease no more than 5 years after the commencement of development as notified under Condition 3. Should placement cease prior to 5 years after commencement the WPA shall be notified within 14 days of cessation.

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

5. The final restoration, as shown on Drawing 103186/P/004 Rev B titled 'Proposed Block Plan – Restoration' received by the WPA on 27 January 2012 and the amended landscaping plan to be submitted under Condition 28, shall be completed within 12 months of the cessation of waste and other fill material being placed, as notified under Condition 4.

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

Phasing

6. Before the deposit of any waste or fill material the applicant shall submit a phasing plan. The phasing plan shall include timescales for each phase and show the sequential order of waste and fill material placement for the life of the development.

Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy W4.1 of the WLP and Policy M4.2 of the MLP.

7. A topographical survey of the site shall be submitted to the WPA by 31 December each year, following the commencement of the planning permission as notified under Condition 3 above, until the cessation of waste and material placement. The topographical survey shall identify all complete and incomplete areas.

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

Approved Details and Plans

8. The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to other Conditions:
 - a) Drawing No. 103186/P/001 Rev A titled 'Site Location Plan' dated February 2012 – received by the WPA on 8 February 2012.
 - b) Drawing No. 103186/P/002 titled 'Proposed Block Plan – Access and Construction Logistics' – received by the WPA on 27 January 2012.
 - c) Drawing No. 103186/P/004 Rev B titled 'Proposed Block Plan – Restoration' – received by the WPA on 27 January 2012.
 - d) Drawing No. 103186/P/005a titled 'Cross Section Location Plan' – received by the WPA on 27 January 2012.
 - e) Drawing No. 103186/P/005b titled 'Cross Sections Section A and B' – received by the WPA on 27 January 2012.
 - f) Drawing No. 103186/P/005c titled 'Cross Sections Section C' – received by the WPA on 27 January 2012.
 - g) Drawing No. 103186/P/006 titled 'Preliminary Landscape Proposals Plan' – received by the WPA on 27 January 2012.
 - h) Drawing No. 103186/P/007 titled 'Picnic and Viewing Area – Sketch Layout' – received by the WPA on 27 January 2012.
 - i) Planning Application Forms – received by the WPA on 27 January 2012.

- j) Statement in Support of Planning Application Incorporating Design and Access Statement and Planning Policy Appraisal – received by the WPA on 27 January 2012.
- k) Appendices to Statement in Support of Planning Application Incorporating Design and Access Statement and Planning Policy Appraisal – received by the WPA on 27 January 2012.
- l) Transport Assessment (i-Transport Ref: MG/BT/ITB6187-001E R) – received by the WPA on 27 January 2012.
- m) Site Waste Management Plan – received by the WPA on 27 January 2012.
- n) Welbeck Colliery Environmental Statement Volume 1 – Main Text and Embedded Figures – received by the WPA on 27 January 2012.
- o) Welbeck Colliery Environmental Statement Volume 2 – Figures and Appendices – received by the WPA on 27 January 2012.
- p) Welbeck Colliery Environmental Statement Non-Technical Summary – received by the WPA on 27 January 2012.
- q) Statement in Response to Regulation 22 Request for Further Information – received by the WPA on 15 June 2012.

Reason: For the avoidance of doubt.

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

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

Hours of Working

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

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

Train arrival, unloading and departure	7 Days a Week	24 Hours a Day
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Reason: In the Interest of amenity and in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP.

Dust

11. Notwithstanding the production of a Construction Environmental Management Plan (CEMP), measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:
- a) The use of water bowsers to dampen haul roads, inert waste and construction fill material stockpiles, and other operational areas of the site;
 - b) Internal roadways, storage areas and hard surfaces shall be regularly swept to keep them free of mud and debris likely to give rise to dust;
 - c) The regular re-grading of internal haul roads;
 - d) Bulk loads arriving at or leaving the site shall be carried in enclosed or sheeted containers;
 - e) The fitting of all mobile plant with exhaust systems which cannot be emitted in a downward direction;
 - f) Soil storage mounds which are not to be used within 3 months shall be graded and seeded;
 - g) The minimisation of exposed surfaces on the soil mound, both the working area and the area being restored;
 - h) Upon the request of the WPA, the temporary suspension of waste and construction fill material movement or placement in periods of unfavourably dry or windy weather conditions.

