



**31<sup>ST</sup> OCTOBER 2017**

**Agenda Item: 8**

**REPORT OF CORPORATE DIRECTOR – PLACE**

**PLANNING APPLICATION 1**

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/17/01520/CMM**

**PROPOSAL: VARIATION OF CONDITION 4 OF PLANNING PERMISSION 3/15/01799/CMA TO ALLOW THE CONTINUED USE OF THE EXTENDED AREA OF HARDSTANDING AVAILABLE FOR STOCKING DRYING AND BLENDING OF COAL FINES AND THE ERECTION OF A DEMOUNTABLE BUILDING FOR A TEMPORARY PERIOD EXPRING ON 30<sup>TH</sup> SEPTEMBER 2020.**

**PLANNING APPLICATION 2**

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/17/01521/CMM**

**PROPOSAL: VARIATION OF CONDITION 4 OF PLANNING PERMISSION 3/15/01797/CMM FOR THE STORAGE OF EXTRACTED MATERIAL FOR A TEMPORARY PERIOD EXPIRING ON 30<sup>TH</sup> SEPTEMBER 2020.**

**PLANNING APPLICATION 3**

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/17/01522/CMM**

**PROPOSAL: VARIATION OF CONDITION 4 OF PLANNING PERMISSION 3/15/01798/CMM TO EXTEND THE TIME FOR THE AREA OF HARD STANDING AVAILABLE FOR STOCKING, DRYING AND BLENDING OF COAL FINES FOR A TEMPORARY PERIOD EXPIRING ON 30<sup>TH</sup> SEPTEMBER 2020.**

**PLANNING APPLICATION 4**

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/17/01523/CMM**

**PROPOSAL: VARIATION OF CONDITION 1 OF PLANNING PERMISSION 3/15/02193/CMA FOR THE RETENTION OF A TEMPORARY STOCKPILE OF SAND AND ITS SUBSEQUENT USE IN CONNECTION WITH THE RESTORATION OF THE WIDER RUFFORD COLLIERY COMPLEX FOR A TIME LIMITED PERIOD EXPIRING ON 30<sup>TH</sup> SEPTEMBER 2021.**

**LOCATION: RUFFORD COLLIERY COMPLEX / RUFFORD SAND QUARRY, EAKRING ROAD, RAINWORTH, NG21 0HR**

**APPLICANT: HARWORTH GROUP**

## **Purpose of Report**

1. To consider four planning applications associated with the continuation of the coal recovery scheme and ancillary stocking, blending and dispatch of coal fines and storage of sand from an area of unrestored former colliery lagoons, associated hardstanding areas and part of a former sand quarry within the former Rufford Colliery complex near Rainworth. Since the four planning applications form part of a larger scheme of working, the planning merits of the planning applications are considered within one planning report in the interests of expediency and brevity.
2. Although the combined site area is extensive and the development involves a significant quantity of coal fines extraction, the development is not anticipated to result in significant environmental effects. The key consideration is ensuring the site is satisfactorily reinstated following the completion of the mineral operations. The recommendation is to grant conditional planning permission for the four planning applications.

## **The Site and Surroundings**

3. The former Rufford Colliery and environs within the ownership of Harworth Estates has a total area of 225ha. The site lies approximately 5.5km to the east of Mansfield town centre and around 1km to the north of Rainworth village and 2km south of Clipstone village. Access to the site is obtained from the A617 Rainworth Bypass from the south of the site. (see Plan 1).
4. The Rufford Colliery complex was originally developed as part of a former deep mine colliery. The complex incorporates extensive areas of colliery spoil disposal utilised by the former Rufford, Clipstone and Mansfield Collieries. It also incorporates a former sand quarry, a former landfill site and land which was formerly used for coal stocking, together with ancillary roads. (see Plan 2).
5. Rainworth Bridleway No.5 runs through the centre of the colliery complex in an east-west direction. The route of the bridleway is shown on Plan 2.
6. The entire site is designated as a Local Wildlife Site (LWS) – Rufford Pit Top 5/2287, described as “part of a former colliery site with ornithological interest”. Two Sites of Special Scientific Interest (SSSIs) are located outside the planning application site nearby – Strawberry Hills Heath SSSI, approximately 330m to the west, and Sherwood Forest Golf Course SSSI, approximately 430m to the north-west. The site is also within the 5km buffer area for the prospective potential Sherwood Special Protection Area (ppSPA) and the Greenwood Community Forest Areas.

