

**16 December 2014****Agenda Item:6****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES****MANSFIELD DISTRICT REF. NO.: 2/2014/0518/NT****2/2013/0345/NT**

**PROPOSAL:** (1) CONTINUATION OF RESTORATION OF FORMER LIMESTONE QUARRY BY LANDFILLING WITH INERT WASTE AND I) AMENDMENTS TO THE FINAL RESTORATION SCHEME SO AS TO INCREASE THE OVERALL VOLUME AND DURATION OF THE LANDFILLING AND II) RETAIN THE MOBILE PLANT STORAGE FACILITY UNTIL NO LONGER REQUIRED FOR THE OPERATION AND RESTORATION OF THE SITE.

(2) VARIATION OF CONDITION 2 OF PLANNING PERMISSION 2/2010/0227/NT TO ALLOW CONTINUATION OF CRUSHING AND SCREENING PLANT TO RECYCLE BUILDING MATERIALS FOR A FURTHER 5 YEARS.

**LOCATION:** VALE ROAD QUARRY, VALE ROAD, MANSFIELD WOODHOUSE

**APPLICANT:** MIDLAND LANDFILL LIMITED

**Purpose of Report**

1. To consider two planning applications relating to landfill and recycling operations at Vale Road Quarry, Mansfield Woodhouse. The first application is to increase the approved inert landfill capacity at Vale Road Quarry by 2,060,000m<sup>3</sup> (3,708,000 tonnes), alter the approved restoration scheme and extend the life of disposal operations to 2030. The second application is to vary Condition 2 of Planning Permission Ref: 2/2010/0227/NT to allow existing crushing and screening plant to continue to operate for a further 5 years (to 28 February 2019). The key issues relate to ecology and traffic impacts. The recommendation is to grant planning permission for both applications.

**The Site and Surroundings**

2. The application site is located within the Mansfield district of Nottinghamshire, just outside of the urban boundary to the north west of Mansfield Woodhouse.

The site is a former limestone quarry, now being used as an inert waste landfill to ultimately achieve restoration. The extant permission required landfill operations to cease on 11<sup>th</sup> November 2014.

3. The planning application site measures 25.58 hectares in total and includes the Vale Road Quarry void, surrounding operational land and part of the access road that leads to Common Lane, to the south (Plan 1). The void has been worked to a maximum depth of 72 metres AOD (from average ground levels of 100m AOD).
4. The site layout of the western quarry comprises predominantly of a void where inert landfill is currently taking place. Along the eastern edge of the void is a rock face which varies in height in line with the depth of extraction and the level of waste placement to date. At the base of the rock face, towards to the north east of the void, is a water storage pond, from which water is pumped to the River Meden. To the south of the operational landfill area is the location of the screening and crushing plant used for aggregate recycling and to the south of this is a stockpiling area. At the southern extent of the site there are the site office and welfare facilities, a mobile plant storage compound, a mobile phone mast and equipment compound and an electricity supply box.
5. Whilst the site is located adjacent to the urban boundary of Mansfield Woodhouse, its surroundings are of a generally open rolling rural character, interspersed with woodland and defined hedgerows. There are agricultural fields to the west and south of the site. Immediately to the north, the site is bordered by Meden Bank Wood. Immediately to the east, forming the site boundary, is the Robin Hood railway line running in a north to south direction. Beyond the rail line to the east is Littlewood Quarry, a smaller void measuring approximately 3.09 hectares which has been worked to a depth of approximately 74-77 metres AOD.
6. There are also small wooded areas near to the north-east of Littlewood Quarry and the south-west of Vale Road Quarry. The River Meden flows in an east/west direction immediately to the north of the boundary of the Vale Road void.
7. Access to Vale Road Quarry is to the south with an access track running parallel to the western side of the rail line for approximately 700m before it connects to Common Lane. Located approximately half way between the landfill site and Common Lane is a vehicle dismantling facility and scrap yard.
8. There are a number of rights of way running around the site, with Mansfield Woodhouse Public Footpath No. 8 running along the northern border of Vale Road Quarry and connecting to Mansfield Woodhouse Bridleway No. 7 which runs along the western boundary of Littlewood Quarry before crossing fields and then joining Northfield Lane heading west where it passes over the Robin Hood railway and over the site access road on a footbridge.
9. There are two statutory ecological designated sites near to the application site. Pleasley Vale Railway Site of Special Scientific Interest (SSSI) is located approximately 500m to the west of the application site and comprises a disused railway cutting which supports calcareous grassland. Approximately

1.5km to the north east of the site is the Hills and Holes and Sookholme Brook, Warsop SSSI. This SSSI contains fine examples of calcareous grassland and rock surface plant communities developed on soils, spoil and rock derived from the Permian Lower Magnesian Limestone. The site also includes examples of calcareous stream and base-rich flush communities along the Shirebrook and Sookholme Brook.

10. The applicant has identified 29 Local Wildlife Sites (LWS), formerly known as Sites of Importance for Nature Conservation, (SINCs) within 3km of the application site. There are seven LWS adjacent, or particularly close, to Vale Road Quarry, which include:
  - a) Meden Bank Wood – a notable valley wood along the River Meden. It is situated just outside of the northern boundary of the application site;
  - b) Littlewood Lane Quarry – to the east of Vale Road Quarry, separated by the rail line. The site is described as a deep magnesian limestone quarry with areas of species rich calcareous grassland and a large clear pool with a diversity of colonists;
  - c) Littlewood Grassland and Verges – located to the north of Littlewood Quarry and to the east of the rail line, this site is a noteworthy calcareous grassland;
  - d) Littlewood Lane Railway Bank – this is located to the north of Littlewood quarry and is a species-rich calcareous bank on the eastern site of the rail line;
  - e) Littlewood Lane Wood – located immediately to the north-east of the Littlewood Quarry is a mosaic of scrubby woodland with calcareous grassland;
  - f) Pleasley Vale Pasture Bank – located approximately 190m to the west of the site, it is an unimproved species rich pasture bank;
  - g) Common Lane Roadside Bank – located 270m to the west of the site, it is a roadside bank with a varied calcareous flora.
11. With regard to ecology, attention is drawn to the RSPB Important Bird Area (IBA) and Natural England Indicative Core Area (ICA) which may inform a possible future classification of part of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interest. The nearest IBA/ICA is approximately 3km distant. The site falls within a 5km buffer zone around the IBA (see Plan 2).
12. There are no heritage assets within the planning application site, although there are a number within its vicinity, as set out below:
  - a) Mansfield Woodhouse Roman Villa - a Scheduled Ancient Monument (SAM) approximately 450m to the west of the application site;

- b) Pleasley Vale Conservation Area – Immediately to the west of the application site
  - c) Church of St Chad – A Grade II listed church approximately 160 to the north-east of the application site;
  - d) North Lodge Farm House – A Grade II listed building approximately 250m to the south-west of the southern end of the application site;
  - e) Park Hall Stables – Grade II listed buildings approximately 1.1km to the north-east of the application site.
13. In addition to the above, there are a number of individual non-designated heritage assets of local interest proximate to the application site including Sunnydale (circa 150m east of the southern end of the application site) and the upper, mid and lower mills at Pleasley.
  14. The nearest sensitive receptors to the active landfilling area of the application site comprise isolated properties, including properties 140m to the north, 240m to the west and 185m to the south-west of the Vale Road Quarry operational area. In addition, there are rear gardens of properties approximately 20m to the east of the access road, albeit separated by the Robin Hood railway Line.

## **Proposed Development**

### Background

15. The planning application site comprises Vale Road Quarry, one of two quarries, the other being Littlewood Quarry, collectively known as Cast Quarry. The quarries are former limestone quarry which ceased mineral extraction in the late 1990s. The site was operating under an Interim Development Order (IDO) granted in 1947, which allowed for the extraction of limestone at Vale Road and Littlewood Quarry, and for the site to be tipped with waste. A review of the conditions to which the IDO was subject to was granted in 1995 and included restoration of the site through the deposition of waste. This permission has been varied twice, once to extend the life of the landfill operations, and once to alter the phasing details.
16. The extant landfill planning permission application boundary has historically included Littlewood Quarry, however, no importation of waste has taken place within the Littlewood Quarry void. When the previous (2009) application was submitted negotiations were carried out between the applicant, National Rail and the NCC Countryside Access Team and no acceptable solution could be found to gain access to commence infilling in the Littlewood Quarry void. As such, a condition was placed on the planning permission stating that prior to any infilling in Littlewood Quarry void, details of the construction of the means of access to that part of the site shall have been submitted to, and approved in writing by, the Waste Planning Authority (WPA).
17. In December 2013 an application to carry out the same development as that proposed in this application was submitted to the WPA. However, that

application also proposed to infill Littlewood Quarry, in the same manner as the extant planning permission. However, over the course of the consultation period it became apparent that the same difficulties in accessing Littlewood Quarry as were identified in the 2009 application remained. The outcome of the consultation was that it would take some time to identify a means of securing restoration by infilling for Littlewood Quarry which could be supported by various consultees. In light of this, and in the knowledge that the extant permission expire would expire on 11<sup>th</sup> November 2014, the applicant elected to:

- Withdraw the planning application on 21 July 2014;
- Submit this application, which relates to Vale Road Quarry only;
- Continue its discussions with the WPA and other parties on a means of restoring Littlewood Quarry;
- Submit a further application for planning permission to implement a scheme for restoring Littlewood Quarry when a solution is arrived at which attracts support from the parties concerned and which is viable.

18. In addition to the landfilling permission, there are other associated activities that come under separate permissions. Temporary planning permission was granted for crushing and screening of waste in 1996, and has been renewed a number of times, most recently in 2010. This permission has now expired, although an application to extend the life of the permission was submitted prior to its expiry and forms one of the planning applications under consideration in this committee report. In addition, planning permission for a secure plant and vehicle compound was granted in June 2008 and was extended in July 2010. This permission expired in November 2014. Details of the planning history of the site are set out in Table 1 below.

**Table 1 – Planning History**

Planning Permission	Description	Date	Expiry
<b>LANDFILL PLANNING PERMISSIONS</b>			
2/94/13735/0150/P	<p>Determination of Conditions to which Interim Development Order Permission Reference Number 2/92/13735/0256/P is to be subject. The permission is for the extraction of limestone and restoration by infilling with waste materials.</p> <p>Condition 2 required mineral working and importation and deposition of waste to cease on or before 13 years from the date of approval of the details approved under Condition 8.</p> <p>Total quantity of waste to be no greater than that required to occupy 2,700,000m<sup>2</sup>.</p>	02/02/1995	11/11/2009
2/2009/0253/NT	<p>Variation of Condition 2 of Planning Permission Ref: 2/94/13735/0150/P for an extension of time within which to cease landfilling operations.</p> <p>Condition 2 required all operations for the importation and deposit of waste to cease on or before 11<sup>th</sup> November 2014. Condition 6 states</p>	09/11/2009	11/11/2014

	that the total quantity of waste imported to the site shall be no greater than that required to occupy 825,000 cubic metres following deposit and compaction within the quarry.		
2/2012/0105/NT <b>Extant Permission</b>	Variation of Condition 8 of planning permission 2/2009/0253/NT to amend restoration phasing details to new phases 4, 5 and 6.  The total importation volume of waste and expiry date of the permission remains unchanged.	01/05/2012	11/11/2014
<b>PLANT COMPOUND PLANNING PERMISSION</b>			
2/2007/1037/NT	Erection of Secure vehicular plant storage compound. Condition 1 states that it is for a temporary period only, expiring on 11 November 2010.	04/06/2008	11/11/2010
2/2010/0228/NT <b>Extant Permission</b>	Variation of Condition 1 of Planning Permission 2/2007/1037/NT to enable the plant storage compound to remain until November 2014.	09/07/2010	11/11/2014
<b>CRUSHING, SCREENING &amp; RECYCLING PLANNING PERMISSION</b>			
2/96/13735/0261/P	Retention of plant and machinery for the purpose of crushing and screening waste materials.	11/11/1996	31/07/1998
2/13735/0481/P	Variation of condition 2 of planning permission 2/96/13735/0261 for the continuation of crushing and screening plant until infilling levels reach 90 metres AOD.	22/02/1999	22/02/2004
2/2004/26/WT	Variation of Condition 2 of planning permission 2/96/13735/0261 (as varied by Condition 1 of permission 2/13735/0481/P) to allow the continuation of crushing and screening plant to recycle building material for a further 5 years.	09/05/2005	09/05/2010
2/2010/0227/NT	Variation of Condition 2 of planning permission 2/2004/26/WT to allow the continuation of crushing and screening plant to recycle building material for a further 5 years.	30/09/2010	28/02/2014

### Existing Operations and Restoration

19. Restoration through the deposit of inert waste is currently taking place in accordance with a phased scheme of restoration where the northern part of the Vale Road Quarry is completed first and progresses in an anti-clockwise direction across the site.
20. The applicant states that the site is authorised to receive a maximum of 400,000 tonnes of inert waste per annum, although the average amount of inert waste has typically been around 300,000 tonnes per annum.
21. Waste received at the site is directed to the appropriate working area by signs or verbal instruction. Vehicles disposing waste are usually instructed to reverse to the disposal face where the load is then discharged. The discharged load is inspected by staff to ensure that it is as described and does not contain unacceptable material. Unauthorised waste is re-loaded for removal off site, in line with the site's Environmental Permit.
22. Where possible, material which can be recycled is segregated and recovered for processing using mobile screening equipment and sold off-site for use as

secondary aggregate. If the inspection of the waste on arrival indicates that a significant proportion of the waste is recoverable in a given load it is diverted from the tipping face for storage prior to screening.

23. Aggregate recovered from the screening operation is removed from the site and the quantity is weighed and recorded. Residue from the screening operation is removed from the tipping face for disposal. Similarly, any topsoil delivered which is not required for restoration works in the near future is stored away from the tipping face prior to being sold, weighed, recorded and transported off-site for use elsewhere.
24. The crushing and screening operation is estimated to process 35,000 tonnes per annum, with recent years throughput reported to be 22,000, 38,000 and 30,000 tonnes in 2010, 2011 and 2012 respectively. The crushing and screening operation is currently located in the quarry base, towards the south of the western quarry.
25. The existing operations use the following plant and machinery:
  - a) Tracked excavator;
  - b) D6-equivalent bulldozer;
  - c) JCB;
  - d) 25 tonne articulated dumper;
  - e) Crusher;
  - f) Screener;
  - g) 360° excavator;
  - h) Loading shovel.
26. With regard to the landfill planning permission there are existing conditions which relate to operating hours and are summarised below:
  - a) Condition 10 - There shall be no operations for the deposit, regrading and compaction of imported waste materials, and no heavy good vehicles shall enter or leave the site in connection with those purposes, outside of the following hours:
    - 08:00 to 18:00 Monday to Friday;
    - 08:00 to 12:30 Saturdays;
    - Not at all on Sundays, Public or Bank Holidays.
  - b) Condition 11 – There shall be no maintenance, servicing or testing of plant or machinery on the site except within the following hours:
    - 08:00 to 18:00 Monday to Friday;
    - 08:00 to 17:00 Saturdays;
    - Not at all on Sundays, Public or Bank Holidays.

27. HGVs delivering waste approach the site from the south-east along Vale Road. Alternative access routes are only used in the case of an emergency or where required for essential maintenance.
28. Condition 5 of the existing landfill planning permission controls the number of HGVs entering the site to:
  - a) 84 each day Monday to Friday;
  - b) 44 each day on Saturday;
  - c) 20,000 in any 12 month period.
29. The existing restoration scheme for the Vale Road quarry void looks to establish a significant water body with a small island, and the exposed rock face retained on the eastern boundary adjacent to the rail line. There would be woodland planting along the northern, parts of the western and south eastern boundaries. There would be rock outcrops with viewpoints located centrally within the site and on the western boundary, and there would be a further viewpoint in the north-western and southern corners of the site. There is a proposed car park in the southern part of the site with an access track leading to the edge of the water body. A public footpath would run from the south of the site, around the water body to the north-eastern corner. There is also a proposed picnic area to the south of the site.
30. The existing restoration plan shows Littlewood Quarry being restored to a level of circa 95 metres AOD and predominately restored to woodland. It would also have a footpath passing through the centre of the site.

#### Proposed Development – Landfill Application

31. The submitted planning application is seeking planning permission to increase the approved capacity of the Vale Road quarry void, and revise the approved restoration scheme. The increase in the capacity of the landfill would also result in an extension to the life of landfill operations. The applicant is supported by an Environmental Impact Assessment (EIA).
32. There is remaining capacity under the latest planning permission, and as of October 2013, in order to achieve the currently approved restoration contours approximately 710,000m<sup>3</sup> or 1,278,000 tonnes (the applicant assumes a ratio of 1.8 tonnes per cubic metre) of waste would need to be deposited. This means that based on an average landfilling rate of 300,000 tonnes per annum the currently approved restoration profiles would be achieved in at the end of 2017, three years after the expiry of the extant planning permission.
33. This planning application seeks to increase the approved volume of the landfill in the Vale Road Quarry by 2,060,000m<sup>3</sup> (or 3,708,000 tonnes). Based on a continued average disposal rate of 300,000 tonnes per annum this would extend the life of the Vale Road Quarry void by approximately 12 years, until 30th April 2030.



34. The applicant is seeking that the completion of restoration is extended to two years after the cessation of waste importation, until 30th April 2032.
35. There are five phases to the proposed landfill (A to E), with the northern section being completed first, progressing in an anti-clockwise direction. Phase A, B and C are along the northern and western sides of the site. Once these are complete Phases D and E would progress by raising the level of the site in these areas, with Phase E also including the cessation of pumping and filling in of the southern water storage pond.
36. The applicant anticipates that screening and crushing activities will continue for the duration of the remaining life of the landfill. Phases D and E would accommodate this by the staged raising of the land by filling to ensure that there is always a sufficient level 'platform' on which to situate the mobile screener and crusher at any one time. The applicant states that when the crushing and screening operation is required to be moved a further application to do so would be required.
37. There is an existing overburden and soils stockpile in the centre of the Vale Road Quarry which is considered likely to comprise indigenous sub-soil and top-soil. This material is likely to be suitable for the restoration of areas to comprise calcareous grassland and would be conserved for this purpose where possible.
38. The applicant states that the proposed restoration scheme has been designed to produce a landform which is compatible with surrounding land and similar to that which existed originally. The restored landform shows the edges of the western quarry restored to the same level and the land in the immediate vicinity of the quarry (i.e. the unworked land at the top of the worked faces). The land in the centre of the site shows a raised 'knoll' which reflects features in the surrounding land, including a knoll of similar height to the north on the opposite side of the River Meden. The proposals would retain approximately one metre of the eastern cliff face resulting in a notch in the landform that would aid drainage.
39. The restoration scheme aims to restore the site to a combination of calcareous and conventional grassland for both grazing use and to enhance local biodiversity. Seven fields would be created from the western quarry, with field boundaries formed by hedgerows.
40. Fields 1, 2, 5 and 7 situated along the north and east of the western quarry would be restored to calcareous grassland. Semi-improved grassland for agricultural grazing would be planted in fields 3, 4 and 6 which would be located in the centre and western portion of the site.
41. In addition to the field planting, existing calcareous grassland along the western and eastern boundaries of the quarry would be retained, and new woodland edge planting would be planted along the south-eastern boundary. In addition a woodlands copse is proposed towards the north-west of the site and a series of shallow lined ponds would be created in the north-eastern extent of the western quarry.

42. The mobile plant storage compound would be removed and restored when no longer required in connection with the operation or restoration of the quarry.
43. It is not proposed to alter the existing landfill operating times or any of the limits which apply to HGV numbers.

Proposed development – Crushing, Screening and Recycling

44. Planning permission (Ref: 2/2010/0227/NT) was granted on 30 September 2010 for the continuation of crushing and screening plant to recycle building material for a further 5 years at Cast Quarry. Condition 2 of this planning permission states:  
  
*“The plant and machinery hereby permitted shall be only for a period ending on 28 February 2014, after which all plant and machinery shall be removed from the quarry to enable restoration works to proceed and be completed by 11 November 2014.”*
45. Planning permission is sought to vary the above condition to allow the continuation of crushing and screening plant to recycle building materials for a further 5 years (until 28 February 2019). This planning permission has now lapsed, however, it is noted that the planning application for the extension was submitted prior to its expiry.
46. The crushing and screening operation would remain in its current location.

## Consultations

*Landfill Application (Ref: 2/2014/0518/NT)*

47. **Mansfield District Council** – *No objection.*
48. **Environment Agency Midlands Region** – *No objection.*

**NCC (Planning Policy)** – *It is accepted that the material to be disposed of is likely to be residual, especially given the recycling element of the proposal, and there is not therefore a conflict with the waste hierarchy as set out in the National Planning Policy for Waste and Policy WCS3(c) of the Nottinghamshire Waste Core Strategy.*

49. *Nationally it is estimated that between 80-90% of construction and demolition waste is recycled or recovered in some way, with much of the waste recovered on site and therefore not entering the waste stream. Overall, construction, demolition and excavation waste within Nottinghamshire and Nottingham is estimated to be in the region of 2.7 million tonnes per annum.*
50. *The Nottinghamshire and Nottingham Waste Core Strategy envisages a long term need for sufficient capacity to manage around 273,000 tonnes per annum (approximately 10% of anticipated future arisings) of inert waste.*
51. *The most recent published Environment Agency (EA) waste data for 2012 shows 297,000 tonnes of inert waste deposited at inert landfill sites within*

Nottinghamshire, and a further 54,000 tonnes of inert waste deposited at non-hazardous landfill sites (used as a cover material for example). A further 215,000 tonnes of inert waste was re-used for construction or restoration projects.