Reason: In the interests of the amenity of nearby occupiers and to accord with Policy W3.10 of the WLP and Policy 3.7 of the MLP.

12. Dust monitoring shall be carried out on-site in accordance with a dust monitoring scheme which shall have been submitted to and approved in writing by the MPA within one month of the date of commencement of the development. The dust monitoring scheme shall include:
- a. Details of the method of dust monitoring;
 - b. The location of the dust monitoring points;
 - c. The frequency of the dust monitoring inspections;
 - d. The method of analysis;
 - e. The logging of dust monitoring results;

- f. The submission of dust monitoring results to the WPA; and
- g. Procedures for implementing corrective actions.

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

Drainage

- 13. Within 6 months of the commencement of development details of a sustainable drainage system for the site shall be submitted to, and approved by, the WPA. The sustainable drainage system details shall include proposed discharge rate, consequent storage volumes and sediment management. The development shall be carried out in accordance with the approved details.

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

Noise

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

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

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

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

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

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

- 17. Prior to any waste or construction fill material being imported to the site, the 2.5m high earth bunds around the Soil Management Area (SMA) shall have been constructed in accordance with details shown on Drawing 103186/P/002 titled 'Proposed Block Plan – Access and Construction Logistics' – received by the WPA on 27 January 2012.

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

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

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

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

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

Ecology

20. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the WPA. The CEMP shall comply with the international environmental standard BS EN ISO 14001 and shall include, although not be limited to, measures to protect breeding birds and protected species, measures to control dust, the use of temporary lighting, the phasing of activities and the use of temporary fencing to protect retained areas of vegetation.

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

21. The area of naturally regenerated acid grassland on the overburden mound identified as TN1 on Figure 1 of Appendix 2 of the 'Statement in Response to Regulation 22 Request for Further Information' shall not be disturbed until a botanical survey of the area, and the production of a method statement detailing the translocation of the acid grassland, including methods for soil stripping, storage and reinstatement, has been supplied to and approved in writing by the WPA. The method statement shall be implemented as approved.

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

22. Before development commences details of the location and type of fencing to protect the habitat along the railway sidings shall be submitted to, and approved

in writing by, the WPA. The temporary fencing shall be implemented as approved.

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

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

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

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

Reason: To avoid disturbance to breeding birds.

25. Within 6 months of the commencement of development, as notified under Condition 3, an Ecological Management Plan (EMP) shall be submitted to, and approved in writing by, the WPA. The EMP shall be implemented as approved.

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

26. Should any protected species be found on-site during the course of the development hereby permitted, operations shall immediately cease until a suitable mitigation scheme has been implemented in full accordance with details previously submitted to and approved in writing by the MPA.

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

Landscaping

27. Within 6 months of the commencement of development a detailed restoration scheme shall be submitted to, and approved in writing by, the WPA. The detailed restoration scheme shall be in general accordance with Drawing No. 103186/P/006 titled 'Preliminary Landscape Proposals Plan' – received by the WPA on 27 January 2012. The detailed restoration scheme shall include the following details:

a) The UK BAP / Local BAP habitats to be created;

- b) The location of a receptor site for substrate translocated from the acid grassland on the overburden mound identified as TN1;
- c) Details of pH/nutrient status of restoration substrates;
- d) Species mixes, establishment methods, and maintenance regimes;
- e) Enhancements to retained areas of habitat (including replacement of inappropriate species, where required);
- f) The location of the replacement Sand Martin nesting bank(s);
- g) The location of infrastructure (such as fencing) to facilitate future management (e.g. grazing).