## **Planning History**

7. Tipping of colliery waste at the Rufford complex ceased following the closure of Clipstone Colliery in 2003. Subsequently the southern part of the colliery tip was restored to a heathland habitat. The northern part of the colliery tip was not restored. The pit head area of the former Rufford Colliery continued to be used for coal stocking until April 2011.

8. Since 2013 a series of planning permissions have been granted for coal fines recovery from two former slurry lagoons and associated activities on four parcels of land within the former Rufford Colliery Complex, the boundaries of which are identified on Plan 3, and are described below.
9. In September 2013 planning permission was granted (reference number 3/13/00495/CMM) for the extraction of up to 350,000 cubic metres of coal fines from the two former colliery slurry lagoons equating to around 350,000 tonnes of coal fines. The application site also incorporated part of the former colliery pit head area and access route to the A617 for associated activities including the importation, stocking, blending and dispatch of coal fines. The Planning Consent was time limited and required the completion of operations on 30<sup>th</sup> September 2016. The temporary duration of this planning permission was extended under planning permission reference number 3/15/01797/CMA to allow a further two year period to complete the mineral recovery operations expiring on 30<sup>th</sup> September 2018 with a further one year period to complete restoration. This application also gave consent to increase the maximum tonnage of materials permitted to enter and leave the site in any seven day period to 10,000 tonnes. The application site incorporates 17ha of un-restored colliery spoil tip/slurry lagoon and an additional 5ha area of un-restored hardstanding previously used for coal stocking purposes.
10. In September 2014 planning permission was granted (reference number 3/14/01046/CMA) for an extension of the stocking and blending area together with the construction of a drying shed requiring the completion of operations on 30<sup>th</sup> September 2016.. This permission was implemented but the drying shed has not been constructed. The temporary duration of this planning permission was subsequently extended under planning permission reference number 3/15/01799/CMA to extend the timescale for completion of the mineral recovery operations to 30<sup>th</sup> September 2018 with a further year to complete restoration. The site incorporates two rectangular shaped parcels of land which serve as an extension to the coal fines storage, processing, blending and dispatch area on its northern and southern sides together with a section of haul road extending to a total of 2.4ha.
11. Also in February 2016, Planning Permission 3/15/01798/CMA was granted for a further extension of the coal fines stocking and blending area for a temporary duration until 30<sup>th</sup> September 2018 with restoration to be completed 12 months later. The site incorporates an additional 9ha of land within five separate blocks and further extends the coal fines storage, processing, blending and dispatch area.
12. In March 2016, Planning Permission was granted to retain a temporary stockpile of around 35,000 tonnes of sand within part of the former Rufford sand quarry for a temporary period expiring on 30<sup>th</sup> September 2019 with a further three months to restore the site. The sand is stored until such time that it is required to restore the lagoons and stocking areas following the completion of the aforementioned planning permissions.

### **Current Status of Coal Extraction at Rufford**

13. Coal recovery operations at Rufford have slowed down over the last 18 months primarily as a result of the loss of a contract for coal sales to supply

Rugeley Power Station following its closure. Negotiations are ongoing to provide future contracts. The coal sales to date are set out below:

2013	4,000 tonnes
2014	53,000 tonnes
2015	172,000 tonnes
2016	7,000 tonnes
2017	20,000 tonnes

14. Of the two lagoons which were consented for coal recovery operations, the first phase within the northern lagoon is now complete and the resultant void has been reshaped and spread with sand ready for seeding later this year.
15. It is estimated that there is between 100,000 to 150,000 tonnes of reserves left within the colliery complex, either stockpiled on the former pit head area or awaiting extraction in the southern lagoon. It is anticipated that these will not be exhausted by the currently permitted end date of September 2018.

### **Proposed Development**

16. Planning permission is sought under four separate planning applications to extend the timescale to complete the mineral recovery operations and subsequent restoration at Rufford Colliery.
17. Submissions have been made against the three planning permissions (3/15/01797/CMA, 3/15/01798/CMA and 3/15/01799/CMA) for coal extraction and associated blending/stocking to provide a further two years period for the continuation of these activities and extending the final date for their completion from the currently permitted date of 30<sup>th</sup> September 2018 to 30<sup>th</sup> September 2020 with restoration to be completed 12 months later.
18. An extension is also sought against the fourth planning permission (3/15/01798/CMA) which permits the stocking of sand so as to tie in with the extended restoration date of the surrounding land being 30<sup>th</sup> September 2021.
19. It is not proposed to vary or amend any other planning condition imposed on the four planning consents (apart from the time limit restrictions).