52. *More detailed analysis of the Environment Agency's 'Waste Data Interrogator' for 2012 suggests that, taking into account the recorded imports and exports of inert waste, Nottinghamshire and Nottingham City produced approximately 350,000 tonnes of inert waste which was disposed of to landfill, and 171,000 tonnes of inert waste which was used for construction or reclamation purposes. That gives a total of 521,000 tonnes of inert waste within the plan area during 2012 that was sent for disposal or reuse compared with 566,000 tonnes of inert waste which was deposited within the plan area in the same period. This suggests that Nottinghamshire is presently a net importer of waste for disposal or reuse. It is of note, however, that these figures do not include any material that is managed at exempt sites, although the quantity of waste managed via exemptions has reduced significantly and is unlikely to affect assumptions on capacity.*
53. *In terms of the existing capacity to manage future inert waste arisings, data from the EA shows that at the end of 2012 there was an estimated 1,764,000 cubic metres of permitted capacity remaining within the County. However, this does not include approximately 1,600,000 cubic metres of inert recovery/disposal capacity which was subsequently permitted at the Welbeck Colliery spoil tip and 495,000 cubic metres at the Bentinck Colliery Tip. This combined capacity gives a total estimated disposal and recovery capacity of 3,859,000 cubic metres at the end of 2012.*
54. *Dividing the current level of annual inputs (566,000 tonnes disposal and recovery) gives a remaining life of just under seven years at the end of 2012. Allowing a further 18 months of disposal this suggests that there is just over 5 years' worth of capacity remaining. This is based on a conversion factor of one tonne of inert waste per cubic metre as previously advised by the EA and used in the Waste Core Strategy (WCS) estimates. However, subsequent publications by HMRC suggest a higher density of 1.5 tonnes of inert fill per cubic metre. Using this alternative conversion rate would give an estimated remaining capacity of around 8.5 years. Irrespective of how long the existing permitted capacity might last, Vale Road is the principle disposal site for the County and is considered to be strategic in policy terms.*
55. *The WCS anticipates a need to identify additional inert disposal capacity towards the end of the plan period in order to maintain an appropriate level of provision. However, this would become more urgent if the existing capacity at Vale Road were no longer available. In strategic policy and wider sustainability terms it would therefore make sense to retain existing capacity where this has not been utilised.*
56. *The second part of the application proposes to increase the volume of the site by raising the height of the approved restoration scheme close to original ground levels, allowing for settlement. This would enable all the available voidspace to be filled rather than only part of the site and would provide an*

*estimated additional 2 million cubic metres of voidspace. The indicative estimates provided alongside Policy WCS3 suggest that approximately 3.2 million cubic metres of additional inert voidspace will be required to the end of the plan period and this proposal would therefore help to deliver a significant proportion of anticipated future needs.*

57. *The WCS identifies the broad areas and types of sites where future inert disposal capacity could be provided. Policy WCS5, and its supporting text at Paragraph 7.28 recognise the need to maintain suitable inert disposal capacity to serve the Nottinghamshire and Mansfield/Ashfield area which is identified as a shortfall area on the Waste Core Strategy Key Diagram.*
58. *Priority is given to sites able to serve this area and the continuation, and extension, of the Vale Road site would therefore meet this policy goal. Alongside this locational preference, Policy WCS5 also establishes a sequence of search for inert waste disposal which prioritises the extension of existing sites where feasible. Policy WCS7 further identifies the restoration of old quarries as likely to be suitable in principle for inert waste disposal under the general site criteria set out within this policy.*
59. *In addition to the sequence of search set out within Policy WCS5, Policy WCS8 also gives specific policy support to the extension of existing waste management facilities where this would increase capacity, subject to this not creating any additional environmental impacts.*
60. *All proposals must be considered against Policy WCS13 and saved policies W3.21 – W3.23 of the Waste Local Plan in terms of protecting and enhancing our environment. However, as a continuation of existing operations the proposal is considered to be unlikely to give rise to any additional environmental impacts and creates an opportunity for enhanced restoration and landscaping in accordance with Policy WCS13.*
61. *Subject to there being no additional vehicle movements the proposal would be in line with saved policies W3.14 and W3.15 of the Waste Local Plan. Sustainable transport policy within the Waste Core Strategy (WCS11) promotes alternatives to road transport where possible and seeks to reduce the distance over which waste has to be transported and make the best use of the existing transport network. Maintaining provision at this site would therefore avoid the need to transport local waste further afield.*
62. *In conclusion, the proposal would help to meet an identified longer term need for additional inert disposal capacity and would enable the appropriate restoration of a former mineral working. It is therefore considered to be fully in accordance with Policies WCS3, WCS5, WCS8 and WCS13 of the WCS.*
63. **Natural England** – *This application is in close proximity to Pleasley Vale Railway SSSI, and Hills and Holes and Sookholme Brook SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the sites have been notified.*

64. **NCC (Nature Conservation)** – A range of ecological surveys have been carried out at the site, all of which are up-to-date (having been undertaken in 2013), and follow appropriate methodologies. These involve a Phase 1 Habitat Survey and targeted surveys for invertebrates, great crested newts, reptiles, breeding birds, water voles, badgers and bats (roosting and activity).
65. The proposed development does not have any direct impacts on statutorily or locally designated sites. It is recommended that comment from Natural England is sought in relation to potential impact on SSSIs, particularly hydrological impact on the Hills and Holes and Sookholme Brook SSSI.
66. The proposed development is not anticipated to have an adverse indirect impact on the designated sites by way of dust or nitrogen deposition. HGV movements are below levels which could potential impact upon the 'prospective' Sherwood SPA.
67. The site comprises principally disturbed/bare ground. There is calcareous grassland on the eastern and western boundaries which meets the criteria for designation as a Local Wildlife Site (LWS), and is therefore of County Importance. The proposals seek to retain this. However, the proposed development would result in the loss of some area of grassland as well as areas of wetland and scrub. The proposed restoration would result in an increase in calcareous grassland, which is not currently included in the approved restoration.
68. A bat roost was identified in an electricity substation on the eastern side of the quarry, from which a single brown long eared bat emerged during surveys. The roost is assessed as being a summer roost, likely to support small numbers of male or non-breeding female bats. Under Regulation 9(5) of the Habitat Regulations, local planning authorities have a statutory duty to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. It is recommended that the planning report documents and identifies how the duty under Regulation 9(5) has been addressed.
69. Overall, Vale Road Quarry has been assessed as being of low value to foraging bats. The proposals do not result in the severance of flight lines or the loss of significant areas of foraging habitat.
70. The site is considered to be of local value to birds. The presence of peregrine to the east is noted, although the operations are currently taking place without any apparent impact. Specific surveys were carried out in relation to barn owls, but no evidence of these birds was found.
71. Surveys did not identify the presence of great crested newts, reptiles, water voles or badgers. No Red Data Book or notable invertebrates were recorded on the site, although it should be noted that the surveys were limited in extent and the invertebrate value of the site is likely to be higher than current information would suggest.
72. Japanese knotweed is known to be present at the site.

73. *With regard to noise, given that most of the site is already active, it is likely that wildlife will have become accustomed to noise from the quarry, so no significant impacts on nature conservation appear likely.*
74. *Overall it is concluded that with mitigation measures in place, the proposals would not give rise to any significant negative impact, and that minor to moderate beneficial impacts can be achieved through restoration. Mitigation measures should be secured by condition, relating to the following:*
- a) Dust control;*
  - b) Japanese knotweed management plan;*
  - c) Removal of vegetation to take place outside of the bird nesting season;*
  - d) Production of a method statement relating to cliff checking for nesting birds;*
  - e) Monitoring of water levels in Littlewood Quarry;*
  - f) Resurvey of the electricity substation for bats prior to removal.*
75. *In principle the proposed restoration scheme is welcomed, as it would lead to the creation of 10.2ha of calcareous grassland, 10.1ha of semi-improved grassland, hedgerows, woodland and a small cluster of ponds. A condition should be attached requiring the submission of details relating to soils. A further condition should be attached relating to a Calcareous Grassland Restoration Scheme.*
76. *Confirmation of the species mixes for grassland, woodland and hedgerow should be provided. In any event, the production of a detailed restoration scheme to include details of species mixes, establishment methods, maintenance regimes, and construction details of features such as ponds should be made a condition of any permission granted, noting that the species mixes should be native species, appropriate to the local area and of native genetic origin.*
77. *The phased restoration of the site is welcomed. Habitats created early on should be maintained throughout the life of the permission. An extended aftercare period should be sought for the calcareous grassland elements of the restoration; 10 years is deemed appropriate and would presumably necessitate a Section 106 Agreement.*
78. *A condition should be used to require the submission of a habitat management plan to guide the ongoing management of retained and created habitat during both the restoration and maintenance periods.*
79. **Nottinghamshire Wildlife Trust** – *The application proposes a substantial increase in the time required for landfilling and delay in restoration of the site. The proposal would result in land raising and the complete loss of the current cliff faces and all existing habitat in the quarry. This would constitute an increase in habitat loss over what is currently approved.*

80. *The undertaking of an Ecological Impact Assessment (EclA) is welcomed, but there are concerns about the accuracy of some of the surveys undertaken and how this has informed the interpretation of potential impacts.*
81. *The site is near to the Pleasley Vale SSSI and the Hills and Holes and Sookholme Brook SSSI. There is a brief assessment of the potential indirect impacts on the SSSIs from the deposition of nutrient rich dust and NOx, but there is no meaningful reference to potential changes to hydrology and hydrogeology of the SSSIs. Pleasley Vale SSSI is not groundwater dependant, however the Hills and Holes and Sookholme Brook is. NWT state that further detail is required to demonstrate that there would be no indirect impact on the Hills and Holes SSSI, given that any water environment changes would occur for over 20 years and so there would be cumulative effects. Alternatively, the applicant should commit to a programme of borehole monitoring to be undertaken in the SSSI, to determine any damaging changes to groundwater quantity and quality, combined with botanical monitoring of the flush habitat.*
82. *NWT highlight that there would be the loss of a number of notable habitats including calcareous grassland, well developed MG1 grassland, and open-mosaic habitat. The provision of a table which quantifies the proposed loss compared to that of the extant scheme and to the proposed areas of habitat creation; along with an assessment of the loss of the diversity of the habitat, invertebrate communities in the existing well developed habitats compared to what might be achieved through the proposed restoration scheme.*
83. *The survey undertaken for amphibians is appropriate. Smooth newt and common toad were present in pond 2, as such, the scheme should seek to provide habitat for these species throughout working to ensure their continuity on site.*
84. *It is unclear as to why certain areas of the site were excluded from the reptile refugia survey, despite normally being suitable habitat for reptiles such as slow worms and common lizards in Nottinghamshire. A more detailed survey of the western quarry for reptiles should be undertaken.*
85. *There are peregrine falcons nesting in the adjacent quarry and water displacement from the proposed scheme might result in raised waste levels in Littlewood Quarry. Compensatory breeding habitat has been proposed, but no location or design has been provided. Therefore, the effectiveness of this mitigation cannot be determined. In addition, in some years the peregrines have nested on natural ledges in both quarries rather than the nesting box, so this potential impact should be further assessed.*
86. *Barn owls and kestrels were not recorded during the breeding bird survey, or thermal imaging survey. However, these species have been seen in and around the quarry in previous years, so given their recent use of the site the impact of the loss of cliff and scrub habitat on these species should be assessed.*
87. *No overwintering bird survey has been undertaken, despite a request at the scoping stage. The applicant has stated that an overwintering bird survey is*

*not necessary as there is not suitable habitat for wintering bird assemblage. Given the presence of species-rich grassland, tall herb habitat, scrub and assorted wetlands it is difficult to see why this site would not host wintering Birds of Conservation Concern (BoCC) which would require mitigation within a working scheme. In addition, a peregrine was present in the quarry recently, and it is likely that it overwinters there; the impact of habitat loss on this species should therefore be assessed as well as on other red and amber list BoCC species. NWT consider the issue of potential impacts of the proposed development on birds, including birds of national importance, has not adequately been assessed, and the Waste Planning Authority does not have sufficient information with which to properly determine those effects.*

88. *The site lies within the Special Protection Area (SPA) buffer zone as identified by Natural England. NWT is satisfied that the development would not have a direct or indirect impact on nightjar or woodlark.*
89. *The conclusion that there are few bats in this area is inaccurate, as insufficient survey was undertaken to determine if they were there or not. As the scheme would result in the loss of suitable bat habitat and a very extended period of lack of habitat before restoration, this impact of loss of foraging habitat has not been properly assessed. Therefore inadequate mitigation is proposed.*
90. *In addition, the record of a Serotine bat, if accurate, is a very important record for Nottinghamshire, and whilst it was probably a foraging animal rather than a resident of the site, with four more common species and an unknown Myotis species this site would qualify as an LWS under criterion 2 (LWS Handbook) and this should be taken into account when assessing the proposed mitigation and/or compensation.*
91. *There is a Brown Long Eared bat roost in the electrical sub-station which would require an European Protected Species (EPS) licence for removal. There is a proposal to submit more detailed mitigation with regard to this at such a time as the substation would require removal. However, this does not enable a proper determination of the impacts of this in the context of this application, as it depends upon a statutory body some years in the future. A roosting box is proposed, but with no details of design, location and maintenance. These details should be provided.*
92. *The central area of the quarry was not adequately surveyed, despite the presence of high quality semi-natural vegetation and that the site could qualify as a LWS. NWT consider the value of this site for bats has been underestimated and a more rigorous survey is required to properly assess the importance of these sites for bats and to be able to undertake an impact assessment.*
93. *No water voles were found in the surveys and they are unlikely to be present on site.*
94. *NWT agrees with the conclusions of the badger survey, but if the development is permitted further surveys should be undertaken prior to any new phase of development as badger activities can change rapidly.*



95. *No Red Data Book (RDB) or notable invertebrates were recorded on the site, although the survey locations were limited for such a large site. It is possible that the invertebrate interest of the site has been under-recorded and so an accurate impact assessment cannot be undertaken.*
96. *NWT consider that sufficient justification has not been provided as to why the scheme would outweigh the importance of the species and habitat of County importance, which needs to be the case for planning permission to be granted in line with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan (WLP).*
97. *In addition, the restoration scheme should contribute to the re-creation of priority BAP habitat for the County, particularly calcareous grassland and to do this the scheme should:*
- a) Detail the proposed habitats in terms of the rationale behind their choice, their intended composition and target habitat;*
  - b) Describe the methods of hydrological restoration, substrate penetration, plant establishment, plant types and form, provenance of material, establishment maintenance and long term aftercare.*
  - c) Provide assurance of the long term funding for management of the habitats.*
98. *The above requirements are reinforced by Policy W4.6 (Landscaping) and W4.10 (After-use Details Required and Objectives) in the WLP. These details have not been provided, nor is there any quantification of how the proposed restoration scheme would maximise opportunities to enhance the environment.*
99. *NWT reiterate their comments that were made in relation to the previous application that they would expect to see the whole grassland area restored to a diverse calcareous assemblage, and the distinction between a more intensively managed grazed areas and a nature conservation area is not appropriate in this location. It is essential that where opportunities arise to re-create priority BAP habitat, they are maximised.*
100. *It should be noted that the current site is bounded on two sides by several LWS and contains habitat of LWS quality, it is therefore entirely reasonable to expect high quality habitat to be restored. This is consistent with the Natural Environment White Paper (NEWP) and the Lawton review recommendations as recognised in the NPPF. Therefore, it appears that these matters raised in previous consultation responses have not been addressed in this restoration scheme, which attempts to fit calcareous grassland restoration and commercial agricultural grassland into the western quarry. As currently proposed the restoration scheme is unacceptable.*
101. *NWT is of the view that the restoration scheme should provide more small pond and wetland habitat for amphibians and feeding bats. This is particularly important as the infilling would result in the loss of spring-fed calcareous mire and marsh habitat, which is scarce in the County.*

102. *There is provision for only 5 years aftercare in this application. Given recent examples of habitats that have become degraded once out of mineral aftercare it is essential that longer term provision is made for maintaining habitats, otherwise they cannot be used in the justification for schemes.*
103. *A condition is recommended to monitor the deposition of dust and the plant assemblages in the LWS in Littlewood Quarry, with provision taken if there are found to be detrimental effects.*
104. **NCC (Landscape) – No objection.**
105. **NCC (Highways) Mansfield** – *The applicant has used TA79/99, of the Design Manual for Roads and Bridges (DMRB) to suggest Vale Road and High Street is operating within capacity and similar in nature and other features to an Urban All Purpose Road (UAP) category 4. This category of UAP has an assumed capacity of up to 1,250 vehicles per hour. NCC Highways does not agree with the road category used. The applicant themselves states that Vale Road is a single carriageway road which has been ‘traffic calmed’ and is subject to a 20mph speed limit. Therefore, the applicant has not applied the appropriate Category UAP and Vale Road is more aligned to UAP4, which would then indicate that Vale Road is operating over its design capacity.*
106. *However, as stated previously the number of vehicle trips has already been determined and approved as part of previous applications dating back a number of years with no increase proposed.*
107. *The Transport Assessment also states that once HGVs have turned left onto Common Lane the route is very straight onto Vale Road and HGVs do not create any problems to the existing highway infrastructure. NCC Highways does not agree with this conclusion, and it is evident from site visits, observations and reports from members of the public that HGVs turning into Vale Road at the junction with Station Street are overrunning the highway, causing damage to the adopted highway, street furniture and signage. The lorry routing agreement currently in place in respect of the HGV traffic generated by the landfill operation at the site would remain unchanged. Although the Highway Authority is aware there is no other alternative viable route to and from the quarry, there are concerns above the continual damage to the highway infrastructure, particularly at the junction of Vale Road with Station Street.*
108. *The existing operating hours restrict HGVs transporting waste to/from the site to 08:00-18:00 Monday to Friday and 08:00-12:30 Saturdays. NCC Highways has received numerous reports that HGVs are entering and exiting the site from 07:00 and on occasion enter and exit the site well into Saturday afternoon. This is in breach of existing conditions and unacceptable in a residential area. The applicant’s Transport Assessment indicates that 6 vehicles arrive at 07:00 hours.*
109. *The Highways Authority has a duty to protect and maintain the adopted highway on behalf of the public and to make it as safe as possible for all highway users. As such, should planning permission be granted two options are proposed:*

- a) *The applicant puts forward their own scheme of works to repair and replace damage to the existing highway infrastructure at the discussed location. This would require the applicant to enter into a Section 278 legal agreement with the Highways Authority.*
  - b) *The applicant pays for, or contributes towards NCC carrying out the work on their behalf.*
110. *After discussions with the developer and their agent it was jointly agreed that the applicant would make a contribution of £25,000 (minus NCC legal costs, for the negotiation of the Highway Schedule only, for drawing up the S106) towards the total cost of a road scheme to prevent vehicles overriding the footway at the junction of Vale Road and Station Street / High Street, Mansfield Woodhouse.*
  111. *The Highway Authority could not get the developer to agree to the full cost of the scheme as it was difficult to attribute all of the highway damage / defects to this junction with the quarry operations from the Midland Landfill site on Vale Road. This was because of the fact that there are other commercial business traffic and public service vehicles which also use this junction.*
  112. **NCC (Countryside Access)** – *No objection.*
  113. **NCC (Noise Engineer)** – *No objections subject to conditions relating to noise levels at the nearest sensitive receptors, the use of suitable reversing warning devices, and operating hours.*
  114. **English Heritage** – *No objection. The application should be determined in accordance with national and local policy guidance, and on the basis of NCC's specialist conservation advice.*
  115. **NCC (Archaeology)** – *There are no specific archaeological concerns about the proposal. Vale Road Quarry is close to the site of the Mansfield Woodhouse Roman Villa, a Scheduled Ancient Monument (SAM). The potential for the scheme to impact on the setting of the SAM has been considered and it has been concluded that the scheme would be beneficial in the longer term.*
  116. *It is, however, noted that the restoration plans for the site have missed an opportunity to restore the site in a manner in keeping with the surviving field patterns of field and property boundaries which exist on the northern side of Mansfield Woodhouse. Whilst the fields have been agglomerated over the intervening centuries, the curving sinuous pattern still survives and is readily apparent on present day OS maps, and on the ground. By contrast the proposed restoration plan is more typical of parliamentary enclosures of the 19<sup>th</sup> century. As such, it is suggested that if further proposals are submitted to alter the restoration scheme, the field boundaries could be reshaped to so that they are completely in keeping with the surrounding landscape.*
  117. **NCC (Built Heritage)** – *The supporting information demonstrates that the Historic Environment Record had been consulted and that the significance of heritage assets has been considered with regard to the NPPF, PPG and*

*English Heritage advice on the setting of heritage assets. The Pleasley Vale conservation area is also referenced.*

118. *The Heritage assessment concludes that there are not long term impacts on the significance of heritage assets, although it recognises that there will be some minor operational impacts on the Pleasley Vale conservation area and the Roman Villa SAM. The supporting information in the heritage assessment is considered accurate.*
119. *In summary there are operational impacts which amount to less than substantial harm. Where a development causes harm it should be acknowledged that the harm is present. In respect of this development the minor harm can be balanced against the long term benefits to historic setting that the restoration scheme presents. It is suggested that this could be enhanced by replicating the line of 19<sup>th</sup> century plantation shown in the north-west corner.*
120. *NCC Built Heritage has no objection to the application, although it is felt that further mitigation is appropriate and the restoration scheme could look towards reinstating features identified on historic maps.*
121. **NCC (Reclamation)** – *The proposals do not raise any new concerns regarding the potential contamination of controlled waters. The Environment Agency will consider the operation in the light of their experience with the extant permit and should raise appropriate conditions accordingly.*
122. *Secure storage of plant and equipment including the storage of fuels is also required. This has been conditioned in the past and should be updated to include the latest guidance.*
123. **Network Rail** – *There are concerns that the safe operation of the railway and/or the integrity of the railway infrastructure may be jeopardised by the proposed works and consequently a series of conditions are recommended in relation to drainage and plant and machinery in the event that planning permission is granted. In addition, there are a number of informatives that should be attached to a decision notice or passed to the applicant which relative to restoration, development near to the railway and liaison with Network Rail.*
124. **NCC (Public Health)** – *Public Health Nottinghamshire County is not aware of any public health information about the local population to suggest an exceptional vulnerability amongst people likely to be affected by the operation described by the applicant.*
125. **National Grid (Gas)** – *National Grid does not have any assets that would be affected by this proposal.*
126. **Severn Trent Water Limited** – *No objection subject to a condition requiring drainage plans for surface water and foul sewage.*
127. **Western Power Distribution** – *No comments to make for this particular site.*

