

## RECOMMENDED PLANNING CONDITIONS

### Commencement

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. No part of the development hereby permitted shall be implemented until such time that:

- a. The developer has formally agreed modifications to the wider fish farm development originally consented under Planning Permission 19/00551/FULM with Newark and Sherwood District Council to ensure that this wider development project is fully consistent with scheme hereby granted planning permission by the MPA for the deepening of Pond FP2 and associated works, and;

- b. A lawful commencement of operational development has been made of the revised wider fish farm development consented by Newark and Sherwood District Council, and;

- c. The MPA have provided confirmation in writing that they are satisfied that the deepening of Pond FP2 is fully consistent with any revised wider fish farm development scheme consented by Newark and Sherwood District Council.

*Reason: To ensure that the deepening of Pond FP2 is undertaken as part of the wider fish farm development at Wigsley.*

3. The Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to:

- a. the commencement of the development hereby permitted.

- b. the commencement of mineral extraction.

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

### Schedule of Approved Documents

4. Except where amendments are made pursuant to the other conditions in this planning permission, the development hereby permitted shall only be carried out in accordance with the following plans and documents:

- a. Drawing No. DH/400/18: Location Plan dated 23/08/2021 and received by the MPA on 12/10/2021
- b. Drawing No. DH/408/17.2: Float Fish Farm, Wigsley dated 30/03/2022 and received by the MPA on 31/03/2022.
- c. Drawing No. DH/409: Finished Lake Design, Float Fish Farm, Wigsley dated 30/03/2022 and received by the MPA on 31/03/2022.
- d. Drawing No. DH/410/10: Float Fish Farm, Wigsley dated 30/03/2022 and received by the MPA on 31/03/2022.
- e. Drawing No. FFF/01/A Rev. 1: Desilting Lagoon Plan and Section dated 14/03/2022 and received by the MPA on 31/03/2022.
- f. Drawing: Typical Inlet and Outlet Detail received by the MPA on 31/03/2022.

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

### **Scope of Development**

5. The deepened Pond FP2 shall only be used as a settlement lagoon to serve the wider fish farm construction project at Wigsley and upon completion of these construction works the pond shall be used as a fish breeding/growing pond ancillary to the use of the wider fish farming business. The pond shall not be used for recreational or competitive angling purposes.

*Reason: To define the scope and use of the development hereby approved.*

6. The maximum depth of excavations within Pond FP2 shall be 6m measured from existing ground levels, and the works shall be carried out in accordance with the specification shown on Drawing No. FFF/01/A Rev. 1: Desilting Lagoon Plan and Section dated 14/03/2022 and received by the MPA on 31/03/2022.

*Reason: To define the scope and use of the development hereby approved.*

### **Duration of Construction Works**

7. The excavation of mineral from Pond FP2 shall be completed no later than 12 months following the commencement of mineral extraction, as notified under the requirements of Condition 3a. Thereafter, the stockpiling, processing and haulage of these materials shall be completed no later than 24 months following the commencement of mineral extraction, as notified under the requirements of Condition 3a.

*Reason: To ensure the development is carried out within an appropriate timescale in accordance with the Nottinghamshire Minerals Local Plan Policy DM12.*

## **Contractors Plant and Buildings**

8. Prior to the commencement of the mineral extraction, details of the number, size, height and location of any temporary buildings, cabins, wheelwash and processing plant/equipment required in connection with the excavation of pond FP2 shall have been submitted to and approved in writing by the MPA. The facilities shall be installed in strict accordance with the approved details and retained for a temporary period not exceeding two years following the commencement of planning permission as notified under Condition 3b. All structures, plant and equipment shall have been removed from the site by the expiry of this two-year temporary period.