### **Consultations**

20. The four planning applications have each been subject to separate publicity and consultation. Consultees have provided a joint response covering all four planning applications and therefore in the interests of brevity these have been reported singularly.
21. **Newark and Sherwood District Council:** *Raise no objections.*
22. **Rainworth Parish Council:** *No representations received.*
23. **NCC (Landscape):** *Raise no objections.*

24. **Environment Agency:** *Raise no objections*
25. **Natural England:** *Raise no objection*
26. *Natural England are satisfied that the development would not result in adverse impacts to any designated sites.*
27. **NCC (Highways) Newark and Sherwood:** *Raise no objections.*
28. **NCC (Nature Conservation):** *Raise no objections*
29. *As this is an existing operation ecological impacts occurring as a result of extending the time to complete coal recovery operations are not anticipated other than a delay in the provision of the final restoration of the site.*
30. **Nottinghamshire Wildlife Trust:** *No representations received*
31. **Via (Countryside Access):** *Raise no objections*
32. **Via (Reclamation):** *Raise no objections*
33. *It is noted that the drying shed has not been constructed. This structure would protect the coal fine stock piles from rainwater infiltration and wash off. The applicant is therefore encouraged to build this facility to improve the environmental controls operated on the site.*
34. **Western Power Distribution, Severn Trent Water Limited, Cadent Gas Limited:** *No representations received. Any response received shall be orally reported.*

## **Publicity**

35. The planning applications have each been publicised by displaying site notices, publication of press notices in the Mansfield Chad and the posting of neighbour notification letters sent to the nearest occupiers on the colliery access road in accordance with the County Council's adopted Statement of Community Involvement Review. No representations have been received.
36. Councillor Yvonne Woodhead has been notified of the planning applications.

## **Observations**

### Introduction

37. The coal recovery operations at the Rufford Colliery Complex have substantially progressed and approximately 2/3 of the mineral reserve has been sold. The northern lagoon is now exhausted and mostly restored. Extraction has progressed to the southern lagoon. Extensive areas of the colliery complex have also been restored creating heathland habitats which will make very important contributions to the biodiversity of the area.

38. Although the recovery of the coal fines from the southern lagoon is ongoing it is unlikely that these works will be completed within the currently permitted duration of the planning permissions which expire on 30th September 2018.
39. This report therefore considers four connected Section 73 planning applications to extend the duration of coal recovery activities at the former Rufford Colliery for an additional two year period expiring on 30th September 2020 with restoration to be completed 12 months later so as to allow the operator sufficient time to complete the approved minerals extraction scheme and its subsequent restoration.
40. The planning merits of the developments were assessed at the time of the original planning submission in 2013 and the subsequent renewal of the planning permissions in 2016. This report extensively references these previous assessments in considering the magnitude of the environmental effects as well as the most recent consultation responses and the operational performance of the site over the last four years.

#### Planning Policy concerning the reworking of colliery spoil tips

41. The NPPF acknowledges that minerals are a finite resource which can only be worked where they are found and it is therefore important to make best use of minerals to secure their long term conservation (paragraph 142). Paragraph 144 requires planning authorities when considering planning applications, to:
  - Give great weight to the benefits of the mineral extraction including to the economy.
  - To ensure that environmental impacts are avoided, minimised or appropriately mitigated.
42. NPPF paragraph 149 specifically states that:

‘Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.’
43. It is therefore evident that the NPPF is supportive in principle of the four planning applications, subject to the environmental impacts being acceptable.
44. The adopted Nottinghamshire Minerals Local Plan (MLP) Policy M12.6 incorporates policy relating to the re-working of colliery spoil tips. The policy states:

#### Policy M12.6: Reworking of Colliery Spoil Tips

Planning permission will only be granted for the reworking of a spoil tip if:

- a. It has not become an established, attractive landscape or wildlife feature;
- b. It will not cause an unacceptable environmental impact;
- c. It will not cause an unacceptable impact to local communities;
- d. It will result in a substantial environmental improvement of the site.