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

Traffic and Transport

28. Prior to the importation of any material the rail line shall be in place and in good working order and be so maintained for the duration of the development hereby permitted.

Reason: To minimise traffic impact on the surrounding residential areas and in accordance with Policy W3.16 of the WLP and Policy M3.12 of the MLP; and to provide a sustainable transport solution in accordance with the National Planning Policy Framework.

29. All Heavy Goods Vehicle (HGV) movements and construction workforce traffic shall only use the routes shown on Figure 9.1 of the Environmental Statement - Volume 2 titled 'Vehicle Routing Strategy' received by the WPA on 27 January 2012. Vehicles shall only use the existing access / egress off the A616 when travelling to and from the site from all directions.

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

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

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

31. Details of a wheel wash facility shall be submitted to and approved in writing by the WPA. The wheel wash facility shall be installed and operational in accordance with the submitted details prior to any waste or construction fill materials being brought onto site.

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

Contamination and Stability

32. Prior to the commencement of development a Phase 2 Environmental Risk Assessment (ERA) shall be submitted to, and approved in writing by, the WPA. The ERA shall include an assessment of the risks posed by any potential contamination on the end-users of the site and the local environment. The ERA shall include a Hydrological Risk Assessment and details of a regular groundwater sampling regime during the works and post-restoration. Recommendations in the ERA shall be implemented as approved.

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

33. Prior to the importation of any waste or construction fill material a Materials Management Plan (MMP) shall be submitted to, and approved in writing by, the WPA. The MMP shall set out the quality standards and controls for all waste and material imported into the site. The development shall be carried out in accordance with the approved MMP.

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

34. Prior to the importation of any waste or construction fill material, engineering calculations shall be submitted to, and approved in writing by, the WPA. The engineering calculations shall demonstrate that the restoration profiles are in accordance with the National Coal Board (NCB) Codes and Rules Tips 1971 and the NCB Technical Handbook on Spoil Heaps and Lagoons, which contain best practice for the construction of colliery spoil tips.

Reason: To ensure the safety of the surrounding area and protect users of the site.

35. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate storage capacity of all storage containers. All filling points, vents and site glasses

must be located within the bund. There must be no drain through the bund floor or wall.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.5 and W3.6 of the WLP, and Policy M3.8 of the MLP.

Pedestrian Access and Rights of Way

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

Reason: To ensure the continued availability for use of all existing rights of way in accordance with Policy DM13 of the Bassetlaw Core Strategy (BCS).

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

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

38. All proposed circular cycleway/bridleway and proposed woodland/grassland mown walks shown on Drawing No. 103186/P/004 Rev B titled 'Proposed Block Plan – Restoration' – received on 27 January 2012, shall be completed within 12 months of the cessation of waste and other fill material being placed, as notified under Condition 4.

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

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

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

Soil Placement

40. The WPA shall be notified in writing at least 5 working days before each of the following, where applicable:

a) Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;

- b) When subsoil has been prepared ready for topsoil replacement to allow an inspection of the area before further restoration of this part is carried out; and
- c) On completion of topsoil placement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operations.

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

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

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

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

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

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

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

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

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

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

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

Aftercare

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

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

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

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

47. Within six months of the date of commencement of the development hereby permitted, as notified under Condition 3 above, an aftercare scheme and strategy including long-term design objectives, management responsibilities and maintenance schedules shall be submitted to the WPA for its approval in writing. The strategy shall include an Ecological Management Plan and shall cover, but not be restricted to, the following details:

- a) Cultivations;
- b) Weed control;
- c) Sowing of seed mixtures;
- d) Soil analysis;
- e) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the WPA between 31 March and 31 May each year;
- f) Drainage amendments;
- g) Sub-soiling and under-drainage proposals;
- h) Management practices such as cutting vegetation;
- i) Tree protection;
- j) Remedial treatments;
- k) Irrigation; and
- l) Fencing

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

48. Whilst the site is in aftercare, site management meetings shall be held with the WPA each year to assess and review the detailed annual programmes of aftercare operations referred in Condition 48(e) above, having regard to the conditions of the land; progress in its rehabilitation and necessary maintenance.