*Reason: To minimise the magnitude and duration of visual impacts resulting from the plant and buildings which are to be installed to facilitate the construction project in accordance with the requirements of Nottinghamshire and Nottingham Minerals Local Plan Policy DM1. These details are required prior to the commencement of the development to ensure that the construction works which are carried out from the start of the development are undertaken in accordance with an approved scheme.*

## **Construction Environmental Management Plan**

9. Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan (CEMP) shall have been submitted to and approved in writing by the MPA. The CEMP shall include but not be limited to:
  - a. Contractors' access arrangements for vehicles, plant and personnel, and facilities for parking of contractors' vehicles;
  - b. Segregation of pedestrian and vehicular movements on the site;
  - c. Contractors' site storage area/compound;
  - d. Temporary means of enclosure and demarcation of the site operational boundaries, to be erected prior to the commencement of construction operations in any part of the site and maintained for the duration of construction operations;
  - e. Arrangements for the management of oil and chemical storage;
  - f. Aquifer protection measures during the construction work;
  - g. Measures to ensure the risks to groundworkers arising from potential ground contamination are minimised;
  - h. A method statement for minimising the amount of construction waste resulting from the development to include details of the extent to which waste materials arising from the site clearance and construction activities will be reused on site and demonstrating that as far as reasonably

practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal;

- i. Site contact details and management arrangements for handling any environmental complaints regarding the operation of the site.

The CEMP shall be implemented as approved throughout the construction and commissioning of the development.

*Reason: In the interests of visual and highways amenity and to ensure that the development is in compliance with Policy DM1 of the Nottinghamshire Minerals Local Plan. These details are required prior to the commencement of the development to ensure that the construction works which are carried out from the start of the development are undertaken in accordance with an approved scheme.*

## **Ground Remediation**

10. No development approved by this planning permission shall be commenced until:

- a. a site investigation and risk assessment recommended in the submitted Phase 1 Contaminated Land Assessment received by the MPA on 31<sup>st</sup> March 2022 has been completed and approved by the MPA, including consideration of:
  - i. risks related to the historical airfield, such as unexploded ammunitions and radium;
  - ii. the potential for the permanent deep excavation to create new pathways for contaminants to migrate to sensitive receptors.

and (if contamination is identified);

- b. a Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters and on the proposed land use, using the information obtained from the site investigation, has been submitted to the MPA and approved in writing by the MPA prior to that remediation being carried out on the site.

The approved remediation works shall be completed in accordance with the Method Statement approved in compliance with 10 b) to the satisfaction of the MPA.

*Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of soil and/or water pollution in line with paragraph 174 of the*

*National Planning Policy Framework. These details are required prior to the commencement of the development to ensure that the construction works which are carried out from the start of the development are undertaken in accordance with an approved scheme.*

11. A validation report including evidence of post remediation sampling and monitoring results, to demonstrate that the required remediation has been fully met shall be submitted to and approved in writing by the MPA prior to pond FP2 entering use as a settlement lagoon.

*Reason: To ensure that the development does not contribute to; and is not put at unacceptable risk from or adversely affected by, unacceptable levels of soil and/or water pollution in line with paragraph 174 of the National Planning Policy Framework.*

12. Following satisfactory completion of all required remediation works and validation reporting, a watching brief to deal with previously unidentified contamination which may be encountered shall be submitted to and approved in writing by the MPA. Development shall be carried out in accordance with the approved details. If during development, contamination not previously identified is found to be present, no further development shall be carried out, unless first agreed in writing by the MPA, until a remediation strategy to deal with unsuspected contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the MPA. Development shall be carried out in accordance with the approved details.

*Reason: To ensure that the development does not contribute to; and is not put at unacceptable risk from or adversely affected by, unacceptable levels of soil and/or water pollution in line with paragraph 174 of the National Planning Policy Framework.*

## **Visual Impact**

13. Minerals excavated from pond FP2 shall only be stored within the areas shaded red (extraction area) and green (processing area) on Drawing No. DH/408/17.2 received by the MPA on 31<sup>st</sup> March 2022 and not in any other locations within the wider fish farm development site. Stockpile heights shall not exceed 8m. No excavated materials shall be stored on site for a period of more than 12 months.

