



meeting **PLANNING COMMITTEE**

date **13 JULY 2004**

from: **Director of Environment**

agenda item number

4

**BASSETLAW DISTRICT APPLICATION REF. 1/66/02/00015
PROPOSAL: RESTORATION OF QUARRY BY MEANS OF INFILLING
WITH INERT WASTE
LOCATION: STYRRUP QUARRY, STYRRUP
APPLICANT: J WHITE & CO (TDE) LTD**

Purpose of Report

1. To consider a planning application for the restoration of part of the existing quarry void by means of inert landfill. The proposal raises key issues relating to Minerals and Waste Local Plan policies, traffic and other environmental impacts, and restoration benefits. The recommendation is to grant permission subject to conditions and a legal agreement.

The Site and Surroundings (Plans A & B)

2. The application site is situated immediately to the south west of Styrrup village to the west of the A1(M) as it passes Harworth Colliery and the villages of Harworth and Bircotes on its eastern side. The application site comprises an active sandstone quarry being intermittently worked for building sand. It is 4.7Ha in area and broadly rectangular in shape and is located at the southern end of an old worked out quarry which links the site to the main B6463 road through Styrrup village (known on this section as Main Street). The total area covered by current and former sandstone workings comprises 5.6Ha and is covered by a single determination issued under the Minerals Review provisions, which updated previous older permissions for mineral extraction at the site.
3. The northern boundary of the application site lies about 160 metres from Main Street and about 180 metres from the rear boundaries of two cottages that are the nearest residential properties fronting Main Street.
4. Access to the site was formerly directly on to Main Street close to a sharp bend where the road, having passed through the village, turns south towards the neighbouring village of Oldcotes, approximately 2km to the south west. Since 1997, however, a new access has been provided from the B6463,

about 350 metres to the south of this bend. The old access into the quarry site from Main Street has been closed off as a condition of the planning permission granting the new access. It has been part filled and planted with a variety of trees. The site is no longer visible from Main Street.

5. The quarry has been partly worked out to various levels across its area. The old quarry, which has a narrow north-south configuration, has been fully excavated. The currently active quarry has been estimated to comprise a void space of some 130,000 cu. metres capacity.
6. The exposed west-facing face of the old quarry comprises a Geological Site of Special Scientific Interest (SSSI) – an exposure of nationally important sequences of the Nottingham Castle sandstone formation (formerly known as the Bunter Pebble Beds) of around 6 metres in height. Opposite lies a further exposure of similar sandstones which is protected as a locally important geological Site of Interest for Nature Conservation (SINC). This designation affects the older parts of the quarry and abuts the SSSI. There is another geological SINC adjoining and facing out over the B6463. This area of sandstone rises to around 4 metres and screens the western edge of the site. It is not affected by the application proposals.
7. The site is separated from Styrrup village by the old quarry (which is naturally regenerating), the planted area of the old access and roadside hedgerows. From the west, there is a good tree cover on the roadside SINC which, combined with the height of the sandstone outcrop, prevents views into the site. Along the southern and eastern boundaries of the site are overgrown field hedges separating the site from adjoining agricultural fields. The surrounding land is generally gently undulating and in agricultural use.
8. The nearest residential properties are the two cottages on Main Street, “The Cottage” and “Fairview Cottage” and there are several other properties on the north side of Main Street with views in the general direction of the site. However, now that the former access has been closed off, the site is fully screened by intervening trees and hedgerows.

Planning History

9. This site has a long history of extraction under old permissions, which were brought up to date and consolidated by means of a determination issued by the County Council in August 1999 under the Review of Old Mineral Workings provisions of the Environment Act 1995. The site currently has a permission for the extraction of up to a further 150,000 cu. m. of sand, through working down to a level of 15 m AOD, to the end of 2016. The updated permission specifies a low level restoration scheme, with the bulk of the base of the quarry to be returned to agricultural use. The sides of the quarry would be battered and left to regenerate naturally.
10. In July 1991, a planning application was submitted to infill the quarry with inert waste and put in a new access at the same location as that now approved and implemented. This application was refused on appeal on the grounds of

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

Proposed Development

11. The proposal is to infill the current void space and reinstate the currently active quarry back to approximately the original ground levels. On estimates provided by the applicant, this would result in a scheme to infill a void of some 130,000 cu. m., over 5 years. The applicant proposes to infill with inert excavated rock or construction/demolition wastes such as stone, concrete etc. This waste would represent the un-recyclable element from contracts to haul waste entered into by the applicant. Any recyclable waste would be dealt with usually at source or at recycling facilities operated by the applicant in South Yorkshire. There would be no recycling or other processing of waste at the site.
12. It is proposed to fill and restore the site by firstly creating a bank across the boundary between the site and the old quarry, spreading soils over and planting this northern slope, and then backfilling behind it until final restoration levels are achieved. The bank would also provide an access down to the old quarry floor for maintenance access to the SSSI. No infilling would take place within the old quarry, thus avoiding any impact on the SSSI and SINC's. A small pond would, however, be established at the bottom of the proposed bank, to accommodate surface water run off from the restored site.
13. The applicant has estimated that, on average, traffic levels would be in the order of 18 lorry movements (9 in/9 out) per working day. Because of the fluctuating nature of the applicant's business, where movements of waste will reflect the day-to-day position on waste haulage contracts, the applicant has requested that provision be made for a maximum of 60 daily lorry movements (30 in/30 out). The applicant also requests that provision be made, in any planning condition setting limits to lorry movements, for occasional increases in daily movements over the approved maximum levels to be agreed with the County Planning Authority.
14. In the course of dealing with the application, there has been some uncertainty over lorry movements associated with site operations, as the applicant had indicated that sand extraction would be continuing alongside infilling operations. However, the applicant has now agreed to forego rights to any further sand extraction once this permission, if granted, comes into force (see also below). Lorry traffic will therefore be limited only to movements associated with infilling.
15. The applicant has typically, in the past, disposed of waste by means of a series of schemes that are largely exempt from waste management licensing

controls, and is currently involved in hauling waste to a landscaping scheme at Styrrup golf course, at the eastern end of the village. In a supporting statement accompanying the application, the applicant's stated need for the site is to provide for his continued business in the short and medium term now these schemes are coming to completion. Infilling will be limited only to waste from the applicant's own business, and the site will not be operated as an open site. The applicant is also willing to sign a legal agreement to restrict lorry movements to a route that avoids any lorries turning right out of the site and travelling through Styrrup village.