45. The supporting text of the policy acknowledges that past coal processing was often inefficient leading to substantial quantities of coal remaining in the spoil, especially in the slurry ponds. The plan acknowledges that it may now be economic to recover the coal which would otherwise be lost if it was left in situ. The plan expresses caution as coal recovery operations have potential to result in severe environmental impacts in terms of visual intrusion, traffic movements, noise, dust as well as destroying any reclamation works which may have been undertaken on the colliery site, but also acknowledges that they may offer potential to provide environmental gains when undertaken on derelict or poorly reclaimed tips with potential to create a more satisfactory landform in these instances.
46. Consideration of the development against the criteria of MLP Policy M12.6 concludes that:
  - a. The development site has not been restored and is predominantly devoid of vegetation, thus there would be no loss of attractive landscape or wildlife features (criterion a);
  - b. Environmental impacts are discussed in greater detail later in the report where it is shown that there would not be unacceptable impacts (criterion b);
  - c. The development is remote from communities and therefore would not have any significant impacts on residential areas (criterion c); and
  - d. The restoration of the site provides opportunities to substantially enhance the environment, particularly the ecological interest of the site (criterion d).
47. The planning applications are therefore supported by MLP Policy M12.6.
48. The strategic objectives of the Newark and Sherwood Core Strategy (NSCS) for the Mansfield Fringe area encourage the regeneration of former colliery areas and the development of additional heathland habitats. The planning applications provide for the regeneration of the former colliery to a heathland habitat and therefore are supported by these strategic objectives. A restored heathland habitat would also compliment the landscape character of the proposed Sherwood Forest Regional Park which is advocated in the plan.
49. The developments are therefore supported in principle by the minerals policy section of the NPPF, Policy M12.6 of the MLP and the strategic objectives of the NSCS, subject to it being demonstrated that there would not be any unacceptable environmental effects. These are considered below:

### Visual Impacts

50. MLP Policy M3.3 seeks to minimise the adverse visual effects of minerals developments by developing them in appropriate locations, keeping developments as low as practicable and ensuring appropriate restoration following quarrying.
51. The Rufford Colliery complex is remote from residential properties and is a substantial distance (over 1km) midway between villages of Rainworth and Clipstone. The site benefits from extensive screening by its topography and landscaping which ensure that there are no significant views of the lagoon extraction area from outside the colliery complex.
52. Some distant views of the coal stocking area are obtained from the A617 (Rainworth bypass) and parts of Rainworth village to the south. However, the intervening distance between the development site and receptors together with the despoiled grey appearance of the stocking site ensures that significant visual impacts would not occur.
53. Three residential properties and a care home are located on the colliery access road. Significant visual impacts from these properties are not anticipated due to the topography of the area, the orientation of these properties and intervening boundary treatments and landscaping.
54. A public bridleway runs in an east-west direction through the centre of the colliery complex. The coal recovery and stocking operations would be clearly visible to users of this bridleway although the character of the views which is coal mining in character would be very similar to those observed for many years and therefore the development would not result in any significant visual change to users of this footpath.
55. Visual impacts would result from the extended two year duration that the site would be retained as an operational quarry and the resultant delay in implementing the restoration of the site. The significance of these impacts is considered to be comparatively minor having regard to extensive history of coal mining in the area, but these visual impacts should be considered within the overall planning balance at the conclusion of this report.
56. It is concluded that the development satisfies the requirements of MLP Policy M3.3 insofar that the Rufford Colliery site is considered as an appropriate location in visual impact terms, being remote from receptors and well screened, the storage heights have been kept as low as practicable and an appropriate scheme for the restoration of the site is in place following the completion of quarrying operations.

### Landscape Impacts

57. The site is located within Sherwood Policy Zone 08 of the Greater Nottingham Landscape Character Assessment. The area's designation identifies the site currently has a poor landscape condition with poor sensitivity. The overall landscape policy is to 'create' a new heathland landscape and avoid further unnatural and engineered landforms.



58. The coal recovery scheme has introduced engineered landforms temporarily into the landscape which these planning applications would retain. However, since the site is currently unrestored the impact of the works would be less than in many other locations. Upon restoration the development would result in the creation of a new heathland landscape, positively enhancing the landscape and therefore complying with the overall landscape policy to 'create'.