*Reason: To minimise the magnitude of visual impacts resulting from material storage in accordance with the requirements of Nottinghamshire and Nottingham Minerals Local Plan Policy DM1.*

14. The soil bunds proposed along the northern and western boundary of the development site, identified with red shading on Drawing No. DH/408/17.2 received by the MPA on 31<sup>st</sup> March 2022 shall be constructed to their full height of

4m prior to the commencement of mineral extraction within the pond FP2 area. Following their construction, the soil bunds shall be grass seeded in the first available seeding season. If, in the opinion of the MPA, the soil bunds fail to establish satisfactory grass coverage, the bunds shall be further reseeded following a written request from the MPA.

*Reason: In the interest of visual amenity, noise and dust control and to ensure compliance with Nottinghamshire and Nottingham Minerals Local Plan Policy DM1.*

## **Highway Safety**

15. No part of the development hereby permitted shall be commenced until the access as shown on the indicative drawing ref. drawing no. 22240- 01. Titled: Wigsley, dated July 2020 and received by the MPA on 12<sup>th</sup> October 2021 is constructed in bound material for a minimum distance of 15m from the carriageway edge. The access should be suitably drained to prevent surface water from the site from entering the highway and shall be maintained to the satisfaction of the MPA for the life of the development.

*Reason: To protect the structural integrity of the highway, allow for future maintenance, in the interest of highway safety and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM9. These details are required prior to the commencement of the development to ensure that the satisfactory access is provided to serve the construction project.*

16. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 22240-01. Titled: Wigsley, dated July 2020 and received by the MPA on 12<sup>th</sup> October 2021 are provided. The area within the visibility splays shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

*Reason: In the interest of highway safety and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM9. These details are required prior to the commencement of the development to ensure that satisfactory access is provided to serve the construction project.*

17. No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road. In the event that the wheel washing facilities do not satisfactorily control mud, clay or other deleterious materials being deposited upon the public highway, then within one month of the written request from the MPA details of additional steps or measures to be taken in order to prevent the deposit of materials upon the

public highway shall be submitted in writing to the MPA. The revised steps and measures shall be implemented within one month of their approval by the MPA and thereafter maintained for the life of the site.

*Reason: To prevent mud and other deleterious material contaminating the highway in accordance with Nottinghamshire Minerals Local Plan Policy DM9. The submission is required prior to the commencement of the development to ensure the public highway is protected from contamination at all stages of the development project.*

18. All vehicles transporting processed material from the site shall be fully covered by sheeting prior to leaving site.

*Reason: To prevent mud and other deleterious material contaminating the highway in accordance with Nottinghamshire Minerals Local Plan Policy DM9.*

19. All lorries associated with the haulage of mineral and other materials from the development site shall ingress and egress the site from the south via Wiglsey Road, Hives Lane, Besthorpe Road and Sand Lane leading to access to the A1133 and the wider highway network. Haulage vehicles shall not be permitted to utilise other alternative local routing options to surrounding major roads. The operator shall ensure that signage is erected and retained for the duration of haulage operations at the site entrance to clearly identify the approved lorry routeing and delivery instructions shall be issued to drivers to ensure they are notified of the approved haulage route.

*Reason: In the interests of highway safety and environmental protection and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM9.*

## **Protection of Water Resources**

20. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the MPA. The scheme shall be implemented as approved.

*Reason: To prevent silty water from entering the water environment and to protect water quality and biodiversity and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2. These details are required prior to the commencement of the development to ensure that the construction works which are carried out from the start of the development are undertaken in accordance with an approved scheme.*

## Hours of Operation

21. Except in the case of an emergency when life, limb or property are in danger and with such instances notified in writing to the WPA within 48 hours of their occurrence, mineral extraction, soil and overburden stripping/replacement, mineral processing and haulage movements shall only take place between 08:00 – 18:00 Monday to Friday. There shall be no activity on the site or haulage operations outside of these hours during the weekday, on Saturdays, Sundays and on Bank and other Public Holidays.