16. Proposed hours of working are 7.30 – 18.00 weekdays and 7.30 – 13.00 Saturdays, with no working on Sundays or Bank Holidays. It is further proposed that no lorry movements will take place before 9 am and after 4pm on weekdays. The application states that plant deployed on the site would comprise a backacter and bulldozer. The applicant proposes that internal roadways would be surfaced and swept clean to control dust.
17. The applicant summarises the benefits of the scheme as:
 - (a) The completion of activity at Styrrup by 2010 (allowing for application to the Environment Agency under waste licensing), with restoration up to 2011, rather than 2016 for the end of quarrying followed by restoration, as the current permission allows.
 - (b) A more appropriate landform with a better restoration scheme than the current low level proposal.
 - (c) The provision of 130,000 cu m inert landfill capacity.
 - (d) The avoidance of over reliance on two other landfills in the locality.

Relevant Planning Policies

18. Policy 9.1 of the Nottinghamshire Structure Plan Review (NSPR) seeks to protect mineral resources from sterilisation. Policy 12/1 of considers that proposals for waste management facilities should examine the waste hierarchy, avoiding conflict with other land uses, health and safety issues and environmental protection
19. Policy W2.1 of the Nottinghamshire Waste Local Plan (Adopted 2002) (WLP) outlines a hierarchy of waste management.

Operational impacts of waste developments are considered under WLP policies W3.4 (landscaping), W3.6 (groundwater), W3.7 (odour), W3.9 (noise), W3.10 (dust), and W3.11 (mud on highways).

WLP Policy W3.14 permits development that can be accommodated on the highway network without causing unacceptable disturbance to local communities.

WLP Policy W3.15 allows for the imposition of lorry routes and planning obligations regarding highways.

WLP Policy W3.22 seeks to protect species/sites of interest for nature conservation from unacceptable development and allows conditions to be imposed to provide appropriate mitigation. Policy W3.23 similarly seeks to protect sites of nature conservation or geological interest.

Policies W 4.1 to W4.14 cover matters relating to restoration and aftercare of restored sites.

Policy W10.1 of the WLP deals with reclamation of mineral voids through waste disposal and states that they will be permitted provided they achieve environmental benefits, meet a recognised need for additional disposal capacity and do not have an unacceptable environmental impact.

20. Replacement Minerals Local Plan Revised Deposit Draft Policy M2/1 seeks generally to protect sites from unnecessary sterilisation, but does provide for development proposals which can demonstrate they can meet the exceptions defined in the policy. Policy M4.6 is also relevant to this application. It provides for the reclamation of mineral workings where they are reliant on the importation of a small quantity of inert waste. The policy states that they will be permitted where they provide an optimum reclamation solution and there are no unacceptable environmental benefits, and it is not practical to use the waste as a secondary aggregate.
21. Bassetlaw District Plan Deposit Draft 1995 Policy 6/1 seeks to protect Sites of Special Scientific Interest or any site identified as of importance for nature conservation.

Consultations

22. Bassetlaw District Council have no objection to the current application, although they note the Parish Council's concerns regarding vehicle routing should be addressed.
23. Styrrup with Oldcotes Parish Council objected to the original application on the following grounds:
 - (a) continued mineral extraction and waste infill would generate excessive traffic;
 - (b) noise and dust impacts on nearby residents due to the prevailing wind direction;
 - (c) whichever direction lorries would take there would be a detrimental impact on either Styrrup or Oldcotes villages;

- (d) Finningley Airport development would place even further strain on the roads in the Parish and the cumulative impact of this with the current application would be detrimental to the environment;
 - (e) the current application was not bringing positive benefits to the area.
24. Doncaster Metropolitan Borough Council (consulted as a neighbouring authority) have no objections.
 25. Rotherham Metropolitan Borough Council (consulted as a neighbouring authority) have no objections.
 26. The Environment Agency has no objection but recommends a number of conditions to be imposed on any permission to prevent pollution of the water environment and flooding.
 27. English Nature originally objected to the application, requiring further details of surface water drainage, the distance that the ground works would occur from the SSSI, access arrangements for maintenance of the SSSI and measures to safeguard protected species. The further submission of details from the applicant has removed the objection subject to a requirement for conditions to cover safeguarding of access arrangements, a minimum stand-off from the works to the SSSI and the final design of the pond near the SSSI. The provision of habitats for sand martins is supported.
 28. Nottinghamshire Wildlife Trust originally objected to the application on the understanding that the site in its entirety might qualify for designation as a SINC and, given this, that a proper assessment of its ecological interest had not been carried out and appropriate mitigation of identified species and wildlife habitats proposed. Subsequent investigations of the site's ecological interest showed that the site did not qualify for consideration as a SINC – given this, the Trust considered that an objection could not be sustained. However, they requested revised restoration proposals aimed at providing appropriate wildlife habitats and the imposition of planning conditions to cover the need for additional ecological surveys and mitigation measures in respect of any protected species and breeding birds identified.
 29. The Department of the Environment, Farming and Rural Affairs (DEFRA) had no objections in principle because of the small area of land involved, but had a number of concerns regarding soil replacement, transmission of soil borne diseases, soil replacement, finished levels, compaction and surface water drainage systems if the land were to be returned to agricultural use. These matters could be dealt with by appropriate conditions, should the main restoration be to agricultural use.
 30. The Countryside Agency have no comments
 31. Transco had no objections but confirmed that there was plant in the vicinity which the applicant would have to provide further details should permission be forthcoming.