128. **National Planning Casework Unit** – *The National Planning Casework Unit has been notified of the application, as it is supported by an EIA. However, the NPCU does not comment on individual applications.*
129. No response received from the **Health & Safety Executive**.  
*Crushing and Screening Application (Ref: 2/2013/0345/NT)*
130. **Mansfield District Council** – *No objection.*
131. **Environment Agency** – *The Agency has no objections provided that there is to be no detriment to the River Meden which runs to the north of the site. The applicant would need to continue to fulfil the conditions of their existing discharge permit.*
132. **NCC (Planning Policy)** – *The recently published National Planning Policy for Waste maintains the concept of the waste hierarchy, whereby waste management should be planned to move waste as far up the waste hierarchy as possible (something this proposal would be in compliance with).*
133. *Policy WCS2 of the Waste Core strategy gives first priority to the development of new or extended recycling facilities and Policy WCS7 supports the extension, redevelopment or improvement of existing waste management facilities where it will increase capacity or improve management methods. Both of these policies provide support for the proposals as it would continue the recycling operations at the site. In terms of the location of the proposal, Policy WCS3 indicates that medium aggregate recycling facilities will be supported in, or close to, built up areas of Nottingham, Mansfield/Ashfield, Newark, Retford and Worksop. As the site is located just north of Mansfield Woodhouse, it is considered to be in line with this policy.*
134. *Taking into account the policy considerations, and subject to there being no unacceptable environmental impact arising from the development, no objections are raised.*
135. **NCC (Nature Conservation)** – *Given the application is for an extension of time of an existing permitted activity, it is not foreseen that the proposal would give rise to any significant or increased ecological impact. However, it is noted that an extension of time for the landfill site is to be expected and NCC Ecology is keen to see a restoration scheme for the whole site agreed, including that part of it used for crushing and screening, which incorporates a large element of calcareous grassland creation.*
136. **NCC (Highways)** – *NCC Highways confirm that the comments in relation to the landfill also apply to this application.*
137. **NCC (Noise Engineer)** – *The nearest residential receptor is to the south west of the quarry, approximately 350m from the existing position of the crushing/screening operations. Relocation of the equipment would reduce this distance to approximately 200m, although the plant would still be located in the base of the former quarry, and would therefore benefit from screening*

*between the plant and the receptor. It is assumed all other operations connected to the site would continue as previously.*

138. *It is recommended that, due to the potential reduction in distance between the crushing and screening operation and the nearest property, an additional noise condition should be attached ensuring operations do not exceed 10dB(A) above existing daytime background noise levels at the nearest sensitive receptor. The condition should also require measures to be taken in the event that a complaint is received and noise levels are exceeding approved levels.*
139. **NCC (Countryside Access)** – *The application for extension of operations for a further 5 years does not raise any objections provided controls of fugitive emissions (to air, water and land) are maintained through the Environment Agency and Mansfield District Council permit and licence.*
140. **National Grid** – *No objection.*
141. No response received from **Severn Trent Water Limited, Western Power and Distribution.**

## **Publicity**

142. The applications have 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 Statement of Community Involvement.
143. In relation to the landfill extension of life application a total of one email has been received. This email is from a local resident and raises concerns about existing operations, specifically the dust generated from HGVs travelling along the access road which runs parallel to the rail line.
144. Whilst only one email has been received in relation to this landfill application, it is worth noting that this is a resubmission of a similar application to extend the life of the site, and there were a number of other comments made by the public in relation to the previous application. In relation to the previous application a total of 10 letter/emails have been received, all of which raise concerns with the application and some of which specifically object to the application. However, it is noted that three of the ten representations were from a single individual. The representations received largely relate to existing operations and are concerned that the proposed development will result in a continuation of the existing behaviour. The comments are summarised below:
- a) Lorries currently park on the public highway, outside of the landfill, waiting for it to open in the mornings. This is reported to occur on Vale Road, Elm Tree Crescent and Laburnum Grove. It is also reported in one representation that lorries are accessing and leaving the site outside of currently permitted hours.
  - b) Too much of the material that goes into the site is recycled and comes back out again, thus delaying the restoration of the site.

- c) HGVs that travel along Vale Road crash and bang as they pass over the speed humps, thus spilling dirt and generating significant dust along the way. This is exacerbated by HGVs being overfilled and/or not being suitably covered or sheeted. In addition, when it is wet the road becomes very muddy.
- d) Noise is generated by the number of HGVs that travel along Vale Road. This is exacerbated when HGVs arrive and leave the site in convoys, tailgating one another.
- e) The number of HGVs using Vale Road causes it to deteriorate.
- f) HGVs speed along Vale Road and drivers use CB radios and mobile phones whilst driving.
- g) Residents are concerned about the time frame of the development, given that the landfill was initially granted for a 16 year period and has already been extended once. There are concerns that the site will remain an eyesore for another 20 years, or possibly never be restored.
- h) The existing condition which restricts the numbers of HGVs visiting the site is not adhered to.
- i) There is concern relating to the proposed number of vehicles, with one representation commenting that the 3,190,000m<sup>3</sup> required to restore the site equates to approximately 604,000 vehicle movements, with a further 75,800 vehicle movements associated with the secondary aggregate recycling facility. Assuming works are completed by 2035, this would equate to 106,000 vehicle movements per annum, or 408 vehicle movements per day.
- j) The Transport Statement (TS) submitted by the applicant is questioned. The TS states that Vale Road is operating below its capacity, yet a 200m section from its junction with Station Street is often very busy with traffic queuing in both directions.
- k) There is also said to be limited visibility at the junction with Station Street, with visibility looking south-west obstructed by a corner building, limiting visibility to 2.4m x 10m. According to the 6C's Design Guide, the requirement for vehicular visibility at the junction on a 30mph road should be 2.4m x 47m for HGVs.
- l) The existing access to the site off Vale Road is poor and dangerous, with no visibility looking east and HGVs have to use the existing width of the road when turning out of the site. In addition, there are no footways on this section of the road and pedestrians often walk under the bridge and past the site entrance.
- m) There are safety concerns in relation to HGVs striking the low bridge, which carries the Robin Hood rail line.

- n) There is criticism of the noise report, stating that the manner in which noise is determined is unclear and therefore the results are questionable.
  - o) It is highlighted that the application is not simply a continuation or extension of time, but is a completely new application to vastly increase the site's capacity over 20 years. As such, the application should be considered as a new development.
145. A total of two representations have been received in relation to the application to extend the life of the crushing and screening operations. Both of these representations raise many of the concerns raised in relation to the original application to extend the life of the landfilling at Vale Road, particularly in relation to the number of HGVs using Vale Road; HGV movements outside of permitted hours; dust and noise generated by HGVs; HGVs speeding; wear and tear of Vale Road caused by HGVs; and concern that the duration of operations has already been extended and it was stated that the operator would not look to extend them again.
146. The issues raised are considered in the Observations Section of this report.
147. Councillors Joyce Bosnjak JP and Parry Tsimbiridis have been notified of the applications.

## **Observations**

### Introduction

148. Two planning applications have been submitted in relation to the existing Vale Road Quarry landfill in Mansfield Woodhouse. First, an application has been submitted seeking to extend the life of the landfill to 2030, increase the permitted volume of the landfill and alter the restoration scheme. Secondly, the existing permission for crushing and screening recycling operations at the same site has recently expired, and a separate planning application has been submitted to extend the life of this activity by 5 years, to February 2019.

### Planning Policy Assessment

149. The National Planning Policy Framework (NPPF) does not contain any specific waste policies, but states that these will be published as part of the National Waste Management Plan for England.
150. Notwithstanding the statement in the NPPF, the National Waste Management Plan for England does not contain waste planning policies, but refers to Planning Policy 10: Planning for Sustainable Waste Management (PPS10) as the current planning policy to be taken into account by waste planning authorities. However, PPS10 has recently been superseded by the National Planning Policy for Waste (NPPW) which was issued in October 2014.

### *National Planning Policy for Waste (NPPW)*



151. As described above the Waste Management Plan for England sets out the Government's ambition towards a more sustainable and efficient approach to resource use and management. The NPPW sets out details waste planning policies and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents.
152. The NPPW promotes the movement of waste up the waste hierarchy of prevention, preparing for reuse, recycling, other recovery and disposal as a last resort (see Figure 1). The waste hierarchy is also promoted in the Waste Management Plan for England (December 2013).
153. The NPPW provides specific guidance for waste planning authorities when determining waste planning applications, the relevant sections are summarised below:
- a) only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan;
  - b) expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;
  - c) consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
  - d) ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
  - e) concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;
  - f) ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

**Figure 1 – Waste Hierarchy**



*Nottinghamshire and Nottingham Replacement Waste Local Plan Part 1 – Waste Core Strategy (WCS) adopted December 2013*

154. The WCS was adopted in December 2013 and sets out local waste planning policy for Nottingham and Nottinghamshire, superseding many of the policies in the Nottinghamshire and Nottingham Waste Local Plan (WLP), including all of the waste disposal specific policies. However, some of the environmental and amenity policies within the WLP remain part of the development plan, and will be discussed later in the observations. The relevant WCS policies are set out below.
155. Policy WCS2 (Waste awareness, prevention and re-use) of the WCS states that all new development should be designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and the collection, separation, sorting, recycling and recovery of waste arising from the development.

156. Policy WCS3 (Future waste management provision) aims to ensure the WCS provides sufficient waste management capacity for Nottinghamshire's needs. The policy states that new or extended disposal capacity will be permitted only where it can be shown that it is necessary to manage residual waste that cannot be economically recycled or recovered. In addition to Policy WCS3, Table 6 of the WCS sets out the indicative additional disposal capacity requirements, with an estimated 3,200,000m<sup>3</sup> of void space required for inert waste over the plan period (i.e. to 2031).
157. Policy WCS5 (Disposal sites for hazardous, non-hazardous and inert waste) states that where it is shown that additional non-hazardous or inert landfill capacity is necessary, priority will be given to sites within the main shortfall areas around Nottingham, and Mansfield/Ashfield. In addition, preference for the disposal of inert waste will be given in the following order:
- a) Extension of existing sites;
  - b) The restoration and/or re-working of old colliery tips and the reclamation of mineral workings, other man-made voids and derelict land where this would have associated environmental benefits;
  - c) Disposal on greenfield sites.
158. Policy WCS12 (Managing non-local waste) sets out the criteria that proposed development that would accept non-local waste should meet in order to be granted planning permission.
159. Policy WCS13 (Protecting and Enhancing our Environment) states that new or extended waste disposal facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.

*Waste Management Plan for England (December 2013)*

160. The Waste Management Plan for England highlights that the UK is committed to meeting its target under the Waste Framework Directive of recovering at least 70% by weight of construction and demolition waste by 2020.
161. England and the UK are reported to already be achieving an estimated 93% recovery rate of construction and demolition waste, which already exceeds the 2020 target of recovering at least 70%.

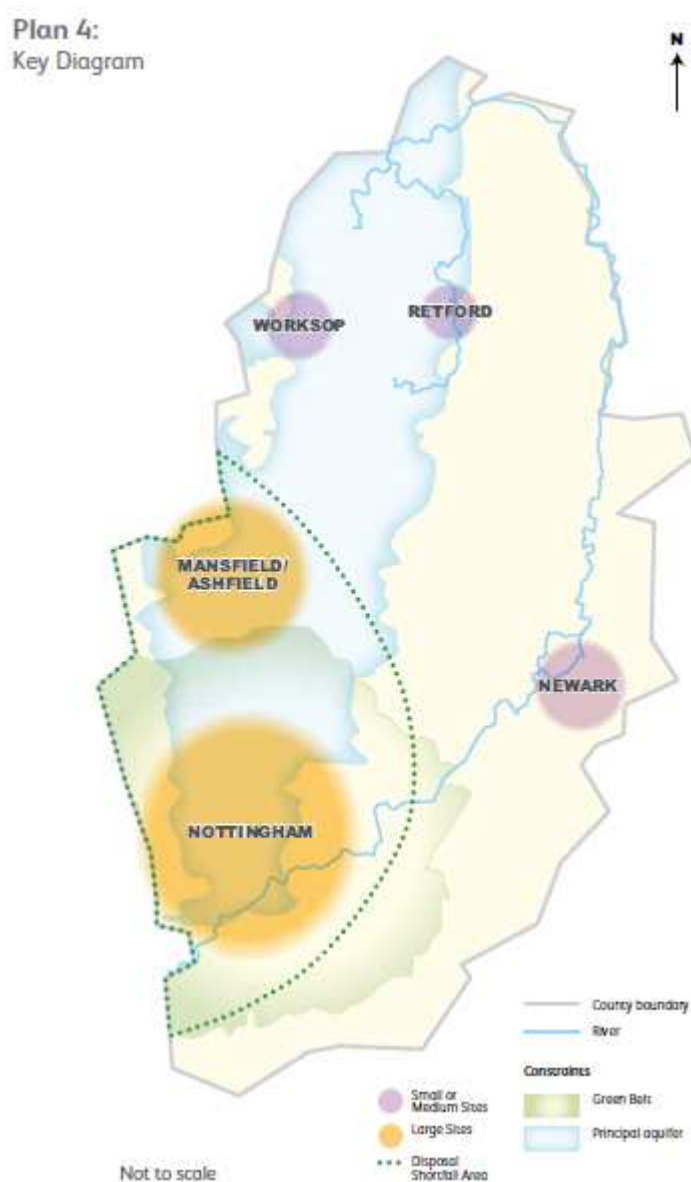
*Policy Considerations*

162. As set out in NPPW and the Waste Management Plan for England, disposal is at the bottom of the waste hierarchy and seen as a 'last resort'. As such, the proposed increase in capacity and extension of life of the inert disposal facility is at the bottom of the waste hierarchy. However, recycling is further up the waste hierarchy, and is the highest point at which waste already produced can be dealt with (other than waste which forms whole items or spare parts which can be reused). In this respect, the proposed extension of life of the crushing and screening operation would enable waste to be treated at the highest point it could be in the waste hierarchy.
163. The material which is suitable for recycling would receive treatment through the crushing and screening operation, with any residual material then being used for restoration of the Vale Road Quarry void. The material that is to be landfilled is that which cannot, or is not economically viable to, be recycled. It is therefore being managed at the highest point in the waste hierarchy. Whilst the current operation is presented as two applications, they are inextricably linked, and the individual operations are supported by NPPW and the Waste Management Plan for England when their co-location is taken into account. This also demonstrates that the facility would not prejudice the movement of waste up the waste hierarchy, in line with Paragraph 7 of the NPPW.
164. Whilst the two applications together represent the management of waste at the highest point in the waste hierarchy, it is important to note that the applicant is only seeking to extend the life of the crushing and screening operation by five years, to February 2019. After this date, the site would not benefit from the recycling operation, and may no longer be managing waste at the highest point in the waste hierarchy. The option of granting a longer duration for crushing and screening has been considered, however, it is not considered suitable as the existing operation takes place within the base of the quarry and in five years the landfill profiles will have changed as waste is deposited and the existing location may no longer be suitable. Furthermore, the applicant has specifically applied for a 5 year extension, so it would not be possible to grant permission for a longer period than this.
165. It is important to ensure that the site as a whole is managing waste at the highest point in the waste hierarchy for the life of the development, not just for 5 years. However, it is not possible to extend the life of the existing crushing and screening operation permission. It is for this reason that it is recommended that should planning permission be granted for the extension of life of the landfill application, a condition be attached which requires the applicant to only use inert waste that cannot be viably recycled for the restoration of Vale Road Quarry. This may mean the applicant has to seek planning permission to continue crushing and screening operations within the landfill site, or it may mean that recycling has to take place off-site. If a further application for crushing and screening comes forward in the future, it will have to be assessed against the relevant policy at the time.
166. It is noted that this application is not the first extension of the life of the site, and the previous planning application envisaged restoration profiles being reached this year. This is noted in the light of Paragraph 144 of the NPPF

which requires authorities to provide for restoration and aftercare for mineral sites at the earliest opportunity. In the first instance this appears to conflict with the requirements to only allow material in the site that cannot be recycled, as this would prolong the time until the site is restored.

167. In considering this application, the aspiration to restore the Vale Road Quarry as soon as possible has to be balanced against the treatment of waste higher up the waste hierarchy, which is the aspect of the operation that prolongs the restoration. Whilst the policy guidance to restore the minerals site is acknowledged, it predominately relates to new or existing minerals sites. However, this site is now a strategically important operational inert recycling and disposal site and the movement of waste up the waste hierarchy is therefore considered to take precedence.
168. The co-location of the recycling facility with the landfill also meets the requirements of Policy WCS2 of the WCS, which seeks to maximise the use of recycled materials and promotes the collection, separation, sorting, recycling and recovery of waste.
169. When the location of the proposed development is taken into account, Appendix B of the NPPW sets out the locational criteria factors that should be taken into account in testing the suitability of sites and areas in the preparation of Local Plans and in determining planning applications, for example conserving the historic environment and nature conservation. The factors are considered in the relevant sections in the report. The WCS does not identify any specific sites, however, Policy WCS5 gives priority to sites within the main capacity shortfall areas around Nottingham and Mansfield/Ashfield, with Plan 4 of the WCS identifying the main shortfall areas, shown in Figure 2 below. In addition, Policy WCS5 sets out the order of preference for inert disposal locations, with the extension of existing sites as the preferred option. As such, the proposed location is fully supported by Policy WCS5.
170. Notwithstanding the policy support, it is worth noting that there are three significant operational inert waste landfill sites in Nottinghamshire; Vale Road Quarry, the restoration of Welbeck Colliery spoil tip, which is to the north east of Mansfield and the restoration of the former Bentinck tip site, which is to the south-west of Kirkby-in-Ashfield. This concentrates Nottinghamshire's inert waste disposal provision within and around the north of the disposal shortfall area, as shown in Figure 2 below. Ideally, there would be a spread of sites around the disposal shortfall area, which would help to reduce waste haulage miles. However, whilst this issue is acknowledged, there are no other suitable sites coming forward which would provide a more even distribution.

**Figure 2: Disposal Shortfall Areas**



171. From a need perspective, the NPPW only requires an applicant to demonstrate quantitative or market need where proposals are not consistent with an up-to-date plan. Policy WCS3 seeks to provide new or extended waste management capacity only where there is an identified need for that waste

disposal. In this case, Table 6 of the WCS identified 3.2 million cubic metres of void space required to meet the needs of Nottinghamshire over the life of the Plan (i.e. to 2031). Therefore, there appears to be an identified need for the facility.

172. Notwithstanding the above, there are a number of additional factors to consider in assessing the need for additional inert waste capacity in Nottinghamshire. Firstly, the WCS identifies that there is only one significant landfill site for inert construction and demolition waste within Nottinghamshire (i.e. Vale Road Quarry – the application site), and as of 2010 there was 2.1 million cubic metres of inert waste disposal capacity in Nottinghamshire. Whilst the exact proportion is not known, the majority of the identified capacity is at the Vale Road Quarry site. In addition, the data within the WCS is from 2010 and therefore approximately four years old.
173. The NCC Planning Policy Team indicate that data from the Environment Agency (EA) shows that at the end of 2012 there was an estimated 1,764,000m<sup>3</sup> of capacity left within the County. However, this does not take into account the fact that two sites within the County have relatively recently received planning permission for inert waste disposal including Welbeck Colliery and the former Bentinck Colliery Tip, providing a total of 1,600,000m<sup>3</sup> and 495,000m<sup>3</sup> of additional void capacity respectively. This capacity gives a total estimated disposal and recovery capacity of 3,859,000m<sup>3</sup>.
174. In addition, the most recent published EA data for 2012 shows that 297,000 tonnes of inert waste was deposited at inert landfill sites in Nottinghamshire in 2012 and 54,000 tonnes of waste used or deposited at non-hazardous landfill sites. A further 215,000 tonnes of inert waste was re-used for construction or restoration projects. This amounts to Nottinghamshire and Nottingham generating a total of 566,000 tonnes of inert waste for re-use or disposal in 2012.
175. Dividing the remaining capacity by the current level of annual inputs (566,000 tonnes disposal and recovery) gives a remaining life of approximately 6 years 10 months. However a further 22 months of deposits have passed, which suggests at the time of writing that there is approximately 5 years capacity remaining<sup>1</sup>, until October 2019.
176. Taking the above into account, it is demonstrated that there is a need for additional inert waste disposal in the medium term, and certainly to meet Nottinghamshire's needs over the life of the Waste Core Strategy. However, it is also important that these figures include the capacity remaining at Vale Road (estimated as 710,000m<sup>3</sup> remaining under the extant planning permission), and should planning permission not be granted, the estimated 5

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<sup>1</sup> The above calculations are based on a ratio of 1 cubic metre being equal to 1 tonnes of waste, a ratio that is used in the WCS. However, the applicant uses a conversion ratio of 1:1.8 which would result in approximately 10 years and 5 months capacity remaining.

years remaining capacity would be further reduced. As such, the development is in accordance with Policy WCS3 of the WCS in that there is an identified need for the management of residual waste that cannot be economically recycled or recovered.