### Ecology

59. The entire site is designated as a Local Wildlife Site (LWS) – Rufford Pit Top 5/2287, described as “part of a former colliery site with ornithological interest”. Notwithstanding this ecological designation, the land subject to the works is largely devoid of vegetation, with extraction taking place on an unrestored colliery pit tip, and stocking/blending on the former colliery yard, linked by an existing haul road. As such, no significant impact on existing habitats or direct impact to species is anticipated. Works within the site therefore would be compliant with MLP Policy M3.17 which aims to minimise or avoid adverse ecological impacts associated with mineral workings.
60. Two Sites of Special Scientific Interest (SSSIs) are located outside the planning application site nearby – Strawberry Hills Heath SSSI, approximately 330m to the west, and Sherwood Forest Golf Course SSSI, approximately 430m to the north-west. No adverse impacts as a result of the development are anticipated within these SSSIs given the distance of these ecological features from the development site. Natural England have been consulted in respect of the development and confirm that the SSSIs surrounding the site do not represent a constraint in determining the planning application. The development therefore is compliant with MLP Policy M3.19 which seeks to ensure that adverse impacts to SSSIs are avoided.
61. The most notable ecological consideration is the potential effect on woodlarks and nightjars. The wider area surrounding the application site has been identified as a prospective potential Sherwood Special Protection Area (ppSPA) on the basis of its interest for these bird species. The proposed works have potential to cause disturbance to these species and their habitats. To ensure that impacts are appropriately considered Natural England advocate local planning authorities take a 'risk-based approach' in their planning decisions within the area and consider the potential impacts on these species in the context of the ppSPA. In particular Regulation 9A of the Conservation of Habitats and Species Regulations 2010 (as amended) requires (in summary) that local planning authorities must take such steps in the exercise of their functions as they consider appropriate to secure the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the UK, including by means of the upkeep, management and creation of such habitat, and endeavour to avoid any pollution or deterioration of habitats of wild birds.
62. A 'risk based approach' assessment was undertaken as part of the consideration of the original planning application to consider the magnitude of any impact on woodlark and nightjar including consideration to potential loss of habitat/physical disturbance and change to habitat, light spillage, noise, nitrogen oxide (NOx) emissions and general disturbance from human activity.

This assessment concluded there would be no significant impact to these bird species or their habitats as a result of the development and that the restoration of the site would provide significant habitat enhancements.

### Restoration

63. The planning application is supported by a comprehensive restoration masterplan which sets out a detailed programme of habitat creation works for the development sites and the wider Rufford Colliery Complex. The implementation of this Masterplan is essential to ensure that the Risk Based Approach advocated by Natural England is followed and the integrity of any future SPA is not negatively affected by this planning decision.
64. The Restoration Masterplan was developed in close partnership with Nottinghamshire Wildlife Trust and NCC's Ecological Officer with the objective of maximising the restored sites' ecological potential. Since the Masterplan relates entirely to land within the applicant's control (red and blue land) controls can be secured through the planning conditions to ensure its implementation.
65. The Restoration Masterplan divides the Rufford Colliery area into a number of parcels of land linked with their previous land use and identifies a series of restoration proposals for each area of land (as shown on Plan 4). These arrangements are discussed below.
  - a. Restored Colliery (Southern Tip Area): The site is restored and has undergone aftercare. Works undertaken as part of the delivery of the Restoration Masterplan have provided a series of scrapes, scrub reduction, removal of self-set conifers and birch, scalloping treeline edges and pond clearance with the objective of enhancing the ecological interest of this area of land.
  - b. Former Landfill and former Colliery Land (to the east): The land has been restored as part of the arrangements approved under the Masterplan to create an acid grassland and heathland habitat including the provision of ditches to prevent unauthorised 4x4 and motorcycle access.
  - c. Former Coal Stocking area: The approved restoration scheme for the former coal stocking area reinstates the land to a heathland habitat. The eastern side of the stocking area (known as Area A) has been restored as part of the approved Masterplan. The remainder of the site is required to be restored upon completion of current coal stocking operations.
  - d. Recently Restored Colliery Tip (Central section of former Rufford Tip): The area has been restored (spread with sand), seeded with a grass nurse sward and spread with heather brashing.
  - e. Former Lagoon (Coal extraction Area): The coal extraction scheme alters the approved restoration scheme, primarily in terms of ground levels, but retains the overall restoration concept of providing a heathland and acid grassland habitat albeit with additional shallow wetlands. Restoration and seeding has been undertaken on the northern lagoon

and the southern lagoon would be restored following the completion of coal recovery