32. The National Grid had no objections but noted the proposal was near an overhead line and that the applicant needed to be aware of certain operational matters.
33. The Coal Authority provide advice on underground coal seams and that the developer should seek appropriate technical advice before proceeding.

Publicity

34. The application was advertised in the Worksop Guardian, site notices were posted in both Styrrup and Oldcotes villages and nearby residents in both Styrrup and Oldcotes were notified by letter. There were 27 individual letters of objection and a petition of 122 signatories received, from residents living within Styrrup village.
35. Main grounds of objection can be summarised as follows:
 - (a) The site is considered unacceptable for landfill on grounds of increased noise, dust, vibration, potential for vermin, potential for pollution of watercourses, impact on the SSSI and other nature conservation interests and general impact on the rural environment.
 - (b) Potential highways impacts, in respect of the narrowness of the B6463, speed of traffic already passing through the village, an unacceptable increase in lorry traffic through Styrrup village and proximity of the site access to a bad bend.
 - (c) Potential disturbance from proposed hours of operation, and from sand extraction and landfill taking place at the same time.
 - (d) The potentially blighting impact of further industrial uses in the area.
 - (e) Lack of benefits to the village and of support for a village trying to maintain its amenities.
 - (f) Alternative sites for inert landfill are available.
 - (g) No confidence that the applicant will comply with planning controls, given previous poor working practices and disregard for conditions attached to existing consents.
 - (h) The site could attract unauthorised tipping.
 - (i) Potential impact on house prices.
36. A resident of a property between the two villages objects to the proposal because he already suffers from existing HGV traffic causing problems of damage to his property, which is only 2 metres from the verge side. He

objects to additional traffic causing extra noise, dust and vibration as well as the potential for even further damage to his property.

Observations

Policy Considerations

Replacement Structure Plan

37. See paragraph 40 below in relation to Policy 9.2 which seeks to protect minerals resources from unnecessary sterilisation.

Waste Local Plan

38. It is considered that the proposal fails to comply with WLP Policy W10.1, in so far as it does not meet a recognised need for additional disposal capacity. While the applicant puts forward a case based on his own commercial needs, the issue is one of a shortfall in capacity overall in this part of the County. There are inert waste sites nearby, at Carlton Forest or Serlby Quarry, that could provide alternative capacity. The latter site is subject of very low infilling rates and an application is under consideration with this Authority for a substantial extension of the timescale for infilling. That is not to say, however, that the applicant could not infill the site within the 5-year timescale indicated in the application. In this case, however, the application fails, in policy terms, on need grounds.

Replacement Minerals Local Plan

39. Policy M2.1 seeks to protect mineral reserves from sterilisation by other development, with exceptions where it can be demonstrated that:
- there is no commercial value to the deposit;
 - there are environmental constraints affecting production;
 - the deposit is unlikely to form an extension or replacement and
 - the development could not be sited elsewhere.
40. The application site produces an insignificant amount of Sherwood sand. It has lain dormant for several years, and recently production has amounted to about 3,500 cubic metres (or 7,000 tonnes) over a typical year. Under these circumstances it is considered that the levels of production are minimal and, according to the applicant, are of no commercial value. There will be no significant impact on the County's ability to meet its sandstone apportionment (0.70 million tonnes p.a.). It is therefore considered that the proposals meet the requirements of Policy M2.1 and Replacement Structure Plan Policy 9.2.
41. Policy M4.6 does, however, allow for small schemes of inert waste disposal where restoration would provide the optimum reclamation solution, where there are no unacceptable environmental impacts and where the waste cannot be used as secondary aggregate. Environmental impacts are

considered in detail below. With regard to alternative uses for the waste, the applicant has stated that the inert waste proposed to be brought to site is that which has already been through recycling and recovery processes, and represents a residue from these processes.

42. Notwithstanding this, compliance with the policy is achieved only if the scale of operations is such as to qualify it as a small scheme and if the scheme represents an optimum restoration solution. With regard to the scale of operations, the proposed input of 130,000 cu. m. over a 5-year period is considered to amount to what can be described as a small scheme, although it is very much at the upper end of what could be considered acceptable in this respect. In order to limit waste inputs to this level, however, it will be necessary to limit any further extraction of sand from the site.
43. Had the site been fully excavated, this would have produced an overall void space of 250,000 cu. m. An infilling scheme involving this quantity of material, over approximately a 10-year period (given the need to limit lorry movements at the site) would exceed any definition of a small scheme and would therefore not be supported under this policy. For this reason, the applicant has agreed to forego further extraction of sand at the site, so as to place a firm limit on the available void space, in the interests of complying with the policy.
44. Should permission be granted, the applicant will need to apply for an appropriate waste management licence/permit (see also below), a process that is estimated to take around a year. Although very little sand has been extracted from the site in recent years, a condition will be attached to any permission granted, requiring a levels survey to be carried out prior to commencement of infilling operations and appropriate adjustments made to final restored levels, so as to ensure that the 130,000 cu. m. figure is not exceeded.
45. With regard to whether the scheme represents an optimum restoration solution, discussions have taken place with the applicant, in the light of landscape and ecological advice received, and the concerns expressed by English Nature and the Nottinghamshire Wildlife Trust. The restoration scheme has been amended to place emphasis on the creation of wildlife habitats, in line with the provision of features that reflect the landscape character of the surrounding area. This is considered a more appropriate form of restoration than the low-level agricultural restoration agreed as part of the determination under the Minerals Review provisions. Detailed landscape and ecological matters are considered below. This issue is also further explored in the "Conclusions" section of this report.

