

RECOMMENDED PLANNING CONDITIONS

Commencement/notification

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The County and Waste Planning Authority (CWPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.

Approved plans/details

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application documents and recommendations of reports, and the following plans all received by the CWPA on 23/10/19 unless otherwise stated:

- (a) HW00590/230 Rev A 'Application Location Plan' dated 10/01/19;
- (b) HW00590/231 Rev A 'Application Boundary Plan' dated 10/01/19;
- (c) HW00590/232 Rev A 'Existing Site Plan' dated 10/01/19;
- (d) HW00590/233 Rev A 'Proposed Site Plan' dated 10/01/19;
- (e) HW00590/234 Rev A 'Cross Sections Plan 1 of 2' dated 10/01/19;
- (f) HW00590/235 Rev A 'Cross Sections Plan 2 of 2' dated 10/01/19;
- (g) HW00590/236 Rev A 'Long Section' dated 10/01/19;
- (h) HW00590-237 'Proposed Drainage' dated 10/01/19;
- (i) HW00590-238 'Proposed Landscape Works' dated 05/09/19;
- (j) HW00590_239 Rev 1 'Landscape Specification' dated 11/12/19 and received by the CWPA on 06/01/20;
- (k) HW00590-328 'Section Plan' dated 02/11/19 and received by the CWPA on 04/11/19.

Reason: For the avoidance of doubt as to the development that is permitted.

Waste Acceptance / Materials Management

4. Only inert spoil materials arising directly from the Gedling Access Road project shall be permitted to be imported and deposited into the site and there shall be no importation of unrelated waste or soil/restoration materials, unless a further approval or variation is first given from the CWPA.

Reason: The proposal, as submitted, is for the re-grading of the land using materials arising from the adjacent Gedling Access Road project and has not been considered as an open disposal site where sequentially more appropriate and sustainable locations may be available when considered against Policy WCS5 of the Nottinghamshire and Nottingham Waste Core Strategy.

5. All materials shall be transported directly to the site via internal haul routes from the road project with no material being transported via the public highway.

Reason: The application has been considered and supported on the sustainability merits of proposing no highway access or requiring any off-site haulage movements to undertake the development.

6. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the CWPA. This strategy will include the following components:

- (a) A site investigation scheme, based on the recommendations of the Phase 1 Geo-Environmental Desk Top Study received by the CWPA on 23/10/19 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
- (b) The results of the site investigation and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures that may be required and how they are to be undertaken.
- (c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the CWPA. The scheme shall be implemented as approved.

Reason: The remediation strategy is required prior to commencement to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

7. A Materials Management Plan (MMP) shall be submitted to the CWPA for its written approval prior to the importation of any materials to the site. The MMP shall detail the acceptance criteria for materials, taking into account the groundwater sensitivities and end users of the land (including children/young adults) along with the means of testing materials for their compliance with the criteria. Records shall be kept of all imported materials for the inspection of the CWPA upon its written request. No non-compliant material shall be permitted to be deposited in the site, but in the event that unexpected

contaminated or non-compliant materials are encountered, such materials shall be subject to remediation in accordance with the remediation strategy under condition 6.

Reason: To ensure that only non-contaminative materials are utilised in the works permitted in the interests of protecting the underlying secondary aquifer and the wider environment and also in the interests of human health in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy and paragraph 170 of the National Planning Policy Framework.

8. A verification report demonstrating the completion of works in accordance with the MMP under Condition 7 and the effectiveness of the remediation shall be submitted to, and approved in writing, by the CWPA prior to the first use of the land for the Scouts and prior to restoration planting taking place. The report shall include results of sampling and testing to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

9. Soils and soil making materials shall be handled in accordance with the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 2009 (CCoP) and the MAFF Good Practice Guide for Handling Soil 2000 and following the methodology and stages set out within section 10 of the supporting Planning Statement received by the CWPA on 23/10/19 including, but not restricted to:

- a) All operations involving soil stripping and replacement and cultivation treatments shall only be carried out when the full volume of soil involved to be transported is in a suitably dry and friable condition;
- b) Plant and vehicles shall not unnecessarily cross areas of in-situ undisturbed or replaced subsoil and topsoil or traverse mounds of topsoil, subsoil and soil making materials, except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations;
- c) Taking of all reasonable precautions to prevent the mixing of topsoil, subsoil, and fill materials during soil stripping and replacement operations along with their separate storage;
- d) Storage areas and haul roads shall first be stripped of all available topsoils and subsoils.