177. Policy WCS12 relates to waste management proposals which are likely to treat or dispose of waste from outside Nottinghamshire and Nottingham. These facilities will be permitted where it can be demonstrated that:
- a) The envisaged facility makes a significant contribution to the movement of waste up the waste hierarchy; or
  - b) There are no facilities or potential sites in more sustainable locations in relation to the anticipated source of the identified waste stream; or
  - c) There are wider social, economic or environmental sustainability benefits that clearly support the proposal.
178. The boundary between Nottinghamshire and Derbyshire is approximately 50m to the north of the site. As such, it can be expected that the site would, and does already, accept waste from outside of the County. In line with the first requirement of WCS12, the crushing and screening operation ensures that material which can be recycled is not disposed of. In addition, there are wider sustainability benefits of the scheme in that it provides for the restoration of a former mineral extraction site, enhances the setting of heritage assets and provides areas of calcareous grassland, a BAP habitat. As such, the proposed development is in accordance with Policy WCS12 of the WCS.
179. Policy WCS13 is a wide ranging policy seeking to protect the environment and amenity, and to enhance the environment where possible. This policy is assessed throughout the remainder of the observations sections, considering all the environmental and amenity aspects (e.g. ecology, noise, traffic etc.) of the development.

#### Traffic and Transportation

180. As described above, the landfill site is accessed at its southern end via a 700m access track which runs parallel to the Robin Hood railway line and joins Common Lane to the south. Common Lane passes under a railway bridge to the east before joining Vale Road and running in a south-east direction towards the centre of Mansfield Woodhouse. Vale Road is a residential road with traffic calming measures (including speed bumps and build-outs) along its length. All vehicles transporting waste and material to and from the site are routed along the A3075 (Warsop Road), Portland Street/High Street and then Vale Road. This is the agreed vehicle route although there are no formal measures (planning conditions or Section 106 Agreement) in place to secure this route at present.



181. The extant landfill planning permission has a condition on it which controls the number of HGVs entering the site to 84 (equal to 168 in/out movements) per day Monday to Friday; and 44 (88 movements) on Saturdays. There is also a total limit of 20,000 HGVs entering the site in any 12 month period (40,000 movements). The applicant is seeking to maintain the existing limits on vehicle numbers, and this relates to both the landfill and recycling operations.
182. The applicant has undertaken a Transport Assessment (TA) to support the planning application. Within the TA the results of an Automatic Traffic Count (ATC) show that the number of HGVs on an average weekday is 122 (two way) and on a Saturday is 15 (two way). This demonstrates that at the time of the assessment the site was clearly operating within the HGV limits specified in the existing permission. HGVs from the Vale Road site have been assessed as making up 100% of the HGVs that travel along Vale Road, and 6.6% of the total traffic on Vale Road.
183. There have been a number of objections to the proposed development from members of the public. It should be noted that the number of comments received in relation to the landfill application is less than that received in relation to the previous, withdrawn, application. Nevertheless, the issues raised reflect those made in relation to the recycling application and are considered within this section. The objections and concerns relate almost exclusively to the continued passage of HGVs along Vale Road, with responses highlighting existing concerns, including the number of HGVs using Vale Road; HGV movements outside of permitted hours; dust and noise generated by HGVs; HGVs speeding; and wear and tear of Vale Road caused by HGVs. The objectors are concerned that should the application receive planning permission the existing problems highlighted will continue for many years.
184. Concern has been raised in relation to vehicle movements along Vale Road, with some residents claiming that existing vehicle restrictions are being exceeded, that there are existing capacity problems on Vale Road and that the application is seeking a further 75,800 vehicle movements per annum, which would equate to 408 vehicle movements (204 trips) per day. It is worth noting that there is a condition on the extant planning permission which requires the operator to keep records of HGVs entering the site, and these records are regularly submitted to the County Council. As such, it can be confirmed that vehicle movements are not exceeded. With regard to the figure of 75,800 vehicle movements per annum quoted by an objector, this figure is considered erroneous, as any new permission would retain the existing controls on vehicle number of 20,000 (40,000 movements) in any year and 84 (168 movements) per day, which is considered adequate to enable sufficient waste to be transported to the site to achieve the volume that is being sought over the life of the site. As such, whilst it is acknowledged that Vale Road is residential in nature, it has long been used as an access route for the landfill, and there is capacity on the road for the vehicle movements, and the extension of life would add no additional vehicle movements over the present situation.

185. With regard to the capacity of the road, the applicant states that the recorded traffic flows show that Vale Road and High Street are operating below the typical hourly capacities for these types of roads. They have suggested that using the road type set out within TA79/99 of the Design Manual for Roads and Bridges the two way capacity for road of a similar type to Vale Road and High Street is 1,250 per hour. In addition, a local resident raised concern with the statement that the road is operating below its operational capacity.
186. NCC Highways Team disagree with the road category used. They state that Vale Road is a single carriageway road which has been traffic calmed and is subject to a 20mph speed limit and is more aligned to a UAP4 which would therefore indicate that Vale Road could be operating over its design capacity. Indeed, public comments have stated that there are existing capacity problems and it has been claimed that Vale Road operates below its capacity due to cars parking on the highway. Whilst the capacity may be affected by parking, this is not a problem caused by the operator. Notwithstanding the capacity issues, NCC Highways Team state that the number of vehicle trips has already been determined and approved as part of previous planning permissions dating back a number of years, and no further increase in vehicle numbers is proposed. NCC Highways do not object to the proposed development.
187. Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan (WLP) seeks to ensure that planning permission will not be granted for a waste management facility where the vehicle movements likely to be generated cannot be satisfactorily accommodated by the highway network or would cause unacceptable disturbance to local communities. Based on the transport statement, the comments made by NCC Highways, the fact that the site has been in operation for many years and that there would be no change in existing vehicle movements to and from the site, it is considered that the vehicle movements can be accommodated. In addition, it is important to note that the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this case, impacts are not considered to be severe in terms of capacity, and can be reduced to acceptable levels with the proposed conditions and Section 106 agreement.
188. There is a condition on the existing permission which relates to hours of operation, and states that no HGVs should enter or leave the site outside the hours of 08:00-18:00 Monday to Friday; 08:00-12:30 Saturdays and not at all on Sundays, Public or Bank Holidays. The applicant is seeking to maintain the existing time restrictions on HGVs entering and leaving the site.
189. Attention has been drawn to the arrival time of HGVs accessing the site. Whilst there are existing restrictions of the time that HGVs can enter and leave the site, it appears that a number of HGVs are arriving before 08:00 and parking on Vale Road, or other nearby roads, with the engines running. It has been reported that some HGVs have arrived as early as 06:45. In addition, the consultation response from the NCC Highways Team draws attention to Table

4.2 of the applicant's own TA which indicates that the average daily profile of HGVs includes 6 arrivals between 07:00 – 08:00.

190. It is recognised that HGVs arriving at this time can cause, and have caused, disturbance to local residents. The regular presence of HGVs is not generally normal for a residential area. Consideration has been given to what measures could be introduced to mitigate the situation. Given that the issue is occurring outside of the site there is little that could be done by way of planning condition. Consideration has also been given to allowing HGVs to enter the site earlier. However, this is likely to lead to the pre-opening arrival of HGVs being pushed even earlier.
191. It should be noted that in arriving early and parking on a public highway the HGV drivers are not in contravention of existing conditions or behaving illegally. Nevertheless, it is recognised that the situation can be disturbing to residents. As such, it is recommended that a Section 106 Agreement is used to secure a Transport Management Plan which, amongst other things, puts in place measures to mitigate the early arrival of HGVs. This would be in line with Policy W3.9 of the WLP.
192. The applicant states in the TA that once HGVs have turned left onto Common Lane the route is very straight onto Vale Road and HGVs do not create any problems to the existing highway infrastructure, as such further mitigation is not warranted.
193. NCC Highways do not agree with the above conclusion, stating that it is entirely evident from numerous site visits, observations and reports from members of the public that HGVs turning into Vale Road at the Junction with Station Street are overrunning the footway and causing damage to the adopted highway, street furniture and signage. The NCC Highways Team acknowledge that there is no alternate viable route to the application site, but nevertheless raise concern about the continual damage to the highway infrastructure, particularly at the Vale Road and Station Street junction. In addition, an objection has been received highlighting wear and tear caused to Vale Road by the HGVs.
194. The NCC Highways Team highlight their duty to protect and maintain the adopted highway on behalf of the public and to make it as safe as possible for all highway users. In light of this, they suggest two options to improve the situation at the Vale Road and Station Street junction, which are considered to be more cost effective and less disruptive than a complete junction redesign and build.
  - a) Option 1 – The applicant puts forward their own scheme of works to repair and replace damage to the existing highway infrastructure. This would entail the installation of double yellow lines on Station Street opposite the Vale Road junction for approximately 30m, and to improve all highway users' safety at this location. This would require the applicant to enter into a Section 278 agreement with NCC as Highways Authority.

b) Option 2 – The applicant pays for, or contributes towards, NCC carrying out the works on their behalf. The approximate cost of the scheme is set out below:

- Footway – installation of high containment kerbs on each radii of the junction, together with pedestrian guard rails. Raising of ironworks and footway to suit. Associated cost is estimated as £13,607.61.
- Carriageway – On Station Street cold mill to 50mm depth a 1.6m wide strip from tangent point to tangent point across junction and reinstate surface course and anti-skid surface. On Vale Road cold mill to 300m depth from channel line on Station Street for a distance of 6.75m, reinstate base, binder and surface courses, adjust ironworks and reinstate junction markings. Associated cost is estimated as £21,427.78.
- Commuted sum – high containment kerbs and guard rails. Associated cost is estimated as £6,770.07.

195. In light of the costs identified by NCC Highways, the applicant raised the point that there are other large vehicles associated with commercial business traffic and public services which also use the junction, and that it was difficult to attribute all damage and defects with this junction to the traffic generate by the Vale Road Quarry operations. As such, following negotiations with the applicant and NCC Highways, it was jointly agreed that the applicant would make a contribution of £25,000 (minus the legal costs associated with drawing up the legal agreement) towards the total cost of a road scheme to improve safety and prevent vehicles from overriding the footway at the junction of Vale Road and Station Street/High Street.
196. Policy W3.15 of the WLP states that in granting planning permission for a waste management facility the county council will, as appropriate, seek to negotiate planning obligations in order to secure highway improvements. In addition, the National Planning Policy Framework states that decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. As such, there is policy support for seeking funds to bring the road junction up to a standard more appropriate for the vehicle that are using it, and maintain it.
197. Safety is a factor that has been raised, particularly in relation to visibility as the site access and also at the south-eastern end of Vale Road, where it connects to High Street/Station Street, where it is suggested that the vehicular visibility requirements are not in accordance with the 6C's Design Guide. It is agreed that the visibility splays suggested in 6C's Design Guide are not achieved at the Vale Road junction, however, this criteria is to inform the design of new roads and the junction in question is already in existence and is therefore not subject to the requirements. Nevertheless, the junction is acknowledged as having poor visibility. Notwithstanding this, it is recommended that improvements are made to the safety of the junction, as discussed above. It is also of note that the Transport Statement contains an assessment of road

safety within the vicinity with a total of 22 accidents occurring over the past five years, 21 of which were classed as slight accidents and none of the accidents over the last 5 years within the study area involved a HGV.

198. There have been reports of HGV drivers using mobile phones whilst driving, and also speeding along Vale Road. These activities are illegal and fall outside the control of the planning authority. The County Council encourages all illegal activities to be reported. There are also complaints of drivers using CB radios while driving along Vale Road, however, it is understood that the use of CB radios is not illegal.
199. In addition to the above, many of the complaints draw attention to the noise, dust and mud generated by HGVs travelling along Vale Road. These matters are discussed in detail in the relevant sections of this report.
200. The HGVs associated with the development cause disturbance to local communities predominantly from noise, dust and mud. It is considered that a certain level of disturbance is inevitable from a site such as Vale Road Quarry, the question is whether it is unacceptable. The view of Planning Officers is that the impacts can be made acceptable through the use of suitable conditions, particularly in relation to dust and mud, and a Section 106 Agreement. However, it requires the applicant to implement certain measures and ensure that they operate strictly in accordance with the conditions and the Section 106. This application presents the opportunity to look at the existing practices and review how they can be improved to mitigate the impacts upon residents of Vale Road and the surrounding area. It is recommended that a Section 106 Agreement is used to secure the submission of a Transport Management Plan within three months, and its implementation within a further three months, of the commencement of the planning permission, covering the following:
  - a) Appropriate routing for all HGVs travelling to and from the site, signage and measures for issuing the approved route to all drivers;
  - b) Instructions to all drivers to prevent HGVs from arriving at the site, or parking on or near Vale Road, outside of the site operating hours;
  - c) Instructions to all drivers to prevent HGVs from driving along Vale Road in convoy;
  - d) Issue instructions to all drivers reminding them to abide by the Highway Code at all times;
  - e) Issue instructions to all HGVs travelling to and from the site encouraging them to sheet or have their loads otherwise totally enclosed where this facility is available on the HGV;
  - f) Actions to be taken in the event that HGV drivers are observed and/or reported to be operating outside of the approved strategy;

201. The above controls secured through a Section 106 would be in accordance with Policy W3.14 of the WLP, Policy WCS13 of the WCS and Policy M16 of the Mansfield Local Plan.
202. Policy W3.15 of the Waste Local Plan relates to vehicular routeing and that in granting planning permission conditions can be used to control the use of certain routes. Whilst there have been numerous objections to the site due to the HGV impacts along Vale Road, there are no other realistic access routes to the site. Beyond Vale Road there have not been any complaints in relation to the routeing of HGVs. There is an agreed route in place which appears to be working, although there do not appear to be any formal controls in place to secure it. As such, it is proposed that the Section 106 is used to formalise the routeing of HGV's to maintain its use.

### Ecology

203. The applicant has undertaken an Ecological Impact Assessment (EclA) as part of the planning application.
204. An EclA involves considering areas and/or species of ecological value within a zone of influence of 2km around the application site. The applicant has then assessed whether the potential effects from the proposed development would be significant or not on the integrity (of the site/ecosystem) or conservation status (of the habitats/species) of each ecological receptor and the effect of the significance is determined at the appropriate geographical scale.
205. Due to the range of habitats and species assessed within the EclA, and commented on by the various ecological consultees, discussion is separated into a series of topics under the headings set out below.

### *Habitats*

206. There are two statutory ecological designated sites near to the application site. Pleasley Vale Railway Site of Special Scientific Interest (SSSI) and the Hills and Holes and Sookholme Brook, Warsop SSSI. In addition, the applicant has identified 29 Local Wildlife Sites (LWS) formerly known as Sites of Importance for Nature Conservation (SINC) within 3km of the application site. There are seven LWS adjacent, or particularly close, to Vale Road Quarry.
207. The applicant has assessed that there would be no direct loss of any land within either of the SSSIs. They have also considered indirect impacts relating to hydrological connectivity, dust deposition and nitrogen deposition and have concluded that there would not be any indirect impacts.
208. Natural England, NCC Ecology and Nottinghamshire Wildlife Trust (NWT) do not raise any concerns relating to indirect impacts of dust or nitrogen deposition on the SSSIs.
209. NWT has raised concerns with the hydrological impact on the Hills and Holes and Sookholme Brook SSSI. NWT state the Hills and Holes SSSI is

groundwater dependant contrary to what is stated in the ES text, and this is what generates the valuable calcareous flush habitats (where calcareous spring water exits the ground and creates wet habitat). In addition, other habitats in the SSSI are also reliant on the water quality of the Sookholme Brook and the Meden. In this regard NWT request that further details to provide confidence that there would be no indirect impacts on the SSSI. Alternatively, they suggest that the applicant commits to a programme of borehole monitoring to be undertaken in the SSSI to determine any damaging changes to groundwater quantity and quality, combined with botanical monitoring of the flush habitat.

210. NCC Ecology have not commented on the potential hydrological impacts on the Hills and Holes SSSI, but recommend that comments from NE are sought, stating that NCC can rely on the views of NE.
211. NE's views have been sought and they clarify that the hydrological impact of the proposal on groundwater levels at the Hills and Holes SSSI has been taken into account and the proposed development will not damage or destroy the features for which the site has been notified, and NE does not require groundwater monitoring to be secured in order to make the development acceptable. As the national body providing advice on statutory ecological sites, NCC accepts NE's views and is satisfied with the submitted information.
212. The applicant's dust assessment identifies that large sites with high use of haul roads have the potential for soiling 100m from the source of the dust and for vegetation effects 25m from the source of the dust. NWT note the potential for dust to be deposited 100m from the site and have highlighted the proximity of a number of LWSs. In relation to this, they state that a condition is required to monitor dust deposition within 100m of the quarry, with a provision for action to be taken if detrimental effects are found. However, NWT appear to have focused on the 100m distance, which is relevant to soiling, whereas a much reduced distance of 25m is given for vegetation effects. In addition, NCC Ecology has considered the comments made by NWT and are of the view that dust incidents at individual receptors would be infrequent and short lived; that effects are unlikely to occur beyond 25m from the source and no significant effect on any of the LWSs is predicted as a result of dust. NCC Ecology is of the view that dust can be adequately controlled through normal suppression techniques and no monitoring condition is necessary. It is recommended that the approach put forward by NCC Ecology is the more appropriate and pragmatic, particularly given the existing presence of the LWS adjacent to the landfill which has been operational for many years.
213. NWT are critical of the EclA as it identifies calcareous grassland around the fringes of Vale Road Quarry as being of potentially LWS quality and therefore of County importance. They state that the loss of this habitat would constitute a significant additional impact for the scheme. However, as highlighted by NCC Ecology, the existing calcareous grassland on the margins of the site is to be retained, as shown on the restoration masterplan.
214. The applicant has considered the impact of the proposed development upon Section 41 and Local Biodiversity Action Plan (LBAP) Habitats. It is noted that

grassland which has developed on previously worked land can qualify as 'open mosaic on previously disturbed land', a section 41 priority habitat, and this would be lost, as is the case with the existing restoration scheme. NWT raise issue with the lack of quantification of the habitat to be lost, compared to that of the existing approved restoration and the proposed areas of habitat creation in this application. NCC have considered the scheme and reviewed the comments of NWT and acknowledge that there would be the loss of some calcareous grassland from within the site, but highlight that the restoration would deliver a significant net gain in calcareous grassland habitat at the site over the existing approved restoration. In addition, NCC Ecology consider the site actually does not provide a particularly good example of Open Mosaic Habitat on Previously Developed Land and it is debatable as to whether it meets the national criteria for selection of this habitat type. In view of the above, it is considered that there is not a need for a quantification of habitat loss versus gain, as it is clear that the proposed restoration provides for significantly more BAP habitat than the existing restoration scheme, and that which is currently present on the site.

#### *Sherwood Forest 'prospective' Special Protection Area*

215. The application site is within the 5km buffer zone around the RSPB Important Bird Area (IBA) which may inform a possible future classification of part of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interest. The nearest IBA/ICA is approximately 3km distant.
216. The applicant has assessed potential impacts on the closest habitats used by nightjar and woodlark. The scheme would not result in the loss, fragmentation or damage to nightjar and woodlark feeding and breeding habitat. Also, the proposed development does not result in any increase in traffic movements (HGV or otherwise) on the roads in the vicinity of the Indicative Core Area in comparison to the levels of traffic currently experienced. In relation to nitrogen deposition no increases on relevant habitats are anticipated. NCC Ecology and NWT are satisfied that there would not be a significant direct or indirect impact on nightjar or woodlark.

#### *Amphibians*

217. The applicant surveyed the site for Great Crested Newts (GCN) and other amphibians. No GCN were recorded during the surveys. A single smooth newt and a single common toad were recorded within the southern-most waterbody in Vale Road Quarry on one occasion.
218. NWT draw attention to the fact that smooth newt and common toad were present, and state that the applicant should provide habitat for these species throughout the working to ensure their continuity on site. NWT states that the applicant has not done this. However, the phasing plans show that there would be the creation of three new lined ponds in the north-east corner of the site during the restoration of Phase A, with the existing water storage and



ponds retained until Phase D. As such, it has been demonstrated that there will be a continuity of habitat across the life of the application.

### *Reptiles*

- 219. The applicant has surveyed the site for reptiles. Fifty artificial refuges (0.5m<sup>2</sup> sections of roofing felt) were used, placed in suitable habitat within the application site and checked eight times between April and June 2013.
- 220. The applicant states that the reptile survey was designed specifically to encapsulate suitable habitat (grassland, scrub and marsh) and whilst the site measures approximately 20ha, the proportion of suitable habitat is circa 4-5ha. The remaining area comprised bare, heavily disturbed ground with either sparse or not vegetation, or hard standing. The surveys did not detect any reptiles.
- 221. NWT is satisfied that the survey was undertaken at the correct time of year, and that the ratio of refugia to area was correct. However, they raise concern that areas to the west of the site were not surveyed, despite it being suitable habitat for reptiles such as slow worms and common lizards. NWT therefore suggests a more detailed survey of the western quarry should be undertaken. However, NCC Ecology note that the area to the western boundary of the site is not affected by the proposals, as it is to be retained, and that much of the western quarry does not provide suitable habitat for reptiles. NCC Ecology is satisfied with the level of survey that has been carried out. In light of this, the applicant has not been requested to do any further reptile surveying, and the assessment of impacts is considered satisfactory.