Environmental Issues

Noise

46. A Noise Impact Assessment was submitted to accompany the application. Under conditions attached to the Minerals Review determination, noise levels

from operations are limited to no more than 55 dB(A) Laeq (1 hour) at the site boundary, with the exception of soil placement on finished surfaces and removal of perimeter bunds, for which the Minerals Planning Guidance Note 11 (MPG11) advises that operations of up to 70 dB(A) for up to 8 weeks is permissible. The applicant has requested that these noise limits again be imposed on operations.

47. Following discussions with the applicant, and further noise measurements in the light of uncertainty regarding typical background noise levels within Styrrup village, a background level of 42dB(A) within the village was agreed, and this was incorporated into an amended noise assessment that was subject of a further submission. At this background level, a noise limit of 55dB(A) would represent a significant increase over background noise levels which, if applying the standards set out in BS4142, would be likely to lead to complaint from occupants of noise sensitive properties. A lower noise limit would therefore be appropriate.
48. The amended noise assessment sought to estimate noise levels at the nearest noise sensitive property within Styrrup village, based on deployment of a single loading shovel at the site and taking account of lorry movements in connection with site operations. On the basis of plant operating at a Sound Power Level of 107dB(A), the assessment estimated that resulting worst case noise levels at the nearest noise sensitive property (i.e. with plant operating close to the northern boundary of the site) would be 48dB(A). This estimate includes a 5dB(A) component to account for impulsive noise emitted by the machinery and would be some 6dB(A) above background levels, which is below the 10dB(A) threshold at which complaints might occur.
49. The application details different plant and machinery at the site from that on which the noise assessment was based, on the basis that, at that stage, infilling would be taking place alongside sand extraction. The applicant has subsequently confirmed that, under a scheme for infilling only, plant to be deployed on site would predominantly comprise a loading shovel only, but that, from time to time, a backacter and bulldozer would also need to be used. With regard to the setting of noise limits at the nearest noise sensitive property, it is noted that noise levels generally within the village are susceptible to passing traffic through the village and on the nearby A1(M). In the light of this, it may not be possible, in monitoring for site-attributable noise, to separate it from background traffic noise.
50. It is therefore considered appropriate, in this case, to set noise limits, both in relation to the nearest noise sensitive property within the village, and also, in respect of the Sound Power Level output of any plant and machinery operating on the site at any one time. If this is set at a level of 107dB(A), for either one item of plant, or a number of items operating together, it should result in a worst case noise level at the nearest noise sensitive property (in this case, the southern garden boundary of The Cottage) in line with the noise assessment.

51. Subject to limits being imposed in a condition, resulting noise levels from site operations would, on a worst case scenario, when plant would be operating along the northern boundary of the site, infilling up to final ground levels, be well within the guidelines set out in MPG11 and within the limits set out in BS4142 regarding noise increases above background levels. The applicant will, however, be allowed to operate to the higher noise limits for temporary operations involving the formation of bunds, soils replacement etc, for up to 8 weeks in any year, in line with the guidance in MPG11. A condition to cover this situation will be appropriate.

Dust/Litter/Vermin

52. Whilst properties within Styrrup village are in the line of prevailing winds blowing from the site, they are in excess of 100 metres away from the site, with intervening trees and hedgerows and, subject to the imposition of measures to control dust, there should be no undue disturbance. The applicant proposes a number of dust control measures, in relation to plant and vehicles and surfacing of haul roads. In addition, conditions can also be imposed requiring sheeting of loaded lorries and the use of water bowsers in dry conditions, to dampen down exposed tipped material and soil storage mounds etc. Conditions will also enable the County Planning Authority (CPA) to require cessation of tipping operations in exceptionally dry, windy weather where other required measures fail to control dust emissions.
53. Litter should not be a problem, given the nature of the waste. However, an appropriate condition can be imposed to ensure litter arising as a result of site operations is suitably controlled. There should be no vermin associated with operations as the waste will not contain any biodegradable element. A condition to ensure the highway is kept clear of mud and other debris would also be appropriate.

Visual Impact

54. Operations would not be visible from the highway, being screened by rock outcrops and trees, or directly from the village. Very limited distant views of the site would be available from higher ground to the east or south, though site operations would be screened from this direction by field hedgerows. Infill activity would not be visible from outside and the proposed restoration scheme would not be visible in the general landscape. The roadside geological SINC, which fulfils an important screening function whilst not directly affected by the proposals, can be protected by means of conditions requiring stand-off distances in respect of infilling operations.

Traffic Impact

55. A number of concerns were raised by the Highway Authority, with regard to the impact of the development in terms of numbers of vehicles, size, access visibility, lorry routeing and hours of operation and to ensure the application was acceptable in terms of highway safety. A number of discussions have taken place involving representatives of the applicant and officers of the Area

Highways Office. Matters have now been satisfactorily resolved on the basis of the following, which will be either subject of an appropriate planning condition or incorporated in a legal agreement:

- (a) sand extraction will cease on the issue of any planning permission for infilling, so that future lorry movements in connection with this application relate solely to inert waste operations;
 - (b) lorry movements into and out of the site will be limited to a maximum of 60 in any full working day (30 movements on a half day) with the proviso that agreement can be obtained from the LPA on occasion to a relaxation of these limits, to accommodate exceptional fluctuations in rates of infill. There is a concern regarding the adequate visibility at the site access, given generally increased traffic speeds on the highway network, and the applicant has been informed that any application generally to raise the limits on vehicle movements would have to demonstrate the case by means of a Traffic Impact Assessment.
 - (c) lorry movements would be restricted to between 9 am and 4 pm on a full working day, again, in the interests of highway safety, to avoid potential conflict with other traffic on the B6463 at peak times.
 - (d) the applicant will sign a Section 106 agreement for a lorry route which will involve vehicles making a right turn in left turn only out of the site onto the B6463 to Oldcotes, with no lorry traffic allowed to travel through Styrrup village.
56. These provisions should address the highways concerns and also objections raised on the grounds of highways safety and disturbance from lorry traffic travelling through Styrrup. At present, there are no restrictions on lorry movements in connection with continuing sand extraction.