- f. The Sand Quarry: The sand quarry has been re-engineered and is regenerating to an acid/grassland and heathland habitat. The land underlying the sand stockpile would also be allowed to regenerate upon the removal of the sand stockpile.
  - g. Spring Hill LWS: The area was restored to heathland in 1997/8 and therefore has undergone aftercare. More recently works have been undertaken as part of the approved Masterplan to reduce the amount of gorse and broom in this area by 75% to enhance the ecological interest of the site.
  - h. Spoil Stockpile area: These spoil stockpiles are to be used within the restoration of the coal fines extraction area with any surplus materials used across the wider Rufford complex area in ground contouring.
  - i. Unrestored Colliery Tip (Land West of Extraction Area): This land is subject to an approved restoration scheme. The masterplan programmes this work to be undertaken as part of the wider restoration of the lagoon extraction works.
66. The aftercare process is managed by the operator and overseen by a management team incorporating representatives from Nottinghamshire Wildlife Trust, NCC Planning/Ecological Officers and Harworth Estates. The objectives of the management team are to maximise the ecological interest of the restored site. The operator proposes to continue these arrangements thereby ensuring the management group would continue to meet on a quarterly basis to input and shape the ongoing aftercare of the site, thus ensuring that ecological benefits would be derived from the restored site.
67. The previous planning permissions for the site provides for a total of ten years of extended aftercare management within the lagoons area, the sand quarry and the former tip, this being an additional five years more management than is normally required on a minerals restoration site. This restoration and extended management of the site would satisfactorily offset any harm caused by the delay in implementing the restoration of the site as a result of the proposed two year extension to the end date of the planning permission. The developer is agreeable to these controls being imposed through a planning condition.

#### Vehicle Movements

68. MLP Policy M3.13 seeks to ensure that mineral workings are only permitted where the highway network can satisfactorily accommodate the vehicle movements likely to be generated and the vehicle movements would not result in unacceptable impact upon the environment and local amenity.
69. The development utilises the former Rufford Colliery haul road to obtain vehicular access to the A617 via an existing signal controlled junction. This highway junction has been designed and engineered to serve industrial traffic and is appropriate for this use. Works were undertaken under the original planning permission to patch and repair the road when coal transportation

recently recommenced. The condition of the road is considered to be fit for purpose.

70. The movement of 10,000 tonnes of mineral per week equates to a maximum 100 HGV's entering the site each day (200 movements). This level of vehicle movements is considered satisfactory by the highway authority and would not have an adverse impact to road safety.
71. MLP Policy M3.12 provides scope to impose planning conditions to ensure that the public highway is protected from mud and other deleterious materials. In this instance the length of haul road between the storage area and the public highway has ensured that mud does not enter the public highway. A planning condition is suggested requiring the sheeting of lorries in accordance with MLP Policy M3.12.

### Noise

72. MLP Policy M3.5 seeks to control noise emissions from mineral developments through appropriate siting of facilities and the use of environmental controls to limit noise emissions.
73. The application site is geographically remote from residential properties and other noise sensitive receptors with the extraction/conditioning area being 1.4km from the nearest residential property and the dispatch area being 0.9km from the nearest residential property. The existing coal recovery operations at Rufford have not generated any noise complaints.
74. In accordance with the approach set out within MLP Policy M3.5, planning conditions are recommended to control working practices so as to ensure that noise emissions are not harmful to residential amenity. These controls include a limit on the working hours to restrict them to between 06:30 – 18:30 hours Mon-Fri and 06:30 – 13:00 hours Saturdays with no working on Sundays, Public or Bank Holidays. Controls are also suggested to ensure that all plant and machinery is appropriately silenced including the use of white noise reversing alarms on plant.

### Dust

75. The coal recovery operations at Rufford have not generated any dust complaints. The geographical remoteness of the site within the much larger Rufford Colliery complex assists with the dispersal of dust and minimises the potential for nuisance at sensitive residential receptors, ensuring that windblown dust from stockpiles would disperse before reaching residential property. Furthermore, dust from the excavation of material within the lagoons is not anticipated due to the high moisture content of this material.
76. The greatest risk for dust nuisance potentially comes from vehicles using the access road to the public highway where they pass in closer proximity to residential properties and the care home. The level of these emissions would be controlled by the re-imposition of planning conditions requiring the operator to sweep and dampen the road to suppress dust releases when required.