### *Birds*

- 222. The applicant undertook a breeding bird survey comprising three visits between April and June 2013. A total of 27 bird species were recorded during the survey, with 12 assessed as possible, probable or confirmed breeding at Vale Road Quarry. A further seven were thought to be breeding in the adjacent woodlands and/or arable fields.
- 223. No schedule 1 bird species (birds and their young, for which it is an offence to intentionally or recklessly disturb at, on or near an active nest) were recorded breeding within, or adjacent to, the application site. Four Section 41 bird species (species of principle importance for the purposes of conserving biodiversity) were recorded during the survey, none of which were assessed as breeding on site. Two amber list (a bird conservation status for birds of conservation concern) species were recorded as confirmed and probable breeding at Vale Road Quarry.

224. Further survey work was done to determine the presence or absence of barn owls and peregrine at the site. The survey encompassed Vale Road Quarry, Littlewood Quarry and, although not entered, the woodlands to the north and west and the central railway line. All rock faces were scanned using a thermal imaging camera. During the survey 17 bird species were identified, including three which were not previously recorded. A lone peregrine was recorded within the NWT nesting box in Littlewood Quarry, although it did not appear to be sitting on eggs or supporting young chicks or fledglings. Barn owls were not detected either through visual or thermal imaging surveys.
225. NWT has raised concern that water displacement from the infill scheme might result in raised water levels in Littlewood Quarry, which could consequently affect the nesting box used by peregrines. They note that compensatory habitat has been suggested, but no location or design has been proposed and therefore, the effectiveness of the mitigation cannot be determined. Notwithstanding the comments by NWT, NCC Ecology notes that whilst the impact of the proposals on peregrines has not been specifically assessed, the impact on birds as a whole has been assessed as being minor beneficial, even when taking into account the loss of cliff faces. NCC Ecology is satisfied that the location and design of peregrine habitat can be controlled by a condition. In addition, it is important to recognise that at present the waters in Littlewood Quarry are being held artificially low due to dewatering activity, and if planning permission is not granted the potential impact upon peregrine through rising water level would occur much sooner. Therefore an extension to the life of the site may actually prolong the period that peregrine can continue to nest at the site. As such, a condition requiring replacement habitat location and design is considered to be the most appropriate approach.
226. Despite surveys not recording any barn owls or kestrels, NWT state that they have been seen there regularly and have nested on ledges in previous years, including 2013. As such, they state that the impact of the loss of the cliff and scrub on these species should be assessed. NCC Ecology consider that as these species have not been identified in surveys, it is reasonable to secure through condition the installation of pole mounted boxes for both species in the restored phases of the development. The approach put forward by NCC Ecology is considered adequate and proportionate.
227. NWT has criticised the lack of an overwintering bird survey. They state that it is difficult to see why this site would not host wintering Birds of Conservation Concern (BoCC) which would require mitigation considering the habitat present at the site. However, NCC Ecology highlight that the site is an operational landfill, comprising predominantly bare ground and, as such, it is difficult to see what birds may winter at the site that would be significantly impacted by the proposals to continue being an active landfill. The site is certainly not expected to host flocks of wintering waders or wildfowl, which are normally the target of wintering bird surveys. In light of this, no further survey work is required.

#### *Bats*

228. The site has been assessed for its suitability to support bats. The assessment involved the identification of potential roosting locations, and possible foraging and commuting habitat. The assessment included the site and the immediate surrounds, including Littlewood Quarry.
229. In terms of roosting features, all buildings were assessed as being of negligible or low in terms of providing bat roost potential. A single brown long-eared bat was recorded emerging from a disused electrical substation, and the roost was identified as being a summer roost, likely to support small numbers of male or non-breeding female bats. No other roosts were identified within the site. With the exception of the railway line and adjacent woodland, the site offers limited foraging and commuting opportunities. Overall, Vale Road was assessed as to be of low habitat quality.
230. Bat activity has also been assessed. This included walked line transects being carried out by a surveyor equipped with a hand held bat detector. In addition, remote bat detectors were left at predetermined points along the transects for a period of up to seven nights. In summary, the applicant found that there was no bat activity within the central void of Vale Road Quarry and Littlewood Quarry. There were higher levels of activity along the northern boundary of Vale Road Quarry (associated with the Northfield Plantation). The eastern and western boundary habitats were occasionally used for foraging and likely to be used by commuting bats.
231. In terms of the impact of the scheme, the applicant has identified there being a minor adverse impact through the loss of a single non-breeding bat roost of a common species (brown long-eared). The overall revised restoration scheme has been assessed as resulting in a minor beneficial impact, by virtue of the high quality habitat that would be created (with the exception of the agricultural land).
232. It is noted that the removal of the bat roost in the substation would not occur for 10-15 years. However, to mitigate its loss, prior to the demolition of the building a resurvey of this building and other buildings with Low Bat Roost Potential is proposed. The applicant suggests that if roosts are found to be present then mitigation measures would then be required.
233. NWT has raised concern about the bat surveys, particularly that much of the central area of the quarry, which includes areas of scrub and species such as grassland, has not been fully surveyed for bats. It is then stated that the impact of the loss of this foraging habitat has not, therefore, been properly assessed. NCC Ecology consider that on the basis that the areas of scrub and grassland are small and recent in origin (less than 20 years old), and the abundant and higher quality habitat exists within the vicinity of the site, excluding the central area of the site from surveying is not considered a major constraint. NCC Ecology also highlight that activity surveys show that the northern boundary of the site has high levels of bat activity, and that the eastern and western boundaries have much lower levels of bat activity. On the basis that bats would have to fly down the eastern and western boundaries to

then cross into the central area, existing data indicates that this is not happening to any great degree. In light of the comments from NCC Ecology, the bat surveys are considered adequate.

234. NWT is of the view that inadequate mitigation is proposed for the loss of bat foraging habitat. However, it is important to note that peripheral areas of existing habitat on the eastern and western boundaries would be retained, along with woodland edge to the north, and phased restoration would provide suitable foraging habitat (grassland, hedgerows and woodland). Therefore, NWT's statement is not borne out in practice. NCC Ecology supports this view.
235. NWT draw attention to the record of a Serotine bat, which is an exceptionally important record for Nottinghamshire with only one other known record of this species within the County. It is stated that the presence of this bat, with four other more common species, would qualify the site as a LWS for bats, and this should be taken into account when proposing mitigation and compensation. However, NCC Ecology is of the view that the site would only qualify as a LWS if the Serotine is taken into account (which constituted a single registration during approximately 7.5 hours of transect surveys and 30 nights of remotely recorded data). The LWS criterion required the presence of bats, and in this case a single registration cannot be taken to demonstrate 'presence', but actually the species occurs on a transitory basis. NCC Ecology also point out that Serotine forages over pasture and meadows, so the restoration would deliver a significant improvement in habitat quality for this species. In view of the above, no alteration to the restoration scheme is deemed necessary.
236. Attention is drawn to the presence of a Brown Long Eared bat roost in the electricity substation by NWT. The mitigation proposals require re-survey and proposed mitigation to be determined nearer the time of removal, however, NWT is of the view that this does not allow the proper determination of the impacts of removal of the habitat in the context of this application. NCC Ecology notes that the application is supported by a reasoned statement which demonstrates that the favourable conservation status of the species would be maintained. NCC Ecology is satisfied that sufficient information has been provided, particularly considering that it is difficult to second guess the level of use of the substation by bats some way in the future.
237. Notwithstanding the above, NCC Ecology highlights that under Regulation 53 of the Habitat Regulations, activities which would otherwise contravene the strict protection regime offered to European Protected Species under Regulation 41 (which includes the destruction of roost sites) can only be permitted where it has been shown that certain tests have been met. Within the context of a planning application, these are:
- a) The activity is for the purposes of preserving public health or safety or for other imperative reasons of overriding public interest (IROPI);
  - b) There is no satisfactory alternative;

- c) The favourable conservation status of the species in question is to be maintained.

238. NCC Ecology highlight that in line with Regulation 9(5) of the Habitat Regulations, local planning authorities, in the exercise of their duties, have a statutory duty to have regard to the Habitat Directive so far as they may be affected by the exercise of those functions. What that means is that consideration must be given, in the determination process, as to whether the three tests have been met. NCC Ecology is content that the third test has been met, but states that the first two tests are planning tests and that the Waste Planning Authority should satisfy itself that the reasoning provided in paragraphs 1.2 and 1.3 of Appendix F4 is sound.
239. Appendix F4 of the ES is the reasoned statement in relation to the proposed removal of the bat roost. Paragraph 1.2 of the reasoned statement highlights the need for additional inter landfill capacity in Nottinghamshire, and Paragraph 1.3 relates to other options that have been considered, and dismissed, and the reason for the restoration that has been chosen. The reasoned statement is therefore considered sound in meeting the first two tests of Regulation 53. As such, the Authority's duty under Regulation 9(5) of the Habitat Regulations has been met.

#### *Water Vole*

240. A fingertip search of the waterbodies for signs of water vole activity has been undertaken, and no evidence of water voles was found. NWT agree that the presence of water voles is unlikely at this site, and NCC Ecology raise no concerns in relation to water voles.

#### *Invertebrates*

241. The applicant undertook a survey for invertebrates, which involved pitfall trapping and sweep netting in June 2013. The survey concentrated on two locations within the quarry. The purpose of the survey was to establish whether there were any invertebrate species of high nature conservation interest on the site. A total of four taxa were identified, with no protected, Section 41, International Union for Conservation of Nature (IUCN), Red Data Book or Nationally Scarce/Notable species were recorded. The invertebrate assemblage was therefore assessed as having local value.
242. NWT is of the view that the invertebrate survey locations were limited for the size of the site and it is possible that the invertebrate interest of the site has been under-recorded, thereby bringing into question the accuracy of the impact assessment. NCC Ecology also notes that the invertebrate value of the site is likely to be higher than current information suggests, however, overall NCC Ecology is satisfied with the level of surveys.
243. It is also of note that, the replacement of bare ground with calcareous grassland and agricultural land is likely to influence the composition of the invertebrate assemblage. However, as no protected or notable invertebrate

species were recorded, the effect is assessed as neutral. In addition, the proposed restoration scheme creates a diverse lowland calcareous grassland which is likely to result in significant net increases in the availability of food resources for terrestrial invertebrates.

#### *Protected Species*

244. The surveys did not record any protected species. NWT agree with the conclusions of the protected species report, but recommend that if planning permission is granted, surveys should be undertaken prior to any new phase of development as protected species activities can change rapidly. It is recommended that such a condition is attached.

#### *Japanese Knotweed*

245. The Phase 1 habitat survey has identified the highly invasive plant, Japanese Knotweed. The ES identifies the site as being treated in accordance with the knotweed code of practice (produced by the Environment Agency), and will continue to be prior to vegetation clearance or movement of material.
246. Whilst the existing treatment is noted, NCC Ecology recommends a condition is used to secure the production of a Japanese Knotweed management plan. This is considered to be a prudent approach to ensure that the species does not become established within the restoration scheme.

#### *Restoration*

247. In summary, the restoration scheme aims to restore the site to a combination of calcareous and conventional grassland for both grazing use and to enhance local biodiversity. A total of seven fields would be created, with four being restored to calcareous grassland and three to semi-improved grassland for agricultural grazing.
248. In addition to the field planting, existing calcareous grassland along the western and eastern boundaries of the quarry would be retained, and new woodland edge planting would be planted along the south-eastern boundary. A woodland copse is proposed towards the north-west of the site and a series of shallow lined ponds would be created in the north-eastern extent of the western quarry.
249. Overall, the applicant has assessed the proposed development as resulting in a beneficial effect on wildlife at Vale Road Quarry. A net increase in calcareous grassland (a Nottinghamshire Priority Habitat) would be created at the expense of the currently approved restoration scheme which includes habitats of lesser ecological value (amenity grassland and deep open water).
250. NWT reiterate comments made in relation to the EIA scoping for the application that the proposed restoration should contribute to the recreation of

priority BAP habitat for the County, particularly calcareous grassland. However, they are of the view that the rationale behind the choice of proposed habitats is missing, as is maintenance and aftercare details, and an assurance of long term aftercare. In light of this, they query the accordance of the scheme with Policies W4.6 and W4.10 of the WLP.

251. NWT are disappointed that the restoration scheme comprises commercial agricultural grassland, and state a preference for the site to be restored entirely to calcareous grassland, as this would maximise the recreation of the scarcest BAP habitat. As such, they consider the restoration scheme unacceptable. They are also of the view that the restoration scheme should provide more small ponds and wetland habitat. In addition, the provision of five years aftercare is highlighted as being insufficient, and reference is made to recent examples of habitats becoming degraded once out of aftercare. As such, it is stated that a longer term provision is made for maintaining habitat, otherwise they cannot be used in justification for the scheme.
252. NCC Ecology comment on the amount on information submitted in the restoration scheme, stating that outline details have been provided and specific details should be secured through condition.
253. NCC Ecology agrees to some extent with NWT that it would be highly desirable for the whole site to be restored to calcareous grassland. However, it is recognised that the scheme provides approximately 10ha of the habitat effectively buffering and extending adjacent areas of calcareous grassland and LWS, and it is an improvement over the currently consented restoration scheme. Ecology mirror the advice from NWT that a longer period of aftercare would be appropriate, with a suggestion that the calcareous grassland areas are subject to 10 years aftercare.

### *Policy*

254. The National Planning Policy Framework (NPPF) states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. It is encourage opportunities to incorporate biodiversity in and around developments.
255. The National Planning Policy for Waste (NPPW) requires, when determining waste planning applications, consideration to be given to the likely impact on the local environment and any ecological networks and protected species. It also seeks to ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.
256. Policy WCS13 of the WCS seeks to protect the environment, stating that extended waste disposal facilities will only be supported where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality. Policy W3.22 of the WLP seeks to prevent development that would harm or destroy species or habitat of county importance, and

encourages the use of conditions to provide alternative habitat. Policy W3.23 of the WLP seeks to protect designated nature conservation sites.

257. Policy W4.6 of the WLP identifies the necessary information to support an application for the reclamation of a waste disposal site, and Policy W4.10 states that reclamation schemes should include full details of the proposed afteruse and be designed to maximise opportunities to enhance the environment. Policy W4.9 promotes the use of aftercare conditions for waste disposal where reclamation is to agriculture, forestry or amenity (including nature conservation).
258. In light of the information the applicant has submitted, it has been demonstrated to the satisfaction of NCC that there would not be unacceptable harm to habitat or species, and where the proposed development would result in some loss, it is mitigated for in the replacement habitat that would be gained through restoration of the site. As such, the proposed development is assessed as being in accordance with the NPPF, the NPPW, Policy WCS13 of the WCS and Policy W3.22 of the WLP. In addition, through the use of suitable conditions the proposed development would not result in any direct impact, or unacceptable indirect impact, on any designated ecological sites. This is in line with Policy W3.23 of the WLP.
259. With regard to the restoration scheme, NCC Ecology has advised that there is sufficient information to determine the application and that specific planting mixes and aftercare can be secured through condition (although this view is not shared by NWT). In light of this, the proposed development is in accordance with Policy W4.6 of the WLP.
260. The restoration of the site is to agricultural grassland and calcareous grassland. NWT have criticised the restoration for not being entirely calcareous grassland and suggest that the scheme is therefore not in accordance with Policy W4.10, which seeks to maximise opportunities to enhance the environment. However, the applicant has identified that the extent of the habitat types seeks to provide a balance between the areas which would be more and less attractive from a graziers perspective, in order to ensure the long term viability of the after use overall. It is also important to recognise that the proposed development also enhances the environment in relation to landscape and historic setting, as well as ecology. Indeed, the proposed restoration provides over 10ha of calcareous grassland enhancing the value of, and providing ecological connectivity between, existing calcareous grassland LWS in the vicinity of the application site. The scheme is a significant ecological improvement over the existing restoration. The development is therefore assessed as maximising the opportunity to enhance the environment, which balancing the viability of the sites afteruse and, as such, is in accordance with Policy W4.10.
261. Notwithstanding the above, given that the entire site is not being restored to calcareous grassland, it is considered very important that the areas which are, fully establish. As such, the recommended extended aftercare period is part of maximising the opportunity to enhance the environment in line with Policy



W4.10. The extended aftercare period, whilst being secured through a S106 rather than condition, is in line with the thrust of Condition 4.9 of the WLP.

### Hydrology and Hydrogeology

#### *Flood Risk*

- 262. Vale Road Quarry does not contain any water courses, the nearest of which is the River Meden approximately 50m to the north of the application site.
- 263. Part of the quarry, towards the north-east corner, is shown to be within Flood Risk Zone 3 on the Environment Agency flood risk mapping. However, the applicant's topographic survey shows that there is a barrier of unworked rock between the River Meden floodplain and the quarry void. The applicant indicates that the Environment Agency's mapping should not be relied upon in this instance.
- 264. As is the case at present, during the operational life of the scheme, rainfall would infiltrate through to the base of the quarry to form groundwater, or drain to an existing sump and be managed as part of the dewatering operation. At present dewatering takes place with water pumped from the lowest part of the quarry in the north-east, which is then discharged to the River Meden to the north. The discharge levels are limited in the Consent to Discharge and measures for monitoring groundwater levels and quality are set out in the Environmental Permit regulated by the EA. The existing limits would be adhered to for the operational life of the site.
- 265. The applicant states that the continuation of dewatering, and its cessation, would not have a material adverse impact on the River Meden, as on cessation the water which would have been discharged to the river by pumping would in any event flow there as groundwater.
- 266. The final restoration of the site includes the creation of a number of ephemeral lined ponds in the north-east corner of the site and a French drain to be installed along the northern and east boundaries, along the unworked limestone quarry faces. This would allow run-off which exceeds normal greenfield run-off rates to be managed in accordance with Sustainable Urban Drainage (SUDs) principles.
- 267. The Environment Agency does not object to the proposed development nor recommend any conditions.
- 268. Policy W3.5 of the WLP seeks to prevent development that would have an unacceptable risk of pollution to groundwater or surface water, or where it would affect the integrity or function of floodplains. Policy W3.6 provides for the use of conditions to protect surface and groundwater resources, and

Policy W3.13 provides for the use of conditions where necessary to protect flood plains, flood defences and the integrity of the local drainage system. The proposed development would not be adversely affected by flooding, and would not result in flooding elsewhere, as such, the proposed development is in line with the above policies.

269. Notwithstanding the above, the final restoration changes the profile of the site and would direct surface water towards the rail line. Whilst Network Rail has not objected to the proposed development, they have raised concerns and as a result recommended a number of conditions in relation to drainage. Given the retention of the top 1m of the limestone face along the eastern boundary, and a soakaway drainage channel, the proposed development is considered unlikely to result in any surface water impact on Network Rail land. However, it is considered prudent to attach a condition that requires detailed drainage measures to be submitted prior to the cessation of landfilling, and implemented as approved. This would be in line with Policy W3.13 of the WLP.

#### *Groundwater*

270. As discussed above, dewatering currently takes place at the site. Once the proposed development exceeds the assumed natural groundwater level (between 85-87m AOD) dewatering would cease. Once dewatering ceases the water table would re-establish itself across the site, which is envisaged to take between 1-2 years.
271. The applicant has assessed the potential impact of the proposed development on groundwater and it is concluded that, due to the distance, there would be no groundwater impact upon residential properties. In addition, due to the inert nature of the waste which has been, and which will continue to be, deposited at Vale Road Quarry, it is not anticipated that there would be any degree of leaching from within the waste mass, and therefore there would be no discharge of contaminants to the groundwater.
272. The applicant states that groundwater, as an issue, has been substantiated to the satisfaction of the Environment Agency as a result of the continued monitoring requirement for groundwater level and quality provided for in the existing Environmental Permit (Ref: EW/WP3332LL). The applicant anticipates that this will also be a requirement in any future variation to the permit to continue operation at the site. Furthermore, it is noted that the Environment Agency has no objection to the proposed development.
273. Given that the development is not anticipated to have an unacceptable adverse impact on groundwater, the proposal is in accordance with Policy W3.5 of the WLP.
274. Notwithstanding the above, it is important to note that the dewatering associated with existing activities at the site is artificially lowering the groundwater immediately around the site, including in Littlewood Quarry to the

east of the rail line, which currently has a shallow water body in part of the quarry base. However, when dewatering ceases and ground water levels return to normal former natural levels, due to the hydraulic connectivity between the sites, the water level in Littlewood quarry would rise. In fact, water levels in Littlewood Quarry could reach up to 8-13m in depth if no material is imported to fill the quarry, and it remains in its current condition.

275. The creation of a deep water body surrounded by steep cliff faces is a safety hazard. However, it is important to note the proposed development would result in dewatering probably ceasing between 2027-2030, thus preventing water levels from raising in Littlewood Quarry for the time being. However, if planning permission is not granted and operations cease at Vale Road, dewatering would cease imminently and the water levels in Littlewood Quarry would rise much sooner.
276. Severn Trent has requested a standard condition relating to the submission of foul and surface water drainage. This is considered unnecessary considering the context of the site and existing dewatering operations.