*Reason: To minimise noise and wider environment impacts arising from the operation of the site, and to protect the amenity of nearby residential properties in accordance with Nottinghamshire Minerals Local Plan Policy DM1.*

## Noise

22. The maximum free-field noise levels (LAeq,1hr) resulting from all site operations shall not exceed the noise level of 47.3 dB at Receptor 1 located near the Camper UK Leisure Park and 48.1 dB at Receptor 2 located at properties north of the proposed development in Wigsley village.

*Reason: To control noise levels arising from the operation of the site and ensure the protection of the amenity of nearby occupiers of land and property, in accordance with Nottinghamshire Minerals Local Plan Policy DM1.*

23. In the event of a justifiable noise complaint received and following a written request being made by the MPA, the operator shall conduct a noise survey to demonstrate whether the site is operating in compliance with Condition 22 above. The results of the noise survey shall be submitted to the MPA in writing within 21 days of the written request for approval in writing, and in the event that the approved noise levels are being exceeded the report shall incorporate a scheme to provide additional noise mitigation to ensure compliance with the approved noise limits. Following approval, the operator shall implement the supplementary noise management controls at the earliest practical opportunity and no later than 30 days following approval. The operator shall thereafter undertake a further noise assessment within 14 days to confirm noise levels comply with the noise limits set out within Condition 22. The additional noise mitigation measures shall thereafter be retained for the life of the development.

*Reason: To control noise levels arising from the operation of the site and ensure the protection of the amenity of nearby occupiers of land and property, in accordance with Nottinghamshire Minerals Local Plan Policy DM1.*



24. Vehicles and mobile plant under the operator's control shall be fitted with broadband type (white noise) reversing alarms.

*Reason: To minimise noise impacts arising from the operation of the site, in accordance with Nottinghamshire Minerals Local Plan Policy DM1.*

## **Dust**

25. Fugitive dust emissions from the development shall be controlled and minimised as far as practicably possible to ensure dust does not leave the boundary of the site. Measures to control the release of dust shall include but not be limited to:

- i. The use (as appropriate) of a dust suppression system within areas likely to give rise to fugitive dust emissions;
- ii. The use as appropriate of water bowsers and/or spray systems to dampen haul roads, vehicle circulation and manoeuvring areas;
- iii. All vehicles transporting materials from the site shall be fully enclosed/sheeted prior to entering the public highway.

In the event that these controls do not satisfactorily control the release of fugitive dust emissions from the site, then upon the written request of the MPA, the operator shall submit a scheme to provide supplementary dust control for the site within 14 days of a written request being made. The supplementary dust control measures shall thereafter be implemented immediately following approval in writing by the MPA and retained throughout the operational life of the site.

*Reason: To minimise potential dust disturbance at the development, in accordance with Nottinghamshire Minerals Local Plan Policy DM1.*

## **Ecology**

26. There shall be no pruning, removal of hedgerows, vegetation or trees during the bird breeding season (March to September inclusive) until an ecological survey has first been submitted to and approved in writing by the MPA, which should clearly demonstrate that the vegetation to be cleared is not utilised for bird nesting. Should the ecological survey identify the presence of any nesting birds, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the MPA. Nest site protection shall thereafter be provided in accordance with the approved methodology.

*Reason: To minimise potential adverse ecological impacts to protected species in accordance with the requirements of Nottingham Minerals Local Plan Policy DM4.*

27. Prior to the removal of vegetation on any part of the site, an ecological survey shall be undertaken of the area to be cleared in the 14 day period prior to clearance works being undertaken to identify the presence or otherwise of reptiles, great crested newts, badgers or any other protected species. The results of the ecological survey shall be submitted to the MPA as part of a report for approval in writing. In the event that the survey identifies the presence of reptiles, great crested newts, badger or other protected species, the report shall identify a mitigation strategy to avoid adverse impacts to the species. Vegetation clearance shall only be undertaken following the MPA's written approval to confirm the works can progressed, and shall be carried out in compliance with any agreed mitigation measures.