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

Alternative Restoration

49. Should for any reason, placement of waste and/or construction fill material cease for a period in excess of 3 months, then, within 3 months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA for its approval in writing. Such a scheme shall include details of the final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these Conditions and also provide details of the aftercare proposals and Ecological Management Plan in a similar manner to Condition 48 above. The revised restoration proposals shall be implemented within 12 months of their approval by the WPA and thereafter managed for a period of 5 years in accordance with the approved aftercare details.

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

APPENDIX 2

INFORMATIVES

1. Attention is drawn to the letter from Network Rail dated 27 February 2012.
2. It should be noted that traffic on Netherfield Lane linking the A616 to the A614 can be exceptionally busy when there are events at Thoresby, but these are few and seasonal and an alternative route using the B6034 and the A57 to link the A1 could be used.
3. When producing a detailed landscape plan for the site in line with Condition 28, the following issues raised by the Preliminary Landscape Plan provided in Appendix D of Appendix 2 must be addressed:
 - a) Heather seed/brash must be obtained from Nottinghamshire; contact should be made with the Sherwood Forest Trust to ensure that this can be sourced.
 - b) Dwarf Gorse *Ulex minor* should not be included in the acid grassland/heathland mix, as gorse will establish naturally and can become a problem from a management perspective.
 - c) The grassland areas should not be seeded with DLF Trifolium's Pro25, as this is an amenity mix. An appropriate native grass seed mix should be used instead.
 - d) The extent of the woodland areas should be reduced, to allow the creation of more acid grassland/heathland habitat. If planting is required for screening, then consideration should be given to swathes of trees with open space in between, rather than solid blocks.
 - e) Yew *Taxus baccata* should not be included in the woodland planting mix, and Rowan *Sorbus aucuparia* should be reduced to 5%. The resultant 15% should be distributed between Silver Birch *Betula pedula* and Penduculate Oak *Quercus robur*.
 - f) The woodland areas should not be seeded with DLF Trifolium's Pro 26 Ecosward, as this is an amenity mix; instead, Emorsgate seeds EG9 (Grass Mixture for Hedgerows and Woodlands) or similar should be used. In addition, Bracken *Pteridium aquilinum* should not be included in the woodland areas as this will establish naturally.
 - g) Wetland planting should use a small number of common and widespread species appropriate to the local area.
 - h) The 'amenity area' must be designed so that disturbance to wildlife will be minimised, and should still be sown with an acid grassland seed mix, rather than a commercial ryegrass or amenity mix.
4. Some of the footpaths and cycleway/bridleway shown on Drawing No. 103186/P/004 Rev B titled 'Proposed Block Plan – Restoration' are outside of the planning application boundary of this permission. Should any of these footpaths

and cycleway/bridleway constitute an engineering operation then separate planning permission will be required.

5. The Environment Agency has highlighted a number of points to note with the proposed development, including:
 - a) The site lies within the Idle and Torne CAMS catchment. As such, there will be no abstraction licences granted for any new consumptive licences at any time of the year from both the surface and groundwater.
 - b) The attenuation ponds are to be unlined to maximise infiltration. It is vital that the quality of the water is sufficient so as not to pose an environmental risk to the underlying strategic aquifer. The whole site falls within Source Protection Zone 3 (SPZ3) (total catchment) which is defined as 'The area around a source within which all groundwater recharge is presumed to be discharged at the source'.
 - c) The total storage area is calculated to be in excess of 21,000m³. If any of the ponds exceeds 25,000m³, then this structure would fall under the Reservoir Act 1975.