#### Noise

277. Appendix B of the National Planning Policy for Waste (NPPW) states that in testing the suitability of sites and areas in determining planning applications, waste planning authorities should consider noise. In this regard, considerations will include the proximity of sensitive receptors, noise and vibration from good vehicles and traffic movements to and from the site, and intermittent and sustained operating noise.
278. Chapter 11 (Conserving and enhancing the natural environment) of the NPPF contains guidance on noise, specifically at paragraph 123, which states that planning policies and decisions should:
- a) Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
  - b) Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including through use of conditions;
  - c) Recognise that development will often create some noise and existing businesses want to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
  - d) Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

279. In addition Policy WCS13 (Protecting and enhancing our environment) of the WCS supports extended waste disposal facilities where there would be no unacceptable impact upon the quality of life of those living or working nearby, and Policy W3.9 of the WLP encourages the use of conditions to reduce potential noise impact.
280. Given the nature of the existing and proposed development the associated operations will generate noise, as such, the applicant has undertaken a noise assessment of the plant and machinery that would be used on site, which includes the following:
- a) Tracked excavator;
  - b) Dozer
  - c) Wheeled backhoe loader;
  - d) Articulated dump truck;
  - e) Tracked hydraulic excavator;
  - f) Wheeled loader;
  - g) Crusher;
  - h) Screener.
281. The applicant has considered noise levels at three locations which are considered to be representative of the residential receptors closest to the site boundary; namely Littlewood Farm (circa 140m to the north), the Old Vicarage (circa 150m to the west) and North Lodge Farm (Circa 165m to the south-west). Table 2 below shows the background noise levels for each of the sensitive receptors, the noise limits in accordance with the NPPF Guidance and the predicted noise levels from operations taking part in five different locations within the site.

**Table 2 – Background and predicted noise levels**

	<b>Background Noise Levels – measured over six days</b>	<b>Noise Limits (10dB above background)</b>	<b>Predicted Noise Levels 07:00-18:00 L<sub>Aeq</sub> dB</b>	<b>Noise Level Above Background (worst case)</b>
Littlewood Farm	41dB – 44dB	51-54 L <sub>Aeq,1h</sub> dB	44 (North west)	+ 5dB
			43 (South west)	
			43 (East)	
			46 (North east)	
			45 (Eastern quarry)	
The Old Vicarage	30dB – 33dB	40-43 L <sub>Aeq,1h</sub> dB	44 (North west)	+ 14dB
			42 (South west)	
			42 (East)	

			42 (North east)	
			42 (Eastern quarry)	
North Lodge Farm	29dB – 38dB	39-48 L <sub>Aeq,1h</sub> dB	42 (North west)	+ 17dB
			46 (South west)	
			41 (East)	
			39 (North east)	
			41 (Eastern quarry)	

282. The noise assessment demonstrates that the predicted noise levels at the Old Vicarage and North Lodge Farm would be up to 14dB and 17dB above the background noise levels respectively, which is more than the 10dB above background levels limit that is recommended in the NPPF Technical Guidance.
283. Notwithstanding the exceedance of background noise levels, the Technical Guidance to the NPPF states that in many cases it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator. In such cases, the limit should be set as near that level as practicable during working hours (07:00-19:00) and should not exceed 55dB(A) L<sub>Aeq</sub>.
284. The applicant identifies that in many cases meeting the LA90 + 10dB criteria will be difficult to achieve. However, they also demonstrate that the exceedances are based on worst case scenario and do not happen at all receptors, but would be limited to the Old Vicarage and North Lodge Farm, and would occur when work takes place in certain locations. This is seen to accord with the guidance in the NPPF, particularly when the worst case predicted noise levels are 9dB below the maximum of 55dB. Taking this into account the applicant has stated that a requirement to mitigate the noise levels beyond those predicted would impose an unreasonable burden on the operator.
285. The NCC Noise Engineer has reviewed the noise assessment and concludes that whilst there is an exceedance of the background noise levels, this is primarily due to particularly low daytime background noise levels, and is satisfied that noise will not be unreasonable as it would be 9-11dB below the 55dB limit. The NCC Noise Engineer is satisfied that there will not be an unacceptable level of noise subject to conditions relating to noise level, mobile plant having white noise reversing devices, and operating hours.
286. There have been a number of comments and objections raised about noise in relation to both the recycling and landfill applications. However, the concerns relate to noise generated from HGVs travelling along Vale Road, rather than from operations from within the application site. It has been reported that HGVs that travel along Vale Road crash and bang as they pass over the speed humps, and this is exacerbated when they leave the site in convoys and tailgate one another. It is also reported that HGVs park on the public highway outside the landfill waiting for it to open in the mornings, and this is reported to occur on Vale Road, Elm Tree Crescent and Laburnum Grove. It is

also alleged in one representation that HGVs are accessing and leaving the site outside of currently permitted hours.

287. Noise associated with work at this site has impacted on the residents of Vale Road for as long as the site has been in use as a quarry and a landfill. In reality the only measures that could be put in place to reduce noise impact on residents of Vale Road generated by HGV movements are behaviour based. In this regard it is suggested that, should planning permission be granted, a Traffic Management Plan is used to encourage good behaviour including minimisation of HGVs driving in convoy and reduction of speed over speed bumps. This would be in line with Policy W3.9 of the WLP.
288. The other complaint about HGVs arriving before the site opens and parking outside residential properties is noted. This is difficult for the applicant to control, given many of the HGVs are outside contractors and therefore not under the control of the applicant. As such, it is suggested that a condition is attached to any permission granted that requires the applicant to issue instructions to all drivers to tell them not to arrive early, with a penalty system put in place if there are regular complaints about certain companies or drivers. This would be in line with Policy W3.9 of the WLP.

Policy W3.14 of the WLP states that planning permission will not be granted for development where vehicle movements would cause unacceptable disturbance to local communities. In addition WCS13 of the WCS seeks to ensure that there would be no unacceptable impact on the quality of life of residents living nearby. It is important to realise that there is always going to be a degree of unavoidable noise associated with HGVs travelling along Vale Road, however, the consideration is whether the noise is acceptable. In this regard, the site has been operating for many years and, prior to the withdrawn landfill application being submitted, the last complaint made to NCC was in 2001. This suggests that there is a noise impact, and it will impact the quality of life of residents to some degree, but it is not at a level that is unacceptable. As such, the development is in accordance with Policies W3.14 of the WLP and WCS13 of the WCS.

289. One letter received in relation to the original landfill application raises concerns with the noise assessment, stating that the manner in which noise is determined is unclear and therefore the results are questionable. In relation to this, the NCC Noise Engineer has reviewed the noise assessment and is satisfied that it has been undertaken to appropriate methodology and its findings are accurate.

#### Dust and Air Quality

290. Dust and fine particulate matter (PM<sub>10</sub>) and oxides of nitrogen (NO<sub>x</sub>) are the two principal sources of emissions that have the potential to cause air quality impacts beyond the site boundary. The dust and particulate matter can be generated by the crushing, screening, transport, movement and placing of inert waste within the landfill site and can result from waste and material being

transported to and from the site in HGVs. NO<sub>x</sub> is a result of vehicular exhaust emissions from HGVs transporting waste and material to and from the site.

291. The applicant has undertaken an assessment of the potential for significant effects to occur as a consequence of uncontrolled emissions from all parts of the site during the operation of the site. The applicant has considered sensitive receptors within the vicinity of the site including three nearby LWSs (Meden Bank Wood, Littlewood Railway Embankment and Littlewood Quarry), the Indicative Core Areas of breeding nightjar and woodlark, Mansfield Woodhouse Bridleway No. 7 and Footpath No. 8, and four residential properties:

- Littlewood Farm – 140m to the north.
- The Old Vicarage – 150m to the west.
- North Lodge Farm – 165m to the south-west.
- Sunnydale Farm – 50m to the south-east.

#### *Nitrogen Deposition*

292. With regard to nitrogen deposition, the applicant has assessed the potential effects on sensitive ecological sites near to roads used by vehicles associated with the development in line with the methodology described in the Design Manual for Roads and Bridges (DMRB). The DMRB requires an applicant to screen existing traffic data to identify any affected roads, which are those that meet any of the following criteria:

- a) Road alignment would change by 5 metres or more; or
- b) Daily traffic flows would change by 1,000 Annual Average Daily Traffic (AADT) or more; or
- c) HGV flows would change by 200 AADT or more; or
- d) Daily average speed would change by 10kmph or more; or
- e) Peak hour speeds would change by 20kmph or more.

293. If none of the roads in the network meet any of the above criteria then the impact of the scheme can be considered neutral in terms of local air quality and no further assessment is required. The applicant highlights that nitrogen dioxide from road sources is indistinguishable from background pollutant concentrations beyond 200m. Given that Pleasley Vale Railway SSSI and the Hills and Holes and Sookholme Brook, Warsop SSSI are located 500m and 1500m from the site respectively, they are considered to be unaffected.

294. The applicant has also considered the potential impacts of nitrogen deposition from vehicle emissions on the indicative core areas of breeding Nightjar and Woodlark in the Sherwood Forest Areas. Some of the vehicles associated with the development use some of the roads within 200m of the Indicative Core Area, namely the A6075 Mansfield Road, the B6034 Swinecote Road (north of A6075), the A616 Worksop Road and Netherfield Lane (west of the B6034). Notwithstanding the fact that the proposed development wouldn't increase vehicle movements compared to existing levels, in line with the guidance set out in the DMRB, even if all HGVs (84 trips or 168 two way movements) were to use the same roads it would fall below the criteria for which an assessment is necessary and therefore the impact can be considered neutral.

*Dust and PM<sub>10</sub>*

295. The applicant highlights that the predominant wind direction is from the west and south-western sectors, and there are ecological receptors in vicinity of the site which are in line with the dominant wind direction but there are no dust sensitive human receptors in the immediate vicinity.
296. There are a number of conditions which relate to dust attached to the latest landfill planning permission, including:
- Condition 12 of planning permission 2/2012/0105/NT which states all vehicles which have entered the site carrying waste or are leaving the site with recycled aggregates or waste materials shall use the wheel cleaning facilities provided. These facilities shall be maintained in an effective state for the duration of the development so that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the public highway.
  - Condition 13 of planning permission 2/2012/0105/NT states in the event that the wheel cleaning measures undertaken in accordance with Condition 12 and Condition 16 do not prevent the deposit of mud onto the public highway, then within 2 weeks of a written request from the WPA a revised proposal to prevent the deposit of materials onto the public highway shall be submitted to the WPA for its approval in writing. The revised measures shall be implemented within one month of their approval in writing by the WPA and thereafter maintained for the duration of the development.
  - Condition 16 of planning permission 2/2012/0105/NT states that best practicable means shall be employed to ensure that dust emissions from the site are controlled for the benefit of the continuing enjoyment of neighbouring landowners and users, This shall involve taking any or all of the following steps as appropriate:
    - i. The use of water bowsers and sprinkler systems to dampen the tip surface;



- ii. The temporary cessation of waste importation, deposit and associated operations during periods of excessively dry and windy weather;
  - iii. Regular cleaning of all hard surfaced areas of the application site, associated haul roads and quarry access.
- 297. NCC has no records of complaints from members of the public in relation to dust emissions from the site itself.
- 298. The potential for dust impacts arising from the site causing harm to the amenity of the nearest residential receptors is assessed by the applicant as being low under normal atmospheric conditions, provided that best practice dust control measures are effectively implemented on the site. In addition, there is said to be little risk to residents from PM<sub>10</sub> due to the distance of human receptors from the site, the prevailing wind direction, the topography of the site and the surrounding area, the nature of the materials being dealt with and the relatively low background concentrations. In light of this, the applicant looks to maintain the existing mitigation measures of water suppression; minimising drop heights; imposition and enforcement of vehicle speeds on un-surfaced ground; and location of dust generating activities as far from sensitive locations as practical.
- 299. No significant increase in nitrogen deposition levels on nearby designated habitats or nightjar and woodlark breeding habitat are anticipated. Dust and particulate matter from on-site activities is unlikely to cause unacceptable impacts in line with the existing operating procedures, which would be secured by conditions.
- 300. Notwithstanding the above, it is important for NCC to consider the potential for adverse amenity impacts from dust generated by traffic movements along Vale Road. The dust impact along Vale Road from the current operations is a concern that runs through almost all of the public consultation responses received in relation to the recycling operation and the previous landfill application, with residents complaining that dirt and dust on the road, paths, cars and windows is a regular problem and is caused by the HGVs travelling along Vale Road, exacerbated by the traffic calming measures which cause dust to be released from uncovered HGVs as they pass over speed humps. Whilst this application has only triggered one response from the public, it highlights the issue of dust from the access track migrating over the train line and into residents back gardens.
- 301. Policy WCS13 of the WCS only provides support to new or extended waste treatment or disposal facilities where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby. In this case there would not be an unacceptable environmental impact from dust generation, however, in relation to quality of life there is an existing impact that is highlighted throughout the responses from local residents in relation to this, and previous,

applications. Given that there would be no increase in vehicle movements or routing it is considered that the likely impact from the proposed development would be no worse than the current situation, however, that does not mean the existing situation is acceptable. The dust impact on the amenity of residents is subjective and there are no thresholds to determine whether it is acceptable or otherwise. The consultation responses suggest that there is a problem, however, it is also of note that prior to the application being submitted the County Council had not received a complaint in relation to the site, and therefore dust, since 2003. However, that is not to say complaints have not been made to other bodies or directly to the operator. In this instance with an existing development of this type in this location a level of dust impact is unavoidable, however, it is considered that should planning permission be granted to extend the life of the site additional measures must be secured through conditions to reduce dust impact compared to the existing situation. This would be in line with Policy W3.10 of the WLP which promotes the use of conditions to control dust. Nevertheless, it is acknowledged that the impact will not be completely removed while the site remains operational.

302. In line with the above, there are a number of measures which are considered suitable to assist in minimising the impact of dust for the residents of Vale Road in addition to the existing conditions. The existing access road is a 700m unbound hard-surfaced track which is in a state of disrepair with numerous holes along its length. Due to the condition of the track and its unbound nature in dry weather it is a source of dust which is then immediately carried onto Vale Road by the wheels and chassis of vehicles that have visited the site. As such, it is recommended that a condition is attached to resurface the length of the access road in a suitable bound material from the landfill to Common Lane. The newly surfaced access road will need to be regularly swept/cleaned.
303. The site has existing wheel wash facilities which comprise a drive through bath system. Whilst this provides a degree of dust mitigation it is considered that given the existing complaints it is inadequate. As such, it is recommended that a new wheel wash facility is installed in line with details first submitted to the Waste Planning Authority. It will be suggested to the applicant that the new wheel wash facilities comprise a powered spray wash with wheel and chassis cleaning facilities. The existing condition which relates to use and maintenance of the wheel wash would be repeated on any new planning permission.
304. What is thought to be one of the main causes of dust to residents of Vale Road is the use of uncovered HGVs transporting waste to and material from the landfill. This is exacerbated when HGV pass over the speed hump which agitates the load and releases dust. A solution would be to require all HGVs delivering waste to and removing material from the site to be covered or sheeted. It is acknowledged that many of the vehicles that visit the site are not controlled by the applicant/operator, in this case the applicant should issue all companies with instructions to ensure vehicles are covered. Should companies persist in delivering to the site with uncovered vehicles the

operator should employ a tiered system which would culminate in a permanent ban from the site.

305. It is considered that the above measures would provide additional mitigation to existing dust issues that Vale Road resident's experience, and would be entirely in line with Policy W3.10 of the WLP.

### Landscape and Visual Impact

#### *Landscape Character*

306. The applicant has undertaken a Landscape and Visual Impact Appraisal (LVIA), to assess the implications of the scheme on landscape character and visual amenity.
307. In terms of the baseline landscape of the site and the surrounding area, Vale Road Quarry does not lie in an area of national or international statutory landscape designation. In addition, the site is not publicly accessible, serves no recreational function and is an active landfill site.
308. In terms of National Character Areas (NCA) identified by Natural England the site falls within NCA 30: *Southern Magnesian Limestone*. Stretching from North Yorkshire to the northern outskirts of Nottingham in the south, the area forms a narrow limestone ridge. This elevated belt of land provides a distinct barrier between the industrial coalfields, the Yorkshire Dales fringe to the west and the lowland vales to the east.
309. In terms of the local Landscape Assessment, this is contained in the 'Mansfield District Landscape Character Assessment (LCA). The document divides the landscape of Mansfield District into Regional Character Areas (RCA), which are distinct geographical areas that impart a strong sense of place. The identification of 19 Landscape Policy Zones (LPZ) further refines these areas into discrete areas of character. The site falls within the *Limestone Farmlands* RCA, which forms a west facing escarpment, a gentle rolling limestone dip slope defining the western extent of Mansfield District.
310. The site lies within Landscape Policy Zone (LPZ) ML 27: *Pleasleyhill Upland Plateau Farmland*. Due to the lack of landscape features which reduce its distinctiveness and sense of place, the LPZ is described as exhibiting a modern character with an overall landscape strategy aimed at enhancement. Urban influences are situated within the periphery of the LPZ resulting in a limited effect on landscape character.
311. The site is bordered to the east by LPZ ML 25: *Sookholme Limestone Farmlands*, and is defined by the north-south alignment of the Robin Hood rail line. Although the urban fringes of Mansfield Woodhouse and Sookholme do

dilute the rural character of this LPZ, the consistency of the pattern of arable fields, woodland and parkland influences at Nettleworth Manor produce a character described as moderate / good. The overall landscape strategy targets conservation and enhancement of characteristic landscape elements.

312. In addition to the above assessments, the applicant undertook their own site specific landscape character assessment which broadly reflects, but adds detail to, the national and local landscape assessments.
313. The applicant describes Vale Road Quarry as occupying a small area of the wider landscape character areas and is currently a landscape detractor. The development would not extend the landfill into land currently in agricultural use or change the nature of land-use and no characteristic landscape elements would be lost. Restoration of the site would reinstate a sympathetic landform and land-use in the longer term. The impacts of the proposed development on landscape character as considered being of low adverse magnitude during the re-phasing of disposal operations due to the nature of the existing landfill setting and the absence of loss of characteristics landscape elements or introduction of incongruous elements. By year 15 after restoration the nature of the restored landform would result in increased potential visibility of the site within the wider study area, but it would not be a detractor and would be fully integrated into the adjacent landscape both in terms of landform and land-use. Overall the applicant assesses the development as non-significant on landscape character during infilling operations and non-significant post restoration due to anticipated scale and magnitude of effects and the impacts on landscape receptors. Table 3 below provides a summary of the landscape assessment.

<b>Table 3 – Summary of Landscape Assessment</b>						
Landscape receptor		Nature (Sensitivity) of receptor	Nature of Effect (magnitude)	Significance of landscape effects	Nature of effect (magnitude)	Significance of landscape effects
			Operation of the site		Restoration - year 2040	
Regional Landscape Character	LPZ ML 27: Pleasleyhill Upland Plateau Farmland	Medium	Very low	Negligible	Low	Slight
	LPZ ML 25 Sookholme Limestone Farmlands	Medium / High	Very low	Negligible	Very low	Negligible
Site level Landscape Character	N/A	Low	Very low	Insignificant	Medium	Slight

314. The NCC Landscape Team has no objection to the methodology or assessment of the impact of the proposed development on the surrounding landscape character.

315. Policy NE8 of the Mansfield Local Plan states that planning permission will not be granted for development that would detract from the landscape or environmental quality of mature landscape areas at the River Meden and Nettleworth Manor, Mansfield Woodhouse. In addition, Policy W3.29 of the WLP states that planning permission will not be granted for a waste management facility which would result cumulatively in a significant adverse impact on the existing landscape character and/or the amenity of nearby settlements. In light of the above assessment, the proposed development is in accordance with these policies.

### *Visual Impact*

316. The applicant is of the view that the vegetated perimeter of the site results in visual containment and reduces the influence of the site within the wider landscape. In fact observations from within the study area suggest that the site is not readily visible from outside its natural boundaries and the range of potential receptors within the wider landscape is limited.
317. Notwithstanding the above, the applicant has prepared a Zone of Theoretical Visibility (ZTV) to help understand the visual impacts of the proposed development, and this is based on the restored landform reaching 116m AOD. In addition, the impact on views of six viewpoints within the ZTV has been undertaken. The viewpoints are said to represent a range of viewing distances and concentrations of receptor sensitivity within publicly accessible locations. The six viewpoints were agreed with NCC Landscape and are summarised in Table 4 below.

<b>Table 4 – Visual Receptors</b>					
Viewpoint Reference		Approx elevation (m AOD)	Distance from site	Receptor	Viewpoint sensitivity
VP1	View looking south from residential and recreational receptors on Littlewood Lane / Public Footpath 12/3	97m	200m	Residential / Recreational	High
VP2	View looking west from Bridleway BW7	93m	140m	Recreational	High
VP3	View looking north-west from Sunnysdale Cottage on Northfield Lane / Bridleway BW7	89m	400m	Residential / Recreational	High
VP4	View looking north-east from the gated access to North Lodge on Common Lane	112m	450m	Residential / highway	High
VP5	View looking east from public car park adjacent to Pleasley Vale Plan Nursery and Tea Rooms on Common Lane	106m	310m	Highway	Low
VP6	View looking south-east from residential receptors on Wood Lane and access track to Stuffnywood Farm	116m	1550m	Residential	High

318. The assessment of the visual impacts demonstrates that one location would potentially receive a visual impact of moderate significance, with the majority of receptors experiencing a slight significance on visual amenity. This is due to the presence of localised topography, physical barriers in the form of intervening hedge boundaries and woodland coverage providing screening in the wider study area. A summary of the visual impact assessment at each of the viewpoint locations is set out in Table 5 below:

<b>Table 5 Visual Receptors – Impact and significance</b>		
Viewpoint reference	Magnitude of effect at year 2040	Significance
VP1	Very low	Slight
VP2	Low	Moderate
VP3	Very low	Slight
VP4	Zero	No effect
VP5	Medium	Slight
VP6	Very low	Slight

319. The NCC Landscape Team has no objection to the methodology or assessment of the visual impact of the proposed development both in terms of restoration and during operations.
320. Given the wooded perimeter which limits views to the site the applicant considers that further mitigation to limit visual impact need only comprise localised planting to strengthen the boundary screen in places. In relation to this, it is recommended that a condition is attached to any planning permission granted to ensure that the applicant submits a scheme detailing the perimeter planting details. This would be in line with Policy W3.4 of the WLP which seeks the use of conditions to secure screening and landscaping proposals to reduce visual impact.