*Reason: To minimise potential adverse ecological impacts to protected species in accordance with the requirements of Nottingham Minerals Local Plan Policy DM4.*

28. The excavation of pond FP2 shall be undertaken 'wet' and the construction project shall not involve any ground dewatering to artificially lower the natural groundwater levels as part of the project. No dewatering pumps shall be operated within the planning application site.

*Reason: To minimise potential adverse ecological impacts from changes in groundwater levels at Spalford Warren Site of Special Scientific Interest in accordance with the requirements of Nottingham Minerals Local Plan Policy DM4 and to minimise potential adverse noise impacts from the operation of pumps on the site in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy DM1.*

29. Within 12 months of the commencement of planning permission, as notified under the requirements of Condition 3, an aftercare management/ecological enhancement strategy for the site shall be submitted to and approved in writing by MPA. The aftercare management/ecological enhancement strategy shall include but is not limited to:

- a. A hard and soft landscape scheme for the site.
- b. Creation of vegetated shallows within the ponds where invertebrates and amphibians may be safe from fish predation.
- c. Light management of areas of the Site to create a mosaic of rough grassland and scrub.
- d. Seeding and management of areas at the periphery of the site for wildflowers.
- e. Selection of native species for all landscape plants to include the proposed species, their numbers, density, disposition and establishment measures.

- f. Erection of bird and bat boxes on retained trees and/or ancillary buildings. Boxes should include a range of shapes made from long lasting materials (i.e. Woodcrete or Stonecrete).
- g. Detail the treatment of site boundaries and/or buffers around water bodies.
- h. A timetable for undertaking these works and management arrangements for a period of five years.

The development shall be carried out in accordance with the approved scheme and the timings for implementation. Any planting which, within a period of five years of being planted dies, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

*Reason: To ensure satisfactory mitigation of potential adverse ecological effects from the development in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy DM1 and to ensure the site is appropriately re-landscaped and planted following the completion of the construction project.*

### **Soil Handling**

30. At least 7 days' notice in writing shall be given to the MPA prior to the commencement of topsoil stripping or the replacement of soils on any part of the site.

*Reason To ensure satisfactory management of soils in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.*

31. All soils shall be stripped, handled, stored and replaced in accordance with the following methodology:
  - a. Soil stripping shall not commence until any vegetation has been cut and removed.
  - b. Topsoil and subsoil shall only be stripped and replaced when they are in a dry and friable condition and movements of soils shall only occur:
    - when all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
    - when topsoil is sufficiently dry that it can be separated from subsoil without difficulty.
    - when it is raining;
    - when there are pools of water on the surface of the soils storage mound or receiving area.

- c. Topsoil and subsoil shall be stripped to their full depth.
- d. No plant or vehicles shall cross any area of unstripped or replaced topsoil or subsoil except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road, or storage of subsoil or overburden or waste or mineral deposits, unless all available topsoil and subsoil to a minimum depth of 1000mm, has been stripped from that part.

*Reason To ensure appropriate management of soils in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.*

32. Only low ground pressure machines shall work on re-laid topsoil or subsoil to replace and level topsoil. Topsoil shall be lifted onto subsoil by equipment that is not standing on either re-laid topsoil or subsoil. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:
- to provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
  - to full depth of the topsoil plus 100mm;
  - and any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

*Reason To ensure satisfactory restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

### **Partial extraction of development project**

33. Should, for any reason, mineral extraction not be completed in compliance with the depths and specification of working identified on Drawing No. FFF/01/A Rev. 1: Desilting Lagoon Plan and Section dated 14/03/2022 and received by the MPA on 31/03/2022, a revised scheme for the developing pond FP2 shall be submitted to the MPA for approval in writing. The revised