Landscape and Ecological Impact/Restoration Benefits

57. English Nature are now satisfied that there will be no damage to the geological SSSI provided adequate access is provided for maintenance and the drainage to the pond by the SSSI is satisfactory. An appropriate condition can be applied to deal with the access matter. The adjoining geological SINC is not affected by the application. The application site itself does not qualify for designation as a SINC, so there is no conflict with Policy W3.23 of the WLP in respect of any impact on designated areas of ecological interest.
58. With regard to the concerns raised by the Nottinghamshire Wildlife Trust, an initial assessment of wildlife habitats was carried out, which confirmed the position regarding plant communities on the site and identified sand martin nests in the exposed northern face of the currently active quarry that merited safeguarding. While not taking forward their initial objection, the Trust considered that further surveys should be carried out, to identify the presence of reptiles and breeding birds and put forward mitigation measures, either in the form of replacement habitats or, in the case of nesting birds, amendments

to operations which would safeguard birds during the breeding season. There was also concern regarding the form of restoration, in that, as originally proposed, it was to agriculture at reinstated ground levels, with little habitat creation.

59. Following discussions with the applicant, the restoration has now been amended to comprise acid grassland, heathland and scrub over the majority of the site. The scheme would incorporate woodland planting on the margins, strengthening of boundary hedgerows, protection of sand martin nests and provision made for two small ponds to deal with surface run-off, one close to the SSSI sandstone exposure. Within this general concept, replacement habitats for reptiles, in particular adders and slow worms, consisting of south facing bare sand exposures, can be required subject to details which can be agreed with the CPA. Such a restoration would place appropriate emphasis on habitat creation, in line with the County Council's wider biodiversity aims. A requirement for further surveys of reptiles and breeding birds, in the appropriate season, can be imposed by condition and detailed site restoration proposals would then reflect any mitigation identified following such surveys.
60. As now submitted, the restoration scheme will support the landscape character of the wider area, as set out in the County Council's Landscape Guidelines 1997 by recreating an undulating landform and strengthening hedgerows, with tree planting in field corners. In respect of both landscape and ecological impacts, the proposed restoration scheme provides a positive benefit to the local environment which represents an improvement over the currently approved low level restoration to agriculture. Conditions will need to be applied to ensure satisfactory details are submitted for approval by the CPA, including provision for an alternative should the proposed timescale of infilling not be met.
61. The revised restoration will not be to an agricultural end use for the site, and therefore the various concerns raised by DEFRA will no longer be relevant. A standard 5 year aftercare condition will be required and the applicant has agreed to accept responsibility for longer term management of the restored site, so that wildlife habitats etc. can properly establish. The means of achieving this will need to be discussed in the context of formulating a legal agreement to provide for this. However, it will be either through taking direct responsibility for long term management over a likely 10 year period, or through the transfer of ownership of the site, upon expiry of the statutory 5-year aftercare period, to an appropriate wildlife body.

Hydrogeology

62. The Environment Agency raised no objections to the proposal as they are of the opinion that a desk top ground and surface water risk assessment, submitted with the application, sufficiently demonstrates that it will not cause harm to the ground water environment. The applicant will in any event be required to apply to the Agency for a Pollution Prevention and Control Permit under the Pollution Prevention and Control Regulations 2000 and the Landfill Regulations 2002, which will regulate discharges from the site.

Surface Water Drainage

63. Whilst there has been no objection in principle on this issue from consultees, further detailed submissions are required to satisfy matters of detail regarding drainage arrangements, including details of a drainage scheme and the design of the drainage pond near the SSSI. This can be required by condition.

Other Issues

64. The applicant has in the past been the subject of complaints from residents living in Styrrup regarding working practices and there have been discussions and correspondence involving planning enforcement officers, though no formal enforcement action has been taken. The concerns of residents are accepted, however, and one benefit of granting permission will be to impose tight control over further operations, consistent with the applicant's intentions for reinstating the site, while providing a firm timescale for the completion of infilling and restoration.
65. The application proposes no community benefits but measures already taken to close the former access will have had benefits and the lorry routing arrangements will be of further benefit in prohibiting all traffic associated with the quarry from travelling through Styrrup.
66. The site will need to be securely fenced/gated, to prevent unauthorised access and possible fly-tipping. This can be made the subject of a condition.
67. Impact on property values is not a planning consideration, though it is in the public interest to protect residential amenity.

Conclusions

68. The issues in this application are finely balanced. On the one hand, the application site has a history of a previous refusal, upheld on appeal, for inert waste disposal and the proposal now under consideration is in conflict with WLP Policy W10.1 in so far as it does not meet a recognised need for a disposal facility. To that extent, the objection that there are other sites available nearby to accommodate inputs of inert waste is accepted. The applicant's wish to secure a site for his operations in the short and medium term should be viewed in this wider context and, while it is a material consideration, it does not override the policy objection. On the issue of restoration, it might be argued that the optimum restoration would involve low level restoration to acid grassland and heathland, with no infilling. Members may take the view that this, allied to the lack of any wider need for the facility, outweighs any of the factors supporting a recommendation to approve the proposal.
69. On the other hand, and with regard to these factors, the applicant has sought to address all the likely grounds for objection in respect of the environmental

impact, and reflected in representations received from residents living in Styrrup. A number of revisions to the originally submitted scheme have been made, which serve to address all the concerns raised at various points in the course of dealing with the application. Furthermore, the proposal can be supported by Policy M4.6 of the Replacement Minerals Local Plan, as representing a small infilling scheme which provides for optimum restoration of the site and meets the other tests of this policy.