### Drainage

77. The approved concept drainage scheme for the restoration of the colliery site identifies that water would be collected within a series of drainage grips and settlement lagoons prior to being dispersed to the wider water environment in compliance with the existing discharge consent.
78. The development would not alter these previously agreed arrangements but, as was the case with previous planning permissions at the site, a detailed design of the drainage system cannot be finalised until lagoon extraction works are completed and the final landform is known. The recommended planning conditions continue to be an ongoing requirement for the submission of a drainage scheme for the restored site, an approach which is compliant with MLP Policy M3.8.

### Ground Contamination

79. There is potential for the working area to potentially contain contaminated material which would only be discovered during the course of the extraction operations. To ensure that any unexpected contamination is appropriately managed to minimise potential risks it is recommended that the applicant prepares a contingency statement to manage such materials in the event that they are uncovered. The preparation of a contingency statement can be controlled through planning condition.

### Public Right of Way

80. The approved haulage route for the transport of excavated material between the spoil tip and the stockpiling area currently necessitates plant and machinery to drive along Rainworth Bridleway No. 5. To ensure that users of the bridleway are appropriately protected at times of vehicle movements there is an agreed footpath management and signage scheme in place for the bridleway which also ensures that the surface of the bridleway is appropriately maintained. These matters can be controlled by planning condition. NCC's Rights of Way Officer is satisfied with these arrangements and thus ensure compliance with MLP Policy M3.26 which seeks to ensure that minerals development minimises any disruption to public rights of way.

### **Other Options Considered**

81. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

### **Statutory and Policy Implications**

82. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the

environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications:

83. The development provides for the restoration of a despoiled colliery site. Following restoration the site should become less desirable to anti-social behaviour.

Data Protection and Information Governance

84. None arising

Financial Implications

85. None arising.

Human Resources Implications

86. None arising

Human Rights Implications

87. 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 6.1 (Right to a Fair Trial) are those to be considered and may be affected. The proposals have the potential to introduce impacts such as increased noise from vehicle movements in the vicinity of the access road upon the residential properties. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as the recovery of minerals which would otherwise be sterilised and the ecological benefits derived from the development. The benefits are considered to outweigh any residual harm.

Public Sector Equality Duty Implications

88. None arising

Safeguarding of Children and Adults at Risk Implications

89. None arising

Implications for Service Users

90. None arising

## Implications for Sustainability and the Environment

91. The report sets out that the development enables coal deposits currently disposed in a colliery tip to be beneficially re-used thus supporting the long term conservation of mineral resources in the wider area as well providing enhanced restoration of the wider former Rufford Colliery area.

### **Conclusion**

92. The coal recovery operations at Rufford Colliery enable a mineral resource which has previously been disposed of within slurry lagoons to be extracted and put to beneficial use, ensuring their sustainable re-use and conserving mineral resources in the wider area.
93. The coal recovery scheme enhances the wider Rufford Colliery complex by providing revenue to complete the restoration works. Significant progress has now been made in delivering the Restoration Masterplan, creating large areas of new heathland habitat from despoiled colliery land as well as enhancing existing habitats. The habitat created by these restoration works provides bio-diverse and ecologically important heathland areas which are fully in keeping with the wider character of the Sherwood Forest area and supported by MLP Policy M4.13.
94. An extension to the duration of the planning permissions would allow the completion of the approved scheme within a deliverable timescale. Environmental effects from extending the duration of the planning permission are limited and temporary with the most noticeable impacts being a delay to the completion of the long term restoration of the site and the delivery of new habitat and a continuation of visual impact. However these impacts would be offset by the economic benefits of the proposal and the sustainable use of this mineral resource.

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

95. In determining this application the Mineral Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

### Recommendation 1

96. It is RECOMMENDED that planning permission be granted for Planning Application 3/17/01520/CMA subject to the conditions set out in Appendix 1.

### Recommendation 2

97. It is RECOMMENDED that planning permission be granted for Planning Application 3/17/0521/CMA subject to the conditions set out in Appendix 2.

### Recommendation 3

98. It is RECOMMENDED that planning permission be granted for Planning Application 3/17/01522/CMA subject to the conditions set out in Appendix 3.

### Recommendation 4

99. It is RECOMMENDED that planning permission be granted for Planning Application 3/17/01523/CMA subject to the conditions set out in Appendix 4.

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments (RHC 4/10/2017)**

Planning and Licensing Committee is the appropriate body to consider the contents of this report.

### **Comments of the Service Director - Finance (SES 26/09/17)**

There are no specific financial implications arising directly from this report.

### **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**

Blidworth

Councillor Yvonne Woodhead

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

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