Reason: In the interests of conserving and managing all available soil resources, for the purposes of completing a satisfactory site restoration in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

10. The location of any temporary soil stockpiles/bunds shall be submitted for the written approval of the CWPA. Any temporary soil stockpiles/bunds which are to be left in situ longer than 6 months shall be seeded with a deep rooting grass/legume seed mix.

Reason: In the interests of visual amenity and in the interests of conserving and managing all available soil resources in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

11. No sub soils or top soils shall be removed from the site, unless with the prior written approval of the CWPA and only following evidence that these soils are not required for the site's restoration.

Reason: In the interests of conserving and managing all available soil resources, for the purposes of completing a satisfactory site restoration in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

12. Soil forming materials, subsoil and topsoil shall be spread in sequence over the area to be restored such that the final restoration levels as shown on Dwgs HW00590-233-A 'Proposed Site Plan'; HW00590/234 Rev A 'Cross Sections Plan 1 of 2'; HW00590/235 Rev A 'Cross Sections Plan 2 of 2'; HW00590/236 Rev A 'Long Section'; and HW00590-328 'Section Plan' dated 02/11/19 are achieved and the soil/grading depths as set out in dwg HW00590_239 Rev 1 are met in advance of seeding and planting works.

Reason: In the interests of conserving and managing all available soil resources, for the purposes of completing a satisfactory site restoration in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Construction management

13. Measures shall be taken to control and limit impacts of construction activities, including noise and dust, through employing best practicable means as set out in section 9 of the supporting Planning Statement received by the CWPA on 23/10/19. Furthermore construction management shall be undertaken in accordance with the Construction Environmental Management Plan (Report Number – HW00590/Planning/8&9) approved pursuant to planning conditions 8 and 9 of planning permission 2015/1033 in relation to the construction of the Gedling Access Road.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with policies W3.9 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan- Part 1 – Waste Core Strategy.

14. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the CWPA within 48 hours of

their occurrence), or with the prior written approval of the CWPA, all works shall take place within the hours specified below:

- 07.00 hours to 18.00 hours Mondays to Fridays;
- 07.00 hours to 13.00 hrs on Saturdays
- No works shall take place on Sundays and Public or Bank Holidays.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1-Waste Core Strategy.

Tree/hedgerow protection

15. Hedgerows and trees along the site boundaries shall be protected during the course of the works by means of a barrier or fence in accordance with BS 5837:2012 – Trees in relation to design, demolition and construction. The protection measures shall be retained on site until all material grading and soil placement operations have been concluded and mobile plant removed from the site.

Reason: In the interests of achieving an acceptable restoration of the site by retaining and safeguarding mature hedgerows during the course of earth moving works and to accord with the objectives of Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

Ecological mitigation

16. The development shall be undertaken in accordance with the recommendations in section 6.1.2 and paragraph 2.2.2 (e) of the Ecology Report (EMEC Ecology dated May 2019- Updated October 2019) received by the CWPA on 23/10/19. In accordance with this Programme the operator must:
- (a) Undertake a precautionary approach to possible faunal and reptile species that may be present on the site by mowing the field prior to works commencing in the manner as described in para 2.2.2 (e) in order to encourage any faunal species including reptiles to move out of the works area;
 - (b) Undertake site clearance operations that involve the removal and destruction of vegetation outside of the months of March to August inclusive except where preceded by the carrying out of a walkover survey of the affected area by a suitably qualified ecologist to ensure that no active birds nests will be affected;
 - (c) Follow good working practice to prevent animals from becoming trapped in any deep trenches or excavations or pipes over 200mm diameter overnight; and
 - (d) Follow good practice if any common amphibians are encountered on site during the works.

Reason: In the interests of protecting species and their habitats in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan, Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy and the objectives of the National Planning Policy Framework.