70. It should be noted that low level restoration to acid grassland/heathland is not the currently approved restoration for the site and reinstatement to the original undulating landform would in any event be more in keeping with the landscape character of the wider area. To that extent, the currently submitted proposals offer benefits over and above such an alternative. The proposed concept restoration, as now revised following discussions with the Wildlife Trust and the County Planning Authority, will support the County Council's wider biodiversity aims for this part of the County.
71. The proposal complies with all the relevant WLP criteria policies relating to noise, dust, screening and landscaping, groundwater protection, prevention of mud on the highway and highway safety. There is no conflict in respect of policies relating to protection of sites of nature conservation interest or safeguarding of protected species. Under the proposed legal agreement, sand extraction will cease upon the commencement of infilling operations, and the anticipation is that the timescale for restoration will be foreshortened. An agreement will also make provision for long term management of the restored site, following the expiry of the statutory aftercare period, and for the cessation of lorry movements associated with infilling operations through Styrrup village. The applicant's previous record, in terms of poor operating practices, is of concern to objectors but could not, of itself, form the basis of a refusal of permission. It would be for the Authority to impose appropriate conditions that would mitigate any harm to the environment and pursue its enforcement powers, if necessary.
72. On balance, therefore, the recommendation must be to approve the proposals, subject to conditions and a legal agreement, and I recommend accordingly.

Statutory and Policy Implications

73. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and users. Where such implications are material they have been brought out in the text of the report.

Human Rights Act Implications

74. 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 are affected. The proposals have the potential to introduce additional traffic and environmental impacts, in

respect of residents of Styrrup and, to a lesser extent, Oldcotes. This needs to be balanced against rights conferred under the existing permission for quarrying, the environmental benefits the proposal can provide, the distance from the site to residential properties and the scope to mitigate any impacts through the imposition of planning conditions.

RECOMMENDATION

75. It is RECOMMENDED:

- (a) That the Executive Head of Democratic and Legal Services be authorised to enter into a legal agreement or agreements with J White and Co (TDE) Limited in respect of Styrrup Quarry to provide for the following:
 - (i) routing of all lorry movements to and from the site via the B6463 from the quarry access in the direction of Oldcotes, to avoid any lorry traffic in connection with the development hereby approved passing through Styrrup village;
 - (ii) upon the grant of permission for the development hereby approved, the cessation of all sand and sandstone extraction at the quarry;
 - (iii) provision for long term management of the restored site in line with the options outlined in this Report.
- (b) That, upon completion of a satisfactory legal agreement or agreements further to (a) above, the Director of Environment be authorised to grant permission for the restoration of Styrrup Quarry with inert waste subject to the conditions set out in Appendix 1.

Statement of Reasons for Approval

While the proposals are in conflict with Policy W10.1 of the Adopted Waste Local Plan, in that they do not meet a recognised need for waste disposal, they are supported by Policy M4.6 of the Replacement Minerals Local Plan Revised Deposit Draft, in that they represent a mineral reclamation scheme involving a small quantity of inert waste. The proposals are in accordance with other policies of the adopted WLP. Subject to a legal agreement covering the matters summarised in the recommendation and the imposition of the attached conditions, the proposals should satisfactorily mitigate any traffic and environmental impacts. The proposals will bring about benefits in terms of sustainability and increased bio- diversity and habitat creation and, on balance, permission should be granted.

PETER WEBSTER
Director of Environment

Director of Resources' Financial Comments

This report deals with the planning application and has no direct financial consequences. [DJK 28.6.04]

Legal Services' Comments

Committee have power to decide the Recommendation. [SHB 25.6.04]

Background Papers Available for Inspection

Consultation Responses:

- 1 Letter from the Coal Authority dated 11.10.02
- 2 Letter from Transco dated 14.10.02
- 3 Letter from DEFRA dated 16.10.02
- 4 Letter from Doncaster MBC dated 17.10.02
- 5 Letter from the Countryside Agency dated 21.10.02
- 6 Letters from English Nature dated 23.10.02, 12.08.03, 4.03.04
- 7 Letters from Nottinghamshire Wildlife Trust dated 1.11.02, 12.08.03
- 8 Letters from Styrrup with Oldcotes Parish Council dated 27.10.02, 31.08.03, 22.10.03
- 9 Letter from National Grid dated 1.11.02
- 10 Letter from Rotherham MBC dated 8.11.02
- 11 Letters from the Environment Agency dated 14.11.02, 2.04.03, 26.09.03, 27.10.03, 24.06.04.
- 12 Letters from Bassetlaw District Council dated 19.11.02, 13.10.03, 24/02/04

Publicity Responses:

1. 27 letters of objection received from local residents between 16.10.02 and 5.11.02.
2. Petition received from Mrs L Harper dated 19.11.02 with 122 signatures.

Electoral Division(s) Affected

Blyth and Harworth

Please note. Copies of plans referred to in this report may be obtained from: John Sheffield, Environment, Trent Bridge House, Fox Road, West Bridgford, Nottingham NG2 6BJ, tel 0115 977 4499, email john.sheffield@nottscc.gov.uk or from Peter Barker at the same address, tel 0115 977 4416, email peter.barker@nottscc.gov.uk.

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SUGGESTED PLANNING CONDITIONS

Restoration of Styrrup Quarry by Means of Infilling with Inert Waste

Definition of Permission

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

Date of Commencement

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

Site Layout

3. The development hereby approved shall only be carried out in accordance with the following documents and with the details referred to elsewhere in this Schedule of Conditions unless otherwise agreed in writing with the CPA:
 - a) Planning application form and accompanying statement received on 16/09/02;
 - b) Drawing No: C6446/2 Site Plan received on 16/09/02;
 - c) Noise Assessment received on 14/07/03 as amended by a Revised Noise Assessment received on 10/12/03;
 - d) Drawing No: C6446/3a Restoration Plan indicating restoration contours (included in Ground and Surface Water Risk Assessment received on 10/7/03);
 - e) Letters from Land and Development Practice dated 6/02/04, 18/03/04 and 22/04/04 relating to infill volumes and traffic;
 - f) Drawing No: C6446/6a Revised Restoration Plan received on 05/05/04.