### Historic Environment

#### *Archaeology*

321. A search of the Nottinghamshire and Derbyshire Historic Environment Records (HER) has identified one scheduled monument and 49 non-designated archaeological assets, a number of which are located within the boundary of, and are associated with, the Roman Villa site located approximately 500 metres to the west of the site.
322. The applicant states that there are no archaeological assets located within the site and any archaeological deposits which may have occurred within the site have been removed during the course of past quarrying, which means that there is no remaining archaeological potential.

323. The Roman Villa is an asset of high value. The applicant states that the final restoration landform proposed would introduce a topographical element into the landscape which has been designed to respect and mirror the surroundings. Accordingly, the impact on the setting of the Roman Villa from this element is assessed as minimal.
324. The creation of the agricultural land and the grassland area would represent a restoration of landscape comparable to its form prior to the quarrying activity and to a setting which is sympathetic to the historic value of the asset. It is said the Roman Villa was established there due to the fertile agricultural land offered by the river valley and therefore adds to the significance and understanding of the asset. The restoration of the grassland, but in particular the agricultural land would add to the significance of the setting and would add to the ability to understand the asset and its setting.
325. NCC Archaeology have no objection to the proposal and note that in the longer term it would have a positive impact on the setting of the Mansfield Woodhouse Roman Villa. However, they do note that if the restoration scheme is altered in the future, there would be the opportunity to replicate historic field patterns within the site, that are present in the wider area. In addition, there is no objection from English Heritage.
326. The NPPF states that substantial harm to, or loss of, designated heritage assets of the highest significance, notably scheduled monuments, should be wholly exceptional. Where a development would lead to less than substantial harm of a designated heritage asset, this should be weighed against the public benefits of the proposal. The applicant's assessment has demonstrated that the proposed development would not result in substantial, or less than substantial harm to the Roman Villa, indeed, the restoration proposals would add to the significance of its setting in the long term. In this regard the development is also in accordance with Policy W3.27 of the WLP and BE11 of the MLP which seek to protect scheduled monuments and their settings.

### *Built Heritage*

327. Immediately to the north and west of the application site is the Pleasley Vale conservation area. This represents a compact linear settlement and surrounding agricultural land which defined the landscape before the arrival of mills at Pleasley Vale. The balance of build and natural environment is said to create a pleasant and attractive village which follows the Meden valley. The dominance of vegetation also creates an enclosed character, reinforced by the gentle slopes of the valley and the winding nature of the roads. There is little interaction between the conservation area and its surroundings, with views outside the designated area largely restricted to the north.
328. The conservation area shares a boundary with the application site and, whilst the scheme would increase the visibility of the landfill restoration operation from adjacent parts of the conservation area, the woodland in the Meden Valley would be effective in blocking it from other parts.

329. Overall the applicant considers that the scheme would not impact on the significance of the asset. This is because the key characteristics of the conservation area are associated with its development as a mill village, following the natural vale created by the River Meden, alongside the importance of the contrast between the built and natural environment. As these attributes would not be affected, the overall impact on the setting of the conservation area is considered to be minimal.
330. To the south of the application site is North Lodge Farm, a Grade II listed farmhouse dating from the early 19<sup>th</sup> Century, constructed of stone and ashlar dressings with a replacement concrete roof. The house lies within the farm complex with historic and modern outbuildings continuing to the north and east. The setting of the farmhouse is open fields, up to the quarry boundary. Located to the east of North Lodge Farm is the Sunnysdale, a building of local interest, which is two large dwellings forming a single storey range, lowering at both ends. The applicant notes that the final restoration landform has the potential to be visible from North Lodge Farm, but has assessed the restoration as having minimal impact as the quarry does not contribute to the setting of the building.
331. There are no registered parks and gardens within the study area, although there is one non-designated park; the former estate of Park Hall located to the east of the quarry. The land was emparked around the 16<sup>th</sup> or 17<sup>th</sup> century and was likely used as a deer park and hunting grounds. Park Hall itself is still shown on the 1906 OS map, but the building no longer exists. Park Hall Stables (Grade II Listed) were constructed in 1867 and are still in existence. The Park Hall parkland has been assessed as not being impacted by the scheme as the proposal would lead to the site being restored to an agricultural grassland landscape which is in keeping with the original setting, and the site is not visible at present due to intervening vegetation.
332. The Church of St Chad has been assessed as receiving no impact from the proposed development.
333. Overall, the applicant assesses the proposed development would result in less than substantial harm with some minor adverse effects during the ongoing landfilling, but with the resulting effect being assessed as minor beneficial once Vale Road Quarry is restored. In light of this, the applicant does not propose any mitigation.
334. The NCC Built Heritage Team considers the information in the heritage assessment to be accurate. They are of the view that the operational minor impacts amount to less than substantial harm and this can be balanced against the long term benefits to the historic setting of the area that the restoration scheme provides. Notwithstanding the balance, it is suggested that the benefits could be further enhanced by continuing the 19<sup>th</sup> Century plantation shown in the north west corner, which would be considered as appropriate mitigation towards reinstating features identified on historic maps.



It is also of note that English Heritage does not object to the proposed development.

335. The applicant's conclusion that no mitigation is necessary differs from the view of NCC Heritage, which suggests planting to enhance the 19<sup>th</sup> Century plantation in the north west corner. However, the introduction of further planting in this area would reduce the amount of land to be restored to calcareous grassland, important BAP habitat which is encouraged by NCC Ecology and NWT. Given that the NCC Heritage Team is of the view that less than substantial harm caused by operations is balanced by the long term benefits, and woodland planting would be a 'further enhancement', it is considered in this instance that the retention of calcareous grassland is more appropriate, and the plantation mitigation is not necessary.
336. The NPPF states that substantial harm to, or loss of, designated heritage assets of the highest significance, including Grade I and II\* listed buildings and Grade I and II\* parks and gardens should be wholly exceptional. Where a development would lead to less than substantial harm of a designated heritage asset, this should be weighed against the public benefits of the proposal. The applicant's assessment has demonstrated that the proposed development would not result in substantial harm to the conservation area, listed buildings or buildings of local interest. There would be less than substantial harm to some of the heritage assets during the operational phase of the development, as is the case at present, but this would be offset by the benefits associated with the restoration of the site.
337. Policy W3.28 of the WLP states that proposals for waste management development which would harm the character, appearance, condition or setting of conservation areas, listed buildings, and historic parks and gardens will not be permitted. Policy BE4 of the MLP states planning permission will not be granted for developments which would have an adverse impact on the setting of a listed building. Policy BE8 states that planning permission will not be granted for developments adjacent to conservation areas if they would adversely affect the character or appearance of the conservations area. Strictly, the operational phase of the proposed development is not in accordance with these policies, however, balancing this against the longer term benefits on the setting of the heritage assets, the development is considered to be in accordance in the long term.

#### Cumulative Impact

338. Cumulative impact is the potential for impacts associated from one development to combine with those from other existing or proposed development. An assessment of cumulative impacts is a requirement of the EIA Regulations 2011.
339. Relevant to this application, the NPPF makes reference to assessing cumulative impact of pollution and land instability, and transport. Policy WCS13 of the WCS states that new or extended waste treatment or disposal

facilities will only be supported where it can be demonstrated that there would not result in an unacceptable cumulative impact. In addition, Policy W3.29 of the WLP states that planning permission will not be granted for waste management facilities which would result cumulatively in a significant adverse impact on the existing landscape character or amenity of nearby settlements.

- 340. The applicant has undertaken a review of recently granted planning applications and concluded that there are no recently consented developments near Vale Road Quarry which would result in any significant cumulative impacts.
- 341. NCC is not aware of any significant development in the vicinity that could result in cumulative impacts in conjunction with this proposed development. In addition, cumulative impacts have not been raised by any consultees. In this regard, the proposed development is considered to be in accordance with the NPPF and policies WCS13 and W3.29.

#### Other Issues

- 342. The stability of the quarry faces has been considered. The proposed landfilling of the length of the eastern face of the Vale Road Quarry would greatly increase the stability of the slope in relation to the railway, whilst minimising the engineering input and increasing ease of access for any further stability works. In addition, loose blocks or flakes would be removed prior to any filling taking place below these areas. The proposals would therefore be in line with the NPPF which seeks to prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land instability.
- 343. With regard to socio-economic impact of the proposed development, there are approximately 5 full time employees at Vale Road Quarry. The proposed development would not alter this, although it would prolong the employment of the existing workforce. The proposed development would have no discernible impact upon tourism.
- 344. The issue of HGVs striking and causing damage as they pass under the rail bridge on Common Lane has been raised by a resident. Network Rail has no raised any concern in relation to this.

#### **Other Options Considered**

- 345. The Town and Country Planning Act (Environment Impact Assessment) Regulations 2011 require an Environmental Statement to include an outline of the main alternatives studied by the applicant and an indication of the main reasons for their choice.

346. The applicant has considered alternatives relating to methods of managing the waste; sites; phasing; the impacts of the alternatives considered and a justification for the choice.
347. The applicant explains that the proposal is for the disposal of residual waste which remains after recycling, either at the co-located recycling facility (also subject to this report) or off-site. Given that the waste is residual and inert the only realistic option is disposal.
348. The application is seeking to restore a former limestone quarry void, and is an extension to an existing inert landfill facility. The applicant therefore considers and assessment of alternative sites not to be appropriate.
349. Phasing has been designed so as to enable as much land as possible to be made available for restoration and agriculture as early as possible during the remaining life of the landfill. The sequence of the phases chosen is so once an area has been restored it will not be disturbed by plant and machinery for continued operations elsewhere on the site. The applicant states that the proposed phasing plan is the best option operationally and from a restoration perspective and, therefore, an alternative or different phasing scheme would not be appropriate.
350. Consideration has been given to the implications if the proposed development was not implemented. Implications of this are set out as being:
- a) The opportunity to meet the local waste need would not be met. This could lead to waste having to be transported greater distances and result in higher waste haulage miles.
  - b) The opportunity to secure the implementation of an improved restoration scheme would be missed;
  - c) A the site would be left partially restored;
  - d) The cessation of the dewatering pumps would result in a large water body forming in the quarry;
  - e) The effects of the mobile plant storage compound, the landfill operations and its associated traffic generation would not be extended beyond the life of the latest permission.
351. The environmental effects of the phasing scheme are considered comparable to the phasing associated with the extant permission and therefore the effect is neutral. It is the applicant's view that environmental effects of the 'do nothing' scenario would have a negative environmental effect overall.
352. The applicant has provided three reasons for the proposed development as submitted:
- a) It provides required additional landfill capacity and the landform is in keeping with the surrounding countryside;

- b) It provides an improved restoration scheme which would increase local biodiversity;
  - c) The scheme maintains the nature of the operation and associated traffic generation at existing levels.
353. In addition to the above, it is important to note that this planning application is a resubmission, removing Littlewood Quarry from the planning application area to enable the application for the operational area of Vale Road Quarry to move forward, whilst allowing more time to consider access arrangements and restoration proposals for the Littlewood Quarry void. In this respect the application is a result of the consideration and ultimate rejection of an alternative approach, albeit the subject of on-going dialogue.

### **Statutory and Policy Implications**

354. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Human Rights Implications**

355. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered and may be affected due to traffic movements associated with transporting waste to the site. The proposals have the potential to introduce impacts such as dust and noise upon local residents, particularly those living on Vale Road. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as provision of a strategically important inert waste disposal site for the county, the restoration of a mineral void, enhanced biodiversity action plan habitat, and enhanced setting of heritage assets. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### **Implications for Crime and Disorder and Safeguarding of Children**

356. The application site is not known to have any issues in relation to crime and disorder. However, the adjacent Littlewood Quarry to the east is known as a site that is subject to trespass, anti-social behaviour and fly tipping.
357. If Littlewood quarry is not subject to restoration through the importation of materials to fill it, when dewatering activities associated with the Vale Road application cease water levels in Littlewood Quarry could rise up to a depth of 8-11m. This could occur in the final phase of restoration, estimated to be 2027 onwards. The creation of a deep water body surrounded by vertical cliff faces

is a potentially hazardous situation. However, if planning permission is not granted for this application the cessation of dewatering and the resulting return of former ground water levels would occur much sooner. How this situation is appropriately managed in the future will feature centrally in on-going discussions.

### **Financial Implications**

358. NCC Highways has recommended highways improvements to the junction of Vale Road and High Street/Station Street. The proposed works have been estimated as totalling £41,805.46 and NCC Highways have requested that the applicant funds at least 99.4% of the scheme costs. This would also need to be secured through a Section 106 Agreement.
359. Alternatively, NCC Highways suggests that the applicant puts forward their own scheme of works to repair and replace damage to the existing highway infrastructure and the installation of safety features. This would require the applicant to enter into a Section 278 Agreement with the Highways Authority. In addition, a full commuted sum would be required for any additional carriageway created (e.g. right turn lane), or any new feature created (e.g. refuge/splitter island, additional lighting, bollards etc) as part of a Section 278.
360. The costs associated drawing up a Section 106 and/or Section 278 Agreement would be borne by the applicant and any decision notice will not be issued until the Agreement(s) have been completed.

### **Implications for Sustainability and the Environment**

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

### **Implications for Service Users, Equalities and Human Resources**

362. No Implications.

### **Conclusions**

363. The committee report relates to two planning applications. The first is an application to increase the approved inert landfill capacity at Vale Road Quarry by 2,060,000m<sup>3</sup> (3,708,000 tonnes), alter the approved restoration scheme, extend the life of disposal operations to 2030 and retain the mobile plant storage facility. The second to allow existing crushing and screening plant to continue to operate for a further 5 years (to 28 February 2019).
364. The National Waste Management Plan for England, National Planning Policy for Waste and Policies WCS2 and WCS3 of the Nottinghamshire and

Nottingham Waste Core Strategy (WCS) promote the movement of waste up the waste hierarchy, but acknowledge that there is still a need for the disposal of residual waste. The proposed co-location of the recycling operation with the landfill ensures that only residual inert waste is disposed of, thus ensuring that all waste is managed at the highest point in the waste hierarchy.

- 365. The application site is close to the built up area of Mansfield and Ashfield and is therefore in the broad location for waste treatment facilities identified in Policy WCS4 of the WCS. In addition, as an extension of an existing site it is top of the hierarchy of site preferences identified in Policy WCS5 of the WCS.
- 366. Given that the site is near to the border of Nottinghamshire, it can be expected to accept non-local waste. However, both the applications together meet the need to move waste up the waste hierarchy and there would be wider environmental benefits in terms of ecology, landscape and historic settings in accordance with Policy WCS12 of the WCS.
- 367. Policy W3.14 of the WLP seeks to prevent development from having an unacceptable impact on the highway network or unacceptable disturbance to local communities. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this case, the proposed development does have adverse impacts, primarily in relation to the amenity of local residents on Vale Road, however, the impacts are not considered severe enough to warrant refusal in line with Policy W3.14 and the NPPF. Measures are proposed to improve, although not eliminate, the current amenity related traffic issues compared to the existing situation.
- 368. Notwithstanding the above, in order for the development to be considered acceptable, improvements are necessary to the junction of Vale Road with Station Street/High Street. The improvements would be secured through a Section 106 Agreement and this is in line with Policy W3.15 of the WLP.
- 369. The proposed development would not result in ground or surface water pollution, would not be adversely affected by flooding, and would not result in flooding elsewhere. When dewatering associated with the current operations ceases, ground water levels will rise and this may impact upon Littlewood Quarry. However, if this application were not granted planning permission this would happen much sooner. Development is therefore in accordance with Policies W3.5 and W3.6 of the WLP.
- 370. With regard to noise, the levels generated from the site itself would not give rise to unacceptable impacts. Noise impact on residents from HGVs travelling along Vale Road is of more concern, although the impact is not deemed to be unacceptable. As such, the development is in accordance with Policies W3.14 of the WLP and WCS13 of the WCS. Conditions will be attached to any permission granted to minimise noise impact in accordance with Policy W3.9 of the WLP.
- 371. In a similar manner to noise, dust generated within the site would not give rise to any significant impacts. However, there are dust impacts associated on residents from HGVs travelling along Vale Road. Additional measures are

therefore proposed to minimise the impact of dust on local residents, in accordance with Policy W3.10 of the WLP.

372. The proposed restoration scheme is assessed as having a non-significant impact on landscape character both during infilling operations and post restoration. As such, the proposed development is in accordance with Policy NE8 of the Mansfield Local Plan (MLP) and Policy W3.29 of the WLP, which seek to protect the landscape character. The visual impact associated with the proposal has been assessed as acceptable, although some limited boundary planting is suggested to be secured through condition to aid screening, in accordance with Policy W3.4 of the WLP.
373. With regard to archaeology, the proposed restoration is assessed as having a beneficial impact on the setting of the nearby Roman Villa Scheduled Ancient Monument (SAM). In this regard the development is also in accordance with Policy W3.27 of the WLP and BE11 of the MLP.
374. In terms of the built heritage, it is acknowledged that the operational phase of the development has some harm to the setting of heritage assets, although this is deemed to be less than substantial. However, the long term restoration is assessed as being beneficial in terms of setting. As such, the development overall is in accordance with Policy W3.28 of the WLP and BE4 and BE8 of the MLP.
375. There are impacts associated with the scheme, particularly in relation to HGVs and the noise and dust impacts on the amenity of residents of Vale Road. In addition, the proposal would delay the restoration of the site. However, there is an identified need for the inert waste disposal capacity that this site would provide, and it achieves long term benefits to the landscape, the setting of heritage assets and ecological habitat creation resulting in an improved restoration scheme compared to that currently permitted. Given that the impacts are not unacceptable, on balance the development is in accordance with Policy WCS13 of the WCS.
376. In light of the above, it is therefore recommended that planning permission is granted for both the extension to the landfill and the recycling operation, subject to the conditions set out in Appendix 1 and 2, and an appropriate Section 106 Agreement.

### **Statement of Positive and Proactive Engagement**

377. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; participating in a community liaison meeting with the applicant; and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Waste Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to

resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, such as impacts of noise, traffic, and ecology and have been addressed through negotiation and acceptable amendments to the proposals requested through a resubmitted application. The applicant has been given advance sight of the draft planning conditions and the Waste Planning Authority has also engaged positively in the preparation of the draft s106 Agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## RECOMMENDATIONS

*Continuation of restoration of former limestone quarry by landfilling with inert waste – Application Ref: 2/2014/0518/NT*

378. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure:

a) A Traffic Management Plan to include the following:

- Appropriate routeing for all HGVs travelling to and from the site, signage and measures for issuing the approved route to all drivers;
- Instructions to all drivers to prevent HGVs from arriving at the site, or parking on or near Vale Road, outside of the site operating hours;
- Instructions to all drivers to prevent HGVs from driving along Vale Road in convoy;
- Issue instructions to all drivers reminding them to abide by the Highway Code at all times;
- Issue instructions to all HGVs travelling to and from the site encouraging them to sheet or have their loads otherwise totally enclosed where this facility is available on the HGV;
- Actions to be taken in the event that HGV drivers are observed and/or reported to be operating outside of the approved strategy

b) A contribution of £25,000 (minus the costs of drawing up the legal agreement) towards the total cost of a road scheme to improve safety and prevent vehicles overriding the footway at the junction of Vale Road and Station Street/High Street, Mansfield Woodhouse.

379. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 31 March 2015 or another date which may be agreed by the Team Manager Development Management, the Corporate Director for Policy, Planning and Corporate Service be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed



by the 31<sup>st</sup> March 2015, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

*Variation of Condition 2 of Planning Permission 2/2010/0227/NT to allow continuation of crushing and screening plant to recycle building materials for a further 5 years*

380. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 2. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

### **Constitutional Comments**

Comments will be reported orally on the day of Committee.

### **Comments of the Service Director - Finance**

Comments will be reported orally on the day of Committee.

### **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**

Mansfield North – Councillor Joyce Bosnjak

Mansfield North – Councillor Parry Tsimbiridis

Report Author / Case Officer

Oliver Meek

0115 993 2583

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

W001333

PPCS.OM – COMMITTEE REPORT FOLDER REFERENCE

25 Nov 2014 – Date Report Completed by WP Operators

## **APPENDIX 1 – RECOMMENDED PLANNING CONDITIONS AND NOTES TO APPLICANT**

### **APPLICATION REF: 2/2014/0518/NT – CONTINUATION OF RESTORATION BY INFILLING WITH INERT WASTE**

#### **Commencement and Life of the Permission**

1. The development hereby permitted shall commence within 3 years of the date of this permission and the date of commencement shall be provided in writing to the Waste Planning Authority (WPA) within 7 days of commencement.

*Reason: For the avoidance of doubt that operations have commenced and to comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. The development hereby permitted is for a temporary period only, all operations for the importation and deposit of waste material shall cease on, or before, the 30<sup>th</sup> April 2030;

*Reason: To ensure the completion of the development and satisfactory restoration within a reasonable timescale.*

3. All restoration of the site shall be complete on, or before, the 30<sup>th</sup> April 2032.

*Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan (WLP).*

#### **Approved Plans and Documents**

4. This permission is for the restoration by infilling with inert waste materials within the land edged red on Figure VRQ6 titled 'Application and Ownership Boundaries' – received by the WPA on 22 August 2014.