Drainage

17. The surface water drainage scheme, incorporating sustainable Swales and timber check dams shall be completed in accordance with the details on dwg HW00590/237 'Proposed Drainage' received by the CWPA on 23/10/19 to connect into the wider Gedling Access Road over-land drainage system. The scheme shall ensure that the surface water run off rate leaving the site is not increased.

Reason: To provide appropriate surface water management which is sustainable and which does not increase the risk of flooding to the highway or property.

Restoration

18. In the first available planting and/or sowing season following completion of top soil replacement works, each part of the site shall be seeded and planted in accordance with the details, methodologies and landscaping schedules contained within dwgs HW00590-238 and HW00590_239 Rev A received by the CWPA on 23/10/19 and 06/01/20 (which confirms use of biodegradable rabbit guards).

In addition:

Details for the strengthening / gapping up of the south-eastern portion of the hedgerow along Arnold Lane (taking account of the approach to the future 5-arm roundabout) shall be submitted to the CWPA for its prior written approval. Thereafter the hedgerow works shall be completed concurrently with the wider landscaping works.

Details of fencing shall be first submitted for the written approval of the CWPA and thereafter erected in accordance with such approval.

Reason: To ensure the site is restored at the earliest possible date to the standards as set out in the application and to provide the new woodland habitats and grassland in the interests of biodiversity, landscape, and local amenity in accordance with the objectives of policies W3.4, W4.1, W4.6, W4.9 and W4.12 of the Nottinghamshire and Nottingham Waste Local Plan and Policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.

Aftercare and long-term management

19. Both the grassland (for the local Scout Group) and the woodland habitat area shall undergo aftercare management for a 5-year period following the

restoration of each area and the date(s) of entry into aftercare shall be agreed in writing with the CWPA.

Reason: To provide for the aftercare of the restored site in accordance with Policy W4.9 of the Nottinghamshire and Nottingham Waste Local Plan.

20. An aftercare scheme/landscape management plan for the application site shall be submitted to the CWPA for its written approval no later than 3 months following completion of the landscaping works. The scheme/plan shall include the steps to be taken and the responsibilities to ensure the land is restored to the intended afteruses. The scheme shall include, but not be restricted to, details of the following:

- (a) Cultivations;
- (b) Weed control;
- (c) Sowing of seed mixtures;
- (d) Soil analysis;
- (e) Drainage provision;
- (f) Management practices including woodland management / thinning
- (g) Tree protection and replacement;
- (h) Remedial treatments;
- (i) Fencing;

Records shall be kept and an annual review and/or site meeting to assess the condition of the landscaping/planting and details of the aftercare works that are to take place in the forthcoming year shall be submitted to the CWPA between 31 March and 31 May each year or at an alternative point as may be agreed with the CWPA.

Reason: To provide for the aftercare of the restored site in accordance with Policy W4.9 of the Nottinghamshire and Nottingham Waste Local Plan.

21. Upon expiration of the 5-year initial aftercare period for the woodland habitat area, that area shall be subject to a long-term management regime for a minimum of 10 years (15 years in total) or a longer period as may be proposed to maximise its value and interest for biodiversity, in accordance with the full details of such arrangements which shall be submitted for the approval of the CWPA no later than the 4th year annual review in the initial aftercare period as determined under condition 20 above.

Reason: To provide for the extended aftercare of the wildlife habitats to ensure their benefits are realised and maintained in accordance with Policies W4.9 and W4.11 of the Nottinghamshire and Nottingham Waste Local Plan.

End of conditions

Informatives/notes to applicants

1. Attention is drawn to the following advice from the Environment Agency with respect to the application of the Waste Permitting regime.

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- guidance on the recovery test can be viewed at: <https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recoveryactivities>

You can find more information on the Waste Framework Directive here: <https://www.gov.uk/government/publications/environmental-permitting-guidance-thewaste-framework-directive>

More information on the definition of waste can be found here: <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here: <https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the WFD). The 'Is it waste' tool, allows you to make an assessment and can be found here: <https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-byproducts-and-end-of-waste-tests>

If you require any local advice or guidance please contact your local Environment Agency office on RegulatedIndustryDNL@environment-agency.co.uk