Prior to the Commencement of Development

4. At least one month before development commences a topographical survey for the site, together with details of current soil store locations and volumes, shall be submitted to the CPA for approved in writing.

5. Prior to the commencement of the development hereby permitted, the site shall be clearly marked out in accordance with the details, including the position of the base of the batter on the northern boundary, as shown in Drawing C6446/3a (see Condition 3 above), and shall be maintained in accordance with the approved layout unless otherwise varied with the express consent of the CPA.
6. Prior to the commencement of development full details of the location, construction, elevations and colour of all on site offices and WCs and the location of car parking, as referred to in the application received on 16/09/02, shall be submitted to, for the written approval of, the CPA. The buildings and car parking shall be constructed in accordance with the approved details, unless otherwise agreed in writing by the CPA.
7. Prior to commencement of development details of all plant/machinery to be used on the site shall be submitted to the CPA for its written approval. Plant and machinery shall be restricted to that approved unless otherwise agreed in writing by the CPA.
8. Prior to the commencement of development details of measures to protect the adjoining Site of Special Scientific Interest (SSSI) and Sites of Interest for Nature Conservation (SINCs) from operations shall be submitted to, for the written approval of, the CPA. The approved measures shall thereafter be implemented and maintained for the duration of the planning permission, unless otherwise varied by prior written agreement with the CPA.
9. Prior to development commencing detailed ecological surveys of the site shall have been submitted of the following:
 - a) protected species of animals, birds and herptiles;
 - b) breeding birds.

In the event that such species are present, the surveys shall identify any necessary mitigation measures to be carried out. The surveys shall be approved in writing by the CPA and any mitigation measures shall be carried out in full in accordance with the approved details.
10. The survey work required by Condition 9 above shall additionally cover structures remaining on the adjoining worked out quarry. Should any protected species or breeding birds be found using them, appropriate mitigation measures shall be incorporated into the survey required under Condition 9. If there is no demonstrable reason identified, arising from the surveys and proposed mitigation measures, for the remaining structures to be retained, they shall be removed prior to the construction of the batter.
11. Prior to the commencement of development a plan shall be submitted to the CPA giving full details of all perimeter fencing and gates, both existing and those proposed to be erected on the site, for the written approval of the CPA. The plans shall be implemented in accordance with the approved details

before development commences unless otherwise agreed in writing by the CPA.

12. Prior to the commencement of development full details of the concept restoration scheme shown in Drawing C6446/6a, received on 5/05/04, shall be submitted for the prior written approval of the CPA. Such details shall include:
 - a) working design details for the construction of the northern batter and the associated maintenance road;
 - b) design details, method statement and a timetable of works to mitigate any undue adverse impacts to the Styrrup Quarry SSSI;
 - c) method statement and phasing details for infilling and progressive restoration, including measures for the protection of all trees and hedgerows bordering the site;
 - d) a detailed assessment of materials required to complete to the approved restoration contours (Approved Plan Ref C6446/3a);
 - e) a scheme of soil-handling and placement, including proposed profiles and depths;
 - f) details of landscaping which shall include, but not be restricted to the following:-
 - (i) planting proposals, including the locations, numbers, groupings, species, size and details of planting of native trees, shrubs and hedge plants;
 - (ii) a schedule of fertiliser applications;
 - (iii) details of grass and wildflower seed mixtures to be sown, including those for hedgerow areas;
 - (iv) measures for the protection of all plantings from animal damage;
 - (v) arrangements for drainage of the planted areas;
 - (vi) details of works to create habitats for sand martins and arising from proposed mitigation measures identified pursuant to Condition 9 above;
 - (vii) pond design, engineering and margin planting details;
 - (viii) location and design of drainage ditches;
 - (ix) details of machinery to be used.

No development shall take place except in accordance with the details approved under this condition unless otherwise amended by virtue of agreed revised restoration contours consequent to the survey required under Condition 4.

13. Prior to the commencement of development, a scheme for the provision and implementation of surface water run off limitation shall be submitted to and approved in writing by the CPA. The scheme shall be implemented in accordance with the approved programme and details.

14. Prior to the commencement of development, a scheme for the disposal of foul and surface waters shall be submitted and approved by the CPA. The scheme shall be implemented in accordance with the approved details.

Commencement

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

Duration of Operations

16. Waste operations shall cease and all associated plant and equipment shall be removed from the site no later than 4 years from the date of commencement as notified under Condition 15, with restoration works completed no later than 5 years from the date of commencement.

Access and Traffic

17. Access and egress to the site only be via the existing access off the B6463 to the south of Styrrup village and as identified on Drawing No: C6446/2
18. There shall be no right turn out of the site onto the B6463 for any HGVs at any time, unless in the event of an emergency when the B6463 to Oldcotes is wholly closed. Any such emergency shall be notified to the CPA immediately.
19. Unless otherwise agreed in writing by the CPA, the number of HGVs entering or leaving the site shall not exceed 30 in and 30 out in any one whole working weekday and 15 in and 15 out on Saturday mornings. The operator shall record all such vehicle movements and make such records available to the CPA upon request.

Hours of Operation

20. Unless otherwise previously agreed in writing by the CPA the site shall only operate between the hours of 07.30 – 18.00 on weekdays and 08.00 to 13.00 on Saturdays. No HGV movements into or out of the site shall take place before 09.00 and after 16.00 on any weekday. No operations shall be carried out on Sundays, Public or Bank holidays.