*Reason: For the avoidance of doubt.*

5. The development hereby permitted shall only be carried out in accordance with the following documents, or where amendments are made pursuant to the other conditions below:

- a) Figure Ref: VRQ7 titled 'Phasing Plan' – received by the WPA on 22 August 2014;
- b) Figure Ref: VRQ8 titled 'Phase A' – received by the WPA on 22 August 2014;
- c) Figure Ref: VRQ9 titled 'Phase B' – received by the WPA on 22 August 2014;

- d) Figure Ref: VRQ10 titled 'Phase C' – received by the WPA on 22 August 2014;
- e) Figure Ref: VRQ11 titled 'Phase D' – received by the WPA on 22 August 2014;
- f) Figure Ref: VRQ12 titled 'Phase E' – received by the WPA on 22 August 2014;
- g) Figure Ref: VRQ13 titled 'Restoration Masterplan' – received by the WPA on 22 August 2014;
- h) Figure Ref: VRQ15 titled 'Restoration Cross Sections' – received by the WPA on 22 August 2014;
- i) Figure Ref: VRQ16 titled 'Mobile Plant Compound Layout and Elevations' – received by the WPA on 22 August 2014;
- j) Planning Application Forms – received by the WPA on 22 August 2014;
- k) Supporting Statement – received by the WPA on 22 August 2014;
- l) ES Volume 1: Non-Technical Summary – received by the WPA on 22 August 2014;
- m) ES Volume 2: Main Text and Appendices – received by the WPA on 22 August 2014;

*Reason: For the avoidance of doubt.*

### **Phasing and Final Restoration Contours**

- 6. The tipping of waste materials shall be carried out in accordance with the approved phasing details on Figures VRQ7-VRQ12 - received by the WPA on 22 August 2014. No deposit of waste shall take place in any infilling phase of the site until the preceding phase of the site has been brought to final levels except to provide the interim slopes for that phase detailed on the relevant figure,.

*Reason: To ensure the WPA retain control over the acceptable and progressive restoration of the site within a reasonable timescale and in compliance with Policy W4.1 of the WLP.*

- 7. Any phase brought up to final levels shall be fully restored and planted within 12 months of final levels being achieved.

*Reason: To ensure the WPA retain control over the acceptable and progressive restoration of the site within a reasonable timescale and in compliance with Policy W4.1 of the WLP.*

- 8. The final contours of the restored site shall not exceed those shown on Figures VRQ13-15 – received by the WPA on 22 August 2014.

*Reason: To ensure the WPA retain control over the acceptable and progressive restoration of the site within a reasonable timescale and in compliance with Policy W4.1 of the WLP.*

9. A topographical survey of the site shall be submitted to the WPA by 31 December each year, until the cessation of waste and material placement. The topographical survey shall identify all complete and incomplete areas, and show contours at 1 metre spacing.

*Reason: To ensure the WPA retain control over the acceptable and progressive restoration of the site within a reasonable timescale and in compliance with Policy W4.1 of the WLP.*

## **Highways**

10. The number of Heavy Goods Vehicles (HGV) entering the site shall not exceed the following limits:
- a) 84 each day Monday to Friday;
  - b) 44 each day on Saturday;
  - c) 20,000 in any 12 month period.

A written record of the daily HGV movements entering the site in connection with this permission shall be maintained by the operator and made available to the WPA each calendar month in writing, or within two weeks of a written request from the WPA.

*Reason: In the interests of residential amenity and in compliance with Policies W3.9 and W3.10 of the WLP, and to accord with Policy M16 of the MLP.*

11. Any alternative access points to the site shall be used only in cases of emergency or for essential maintenance, and not by HGVs transporting waste materials or recycled aggregates to or from the site. Such cases shall be notified in writing to the WPA within 48 hours of their occurrence.

*Reason: In the interests of highway safety and in accordance with Policy W3.14 of the WLP.*

## **Hours of Operation**

12. Operations for the deposit, regrading and compaction of imported waste materials, the spreading and cultivation of restoration materials and HGVs entering or leaving the site in connection with those purposes, shall take place only within the following hours:
- a) 08:00 – 18:00 Monday to Friday;
  - b) 08:00 to 12:30 Saturdays;
  - c) Not at all on Sundays, Public or Bank Holidays.

*Reason: In the interests of residential amenity and in compliance with Policy W3.9 of the WLP.*

13. Except in the case of emergency when life, limb or property are in danger (such instances which are to be notified to the WPA within 48 hours of their occurrence, ) the maintenance, servicing and testing of plant or machinery shall only occur within the following hours:
- a) 08:00 – 18:00 Monday to Friday;
  - b) 08:00 to 17:00 Saturdays;
  - c) Not at all on Sundays, Public or Bank Holidays.

*Reason: In the interests of residential amenity and in compliance with Policy W3.9 of the WLP.*

## **Noise**

14. The free field noise levels associated with the development, when measured in the curtilage of any of the noise sensitive properties listed below, shall not exceed the following limits measured as an Equivalent Continuous Noise Level for a 1 hour LAeq (free field):

<b>Location</b>	<b>L<sub>Aeq, 1hr</sub></b>
<i>Littlewood Farm</i>	<i>51dB</i>
<i>Old Vicarage</i>	<i>44dB</i>
<i>North Lodge Farm</i>	<i>46dB</i>

*Reason: In the interests of residential amenity and in compliance with Policy W3.9 of the WLP.*

15. In the event that noise complaints are received, which the WPA considers are likely to relate to a breach of noise levels in Condition 14, the operator shall undertake a noise survey within two weeks of a written request from the WPA. The noise survey shall be undertaken in accordance with BS4142 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 one month of the survey being undertaken. Should the results of the noise survey demonstrate that the above noise limits are being exceeded, noise mitigation measures shall implemented within one month following their approval by the WPA.

*Reason: In the interests of residential amenity and in compliance with Policy W3.9 of the WLP.*

16. All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices and be fitted with silencers maintained in accordance with the manufactures' recommendations and specifications to minimise noise disturbance to the satisfactions of the MPA.

*Reason: In the interests of residential amenity and in compliance with Policy W3.9 of the WLP.*

## **Dust and Mud**

17. Within four months of the date of commencement of development, as notified under Condition 1, details of a new wheel wash facility shall be submitted to the WPA for its approval in writing. The wheel wash shall be installed and operated in accordance with the submitted details within six months of their approval.

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

18. All HGVs exiting the site shall use the wheel cleaning facilities provided where necessary. These facilities shall be maintained in an effective state for the duration of the development so that no HGVs leave the site in a condition whereby mud or other deleterious material is carried onto the public highway.

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

19. Within four months of the date of commencement of the development, as notified under Condition 1, details of the resurfacing of the length of the access road from the southern extent of the quarry to Common Lane shall be submitted to the WPA for its approval in writing. The road shall thereafter be resurfaced in accordance with the approved details within six months of their approval and maintained for the life of the development.

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

20. In the event that the wheel cleaning measures undertaken in accordance with Condition 20 do not prevent the deposit of mud and other deleterious material onto the public highway, then within two weeks of a written request from the WPA, further proposals to prevent the deposit of materials onto the public highway shall be submitted to the WPA for its approval in writing. The measures shall thereafter be implemented within one month of their approval by the WPA and thereafter maintained for the duration of the development.

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

21. Measures shall be taken where necessary to ensure that dust emissions from the site are controlled. This shall involve taking any, or all, of the following steps as appropriate:

- a) The use of water bowsters and sprinkler systems to dampen the tip surface and haul roads;
- b) The temporary cessation of waste importation, deposit and associated operations during periods of excessively dry and windy weather;

- c) Regular cleaning of all hard surfaced areas of the application site, associated haul roads and quarry access.

*Reason: In the interests of residential amenity in accordance with Policy W3.10 of the WLP.*

## **Ecology**

22. Within three months of the date of commencement of the development, as notified under Condition 1, a Japanese Knotweed management plan shall be submitted to the WPA for its approval in writing. The management plan shall thereafter be implemented as approved.

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

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

*Reason: To avoid disturbance to breeding birds.*

24. No infilling shall take place against the cliff faces until a method statement has been submitted to, and approved by, the WPA. The method statement shall detail measures to be undertaken to check cliff faces for birds during the nesting season when infilling work is to take place near to the cliff faces. The method statement shall thereafter be implemented as approved.

*Reason: To avoid disturbance to breeding birds.*

25. In the event that nesting birds or nests are identified in the cliff face, work shall not take place within the distance identified in the method statement submitted in accordance with Condition 24 until after the nesting activities have finished.

*Reason: To avoid disturbance to breeding birds.*

26. In the event that nesting barn owls are found, no operations shall take place within at least 50 metres of the nest site for the duration of nesting. Once breeding has been finished, a replacement breeding site (such as a pole-mounted nest box) shall be provided within a restored area of the site in accordance with details submitted to, and approved by, the WPA, the replacement breeding site shall be provided before the next breeding season.

*Reason: To avoid disturbance to breeding birds, and provide mitigation for the loss of habitat.*

27. Prior to dewatering activities ceasing, a peregrine method statement shall be submitted to the WPA for its approved in writing. The method statement shall cover the following:

- a) Details setting out the minimum distance between the peregrine nesting box and water levels in Littlewood Quarry;



- b) Details setting out a schedule of monitoring of water levels;
- c) Details of a replacement peregrine nest box and location in the event that water levels exceed the minimum distance identified in Part a) of this Condition.

The water levels shall be monitored in accordance with the approved method statement and details of the water level shall be provided to the WPA within 2 weeks of a written request. The replacement peregrine nest box shall be constructed as approved within one month if the minimum distance between the existing nest box and the water levels in Littlewood Quarry is breached.

*Reason: To provide mitigation for the loss of peregrine habitat.*

- 28. A bat roost survey shall be submitted to the WPA, for its approval in writing, of the electrical substation, and other buildings identified with low bat roost potential in Table 3.5 of the Ecology Baseline Report (Annex F2) prior to their removal. Should bat roosts be identified in the survey details of mitigation measures and the timing of their implementation shall be submitted to the WPA for its approval in writing. The mitigation shall thereafter be undertaken in accordance with the approved details and timings.

*Reason: To prevent harm to, and provide mitigation for, bats.*

- 29. Prior to the start of each infilling phase a protected species survey shall be submitted to, and approved in writing by, the WPA. In the event that protected species are found a suitable mitigation scheme and timings shall be submitted to, and approved by, the WPA prior to any works in the phase commencing. The mitigation scheme shall be implemented as approved.

*Reason: To prevent harm to, and provide mitigation for, protected species.*

- 30. Within 12 months of the date of commencement of the development, as notified under Condition 1, a calcareous grassland restoration scheme shall be submitted to the WPA for its approval in writing. The scheme shall set out details to ensure that the area on which the grassland is proposed is calcareous in nature, including:

- a) Available phosphorous levels;
- b) Depth of soils and characteristics;
- c) Scrub removal (including the removal of Cotoneaster) on the existing eastern and western calcareous grassland strips to ensure no more than 10% scrub cover within the grassland areas.
- d) On-going scrub management for all existing and proposed calcareous grassland areas.

The calcareous grassland restoration scheme shall thereafter be implemented in accordance with the approved details.

*Reason: To enhance the local environment through the provision of landscape and habitat in accordance with Policy WCS13 of the WCS.*

31. Within 12 months of the date of commencement of the development, as notified under Condition 1, a detailed restoration scheme shall be submitted to the WPA for its approval in writing. The scheme shall include the following details:

- a) Species and grassland mixes;
- b) Establishment methods;
- c) Maintenance regimes;
- d) Construction details of features (e.g. ponds).

The restoration shall thereafter be undertaken in accordance with the approved details.

*Reason: To ensure the enhancement the local environment through the provision of landscape and habitat in accordance with Policy WCS13 of the WCS.*

### **Drainage**

32. No surface water run-off shall be allowed to drain from the site onto Network Rail Property.

*Reason: To ensure the development does not have an unacceptable impact upon surface water in accordance with Policy W3.5 of the WLP, and to ensure the safety of the rail line.*

### **Storage of Oil, Fuels and Chemicals**

33. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate storage containers. All filling points, vents and site glasses must be located within the bund. There must be no drainage through the bund floor or drain.

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

34. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

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

## Soil Placement

35. 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 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 W4.5 of the WLP.*

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

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

37. Plant and vehicles shall not cross any areas 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 W4.5 of the WLP.*

38. 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.

## Restoration and Aftercare

39. Within 12 months of the date of commencement of the development, as notified under Condition 1, a habitat management and aftercare plan shall be submitted to the WPA for its approval in writing. The plan shall include, but not be necessarily be restricted to -
- a) Cultivations;
  - b) Replacement of dead or diseased trees or shrubs;
  - c) Control of invasive species;
  - d) Substrate analysis;
  - e) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted between 31 October and 31 December each year;
  - f) Aftercare and management practices (e.g. cutting of vegetation, grazing) for a period of 5 years for agricultural land and 10 years for all calcareous grassland.

The management of habitats and aftercare shall be undertaken in accordance with the approved details, and shall guide the ongoing management of retained and created habitats for the life of the operations and aftercare period.

*Reason: To ensure the enhancement the local environment through the provision of landscape and habitat in accordance with Policy WCS13 of the WCS.*

40. Prior to any area of the site being entered into aftercare the extent of the area and its date of entry into aftercare shall first be agreed in writing with the WPA.

*Reason: To enable assist in the monitoring of aftercare of the site.*

## Alternative Restoration

41. Should infilling at the quarry cease for a period in excess of 12 months, then within three months of receipt of a written request from the WPA, an alternative interim restoration and aftercare scheme shall be submitted to the WPA for its approval in writing. The scheme shall provide for the grading of the site including a contour plan, the restoration of the site to a similar mix of habitat and planting to the approved restoration plan (Figure Ref: VRQ13 titled 'Restoration Masterplan'), and include soil analysis, nutrient treatment, drainage, seed mixtures, planting mix, spacing and sowing rates and the maintenance of the site until the end of the development. Should the development not recommence by 2030 a final restoration and aftercare scheme shall be submitted by 31<sup>st</sup> July 2030, and it shall be based on the contours that exist at the time.

*Reason: To ensure the provision of an alternative restoration scheme in accordance with Policy W4.7 of the WLP.*

42. Should an alternative restoration scheme be approved, the scheme shall be implemented within 12 months of its approval in writing by the WPA and shall be managed in accordance with the maintenance details for the life of the development.

*Reason: To ensure the provision of an alternative restoration scheme in accordance with Policy W4.7 of the WLP.*

## **NOTES TO APPLICANT**

- 1) It is recommended that the new wheel wash facility required under Condition 17 is an active system with jets and/or sprays to remove mud and deleterious material, rather than the existing wheel wash 'bath' which is considered substandard.
- 2) With reference to the species mixes to be submitted in Condition 31, the applicant should use native species, appropriate to the local area and of native genetic origin, and that mixes should generally comprise common and widespread species, augmented with collection of seed from on-site areas of retained habitat (in relation to calcareous grassland).
- 3) The applicant's attention is drawn to the letter from Network Rail (dated 10<sup>th</sup> October 2014) and the measures that they wish to see implemented in order to ensure the safety of the adjacent rail line.

## **APPENDIX 2 – RECOMMENDED PLANNING CONDITIONS**

### **APPLICATION REF: 2/2013/0345/NT – CONTINUATION OF CRUSHING AND SCREENING OPERATIONS**

#### **Commencement and Life of the Permission**

1. The development hereby permitted shall commence within 3 years of the date of this permission and the date of commencement shall be provided in writing to the Waste Planning Authority (WPA) within 7 days of commencement.

*Reason: For the avoidance of doubt that operations have commenced and to comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. The development hereby permitted is for a temporary period only, ending on 31<sup>st</sup> December 2019.

*Reason: To ensure the removal of plant and machinery to facilitate restoration of the site by means of inert waste disposal.*

#### **Approved Plans and Documents**

3. This permission is for the retention of plant and machinery for the purposes of crushing and screening of inert waste materials within the site identified on Drawing Ref: D112522-EOT-001 titled 'site location' – received by the WPA on 20 July 2013.

*Reason: For the avoidance of doubt.*

4. The development hereby permitted shall only be carried out in accordance with the following documents, or where amendments are made pursuant to the other conditions below:

- a) Drawing Ref: D112522-EOT-001 – received by the WPA on 20 June 2013;
- b) Drawing Ref: D112522.EP.INF – received by the WPA on 20 June 2013;
- c) Drawing Ref: D112522EP.INF/2 – received by the WPA on 20 June 2013;
- d) Planning Application Forms – Received by the WPA on 20 June 2013;
- e) Midland Landfill Limited Supporting Statement – received by the WPA on 20 June 2013.

*Reason: For the avoidance of doubt.*

#### **Waste Handling and Movement**

5. Any materials of a type suitable for deposit within the quarry which have been processed using the plant and machinery hereby permitted:

- a) Shall not be removed from the quarry; and
- b) Shall be deposited within the quarry void for restoration purposes.

*Reason: To ensure the development contributes positively to the restoration of the quarry and that the landfill site is restored within the life of its permission.*

6. Total stockpiles within the quarry of:

- a) Unsorted waste materials; and
- b) Sorted or processed waste materials which are unsuitable for deposit within the quarry void.

Shall not exceed 5,000 tonnes at any one time.

*Reason: To minimise the risk of pollution to groundwater.*

## **Highways**

7. The number of Heavy Goods Vehicles entering the site shall not exceed the following limits:

- d) 84 each day Monday to Friday;
- e) 44 each day on Saturday;
- f) 20,000 in any 12 month period.

A written record of the daily HGV movements entering the site in connection with this permission shall be maintained by the operator and made available to the WPA each calendar month in writing, or within two weeks of a written request from the WPA.

*Reason: In the interests of residential amenity and in compliance with Policies W3.9 and W3.10 of the WLP, and to accord with Policy M16 of the MLP.*

8. Any alternative access points to the site shall be used only in cases of emergency or for essential maintenance, and not by HGVs transporting waste materials or recycled aggregates to or from the site. Such cases shall be notified in writing to the WPA within 48 hours of their occurrence.

*Reason: In the interests of highway safety and in accordance with Policy W3.14 of the WLP.*

## **Hours of Operation**

9. Operations for the processing of imported waste materials, and HGVs entering or leaving the site in connection with those purposes, shall take place only within the following hours:



- d) 08:00 – 18:00 Monday to Friday;
- e) 08:00 to 12:30 Saturdays;
- f) Not at all on Sundays, Public or Bank Holidays.

*Reason: In the interests of residential amenity and in compliance with Policy W3.9 of the WLP.*

10. Except in the case of emergency when life, limb or property are in danger (such instances which are to be notified to the WPA within 48 hours of their occurrence, or with the prior agreement of the WPA) the maintenance, servicing and testing of plant or machinery shall only occur within the following hours:

- d) 08:00 – 18:00 Monday to Friday;
- e) 08:00 to 17:00 Saturdays;
- f) Not at all on Sundays, Public or Bank Holidays.

*Reason: In the interests of residential amenity and in compliance with Policy W3.9 of the WLP.*

## **Noise**

11. The free field noise levels associated with the development, when measured in the curtilage of any of the noise sensitive properties listed below, shall not exceed the following limits measured as an Equivalent Continuous Noise Level for a 1 hour LAeq (free field):

<b>Location</b>	<b>L<sub>Aeq, 1hr</sub></b>
<i>Littlewood Farm</i>	<i>51dB</i>
<i>Old Vicarage</i>	<i>44dB</i>
<i>North Lodge Farm</i>	<i>46dB</i>

*Reason: In the interests of residential amenity and in compliance with Policy W3.9 of the WLP.*

12. In the event that noise complaints are received, which the WPA considers are likely to relate to a breach of noise levels in Condition 11, the operator shall undertake a noise survey within two weeks of a written request from the WPA. The noise survey shall be undertaken in accordance with BS4142 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 one month of the survey being undertaken. Should the results of the noise survey demonstrate that the above noise limits are being exceeded, noise mitigation measures shall implemented within one month following their approval by the WPA.

*Reason: In the interests of residential amenity and in compliance with Policy W3.9 of the WLP.*

13. All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices and be fitted with silencers maintained in accordance with the manufactures' recommendations and specifications to minimise noise disturbance to the satisfactions of the MPA.

*Reason: In the interests of residential amenity and in compliance with Policy W3.9 of the WLP.*

#### **Dust and Mud**

14. Within four months of the date of commencement of development, as notified under Condition 1, details of a new wheel wash facility shall be submitted to the WPA for its approval in writing. The wheel wash shall be installed and operated in accordance with the submitted details within six months of their approval.

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

15. All HGVs exiting the site shall use the wheel cleaning facilities provided where necessary. These facilities shall be maintained in an effective state for the duration of the development so that no HGVs leave the site in a condition whereby mud or other deleterious material is carried onto the public highway.

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

16. Within four months of the date of commencement of the development, as notified under Condition 1, details of the resurfacing of the length of the access road from the southern extent of the quarry to Common Lane shall be submitted to the WPA for its approval in writing. The road shall thereafter be resurfaced in accordance with the approved details within six months of their approval and maintained for the life of the development.

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

17. In the event that the wheel cleaning measures undertaken in accordance with Condition 15 do not prevent the deposit of mud and other deleterious material onto the public highway, then within two weeks of a written request from the WPA, further proposals to prevent the deposit of materials onto the public highway shall be submitted to the WPA for its approval in writing. The measures shall thereafter be implemented within one month of their approval by the WPA and thereafter maintained for the duration of the development.

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

18. Measures shall be taken where necessary to ensure that dust emissions from the site are controlled. This shall involve taking any, or all, of the following steps as appropriate:

- a) The use of water bowzers and sprinkler systems to dampen the tip surface and haul roads;
- b) The temporary cessation of waste importation, deposit and associated operations during periods of excessively dry and windy weather;
- c) Regular cleaning of all hard surfaced areas of the application site, associated haul roads and quarry access.

*Reason: In the interests of residential amenity in accordance with Policy W3.10 of the WLP.*

### **Contamination**

19. 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 containers. All filling points, vents and site glasses must be located within the bund. There must be no drain through the bund floor or drain.

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

20. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

*Reason: To prevent pollution of the water environment.*