Operational Matters

21. Unless otherwise agreed in writing by the CPA, no plant or machinery shall be used on the site other than that specified within the statement accompanying the application, or as approved by Condition 8.
22. All possible measures shall be taken to ensure that noise associated with the use hereby permitted is kept to a minimum. Such measures shall include:

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

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

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

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

24. No vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the highway. Should the measures proposed under this Condition or Condition 23 prove ineffective then, within one month of a written request from the CPA, measures to prevent mud on the public

highway shall be submitted to the CPA for written approval. Such measures shall be implemented as approved.

Environmental Controls

25. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.
26. Nothing other than uncontaminated inert material shall be tipped at the site.
27. There shall be no burning of materials on the site at any time .
28. There shall be no crushing or screening of materials carried out on the site at any time.

Hedgerow Protection

29. No stripping or storage of soils shall take place within 4 metres of the public highway or 3 metres of any hedgerow.
30. All trees and hedgerows bordering the site shall be retained and protected from development operations and maintained for the duration of operations, in accordance with details approved under Condition 12 above.

Restoration and Aftercare

31. The site shall be restored in accordance with the concept scheme indicated on Drawing C6446/3a and the details approved under Condition 12 above, unless otherwise amended by a variation resulting from differing on site volumes indicated by Condition 4. Such variation must be submitted to the CPA within three months of the CPAs written request for the written approval of the CPA.
32. No soils shall be removed from the site, unless agreed as part of the approved restoration scheme.
33. Before any placement of soils in accordance with the restoration scheme approved under Condition 12, the surface of the site shall be graded and cross ripped so as to achieve, after soil placement, the approved restoration contours.

34. Following the re-spreading of soils on the site, any stones larger than 50mm in any dimension shall be removed from the site.
35. Following the placement of soils in any phase, grass seed shall be sown in the first available season for sowing, in areas proposed for grassland creation, in accordance with the details approved under Condition 12.
36. Tree/shrub planting shall be carried out within the first available planting season following placement of soils in any phase and any subsequent treatment, in accordance with details approved under Condition 12.
37. Restoration of the site shall be completed within 12 months of the date of completion of waste infilling operations in any phase, or as otherwise agreed in writing by the CPA.
38. Further to the details approved under Condition 12 and not less than three months prior to the placement of soils in any phase of restoration, an after care scheme for that phase (which may include subsequent phases), providing for such steps as may be necessary to bring the land up to the required standard for the establishment of grassland, heathland, habitat creation and tree planting, within a 5 year aftercare period, shall be submitted to, for the written approval of, the CPA.
The aftercare scheme may include, but shall not be restricted to, details of the following:-
 - (a) cultivations;
 - (b) fertiliser and 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 CPA between 31st October and 31st December of each year at site management meetings;
 - (f) drainage arrangements;
 - (g) management practices such as the cutting of vegetation and arrangements for grazing with sheep, where appropriate;
 - (h) protection and maintenance of tree planted areas;
 - (i) necessary remedial treatments;
 - (j) irrigation.

Premature Cessation of Operations

39. In the event that the use of the site for the development hereby permitted should cease for a period in excess of six months, the operator, shall upon the written request of the CPA, clear the site of all buildings, plant and machinery and any other materials on site within three months of the date of the request. A detailed revised scheme for the restoration of the site, which may, as appropriate, incorporate a revision to the approved restoration scheme, shall be submitted to the CPA for its written approval, within 3 months of a written request. The revised restoration scheme shall include all details requested

under the terms of Condition 12 and, once approved, it shall be implemented within 12 months of the date of written approval, unless otherwise agreed in writing with the CPA.

Reasons

- 1,3 For the avoidance of doubt and to ensure the development is carried out in accordance with the approved plans and documents.
2. To comply with Section 91 of the Town and Country Planning Act 1990
4. To ensure the void space is as applied for at the commencement of operations.
- 5-7, 11 To ensure satisfactory implementation of the development in accordance with Policies W3.3 and W3.4 of the Waste Local Plan (WLP).
- 8-10, 29, 30 To ensure the satisfactory protection of nature conservation interests in accordance with policies W3.23 and W3.24 of the WLP.
12. To ensure the satisfactory restoration of the site in accordance with Policies W4.6 and W4.12 of the WLP.
- 13, 14. In the interests of the protection of groundwater and to prevent pollution of the water environment in accordance with Policy W3.6 of the WLP.
15. To ensure that the development is carried out in an orderly manner in accordance with Policy W4.1 of the WLP.
16. To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy W4.1 of the WLP.
- 17-19 In the interests of highway safety and the amenities of nearby residents in accordance with Policies W3.14 and W3.15 of the WLP.
20. To protect the amenities of nearby residents, occupiers and other land users in accordance with Policy W3.9 of the WLP.
- 21-28 To protect the amenities of the local environment in accordance with Policies W3.8 - W3.11 of the WLP.
- 31-38 To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5 W4.6, W4.9, W4.10 and W4.11 of the WLP.
39. In the interests of the satisfactory restoration of the site in accordance with Policy W4.7 of the WLP.

PROPOSED HEADS OF TERMS FOR A LEGAL AGREEMENT OR AGREEMENTS

1. The developer to covenant to provide a route for HGV traffic to and from the site during the period of waste infill operations and site restoration whereby all lorries only turn left out of/right in to the site to/from the B6463 southwards towards Oldcotes, thus avoiding HGV traffic passing through Styrrup village.
2. The developer to covenant to relinquish rights to extract sand/sandstone from Styrrup Quarry upon the implementation of the permission – for the avoidance of doubt, the effective date shall be the date of commencement of development, as notified to the CPA pursuant to Condition 15 of the planning permission.
3. The developer to covenant to provide for the long term management of the restored site for a minimum period of 10 years from the end of the 5 year statutory aftercare period, either through implementing a management plan for the restored site or through the transfer of ownership of the site to an appropriate body, together with associated funding as appropriate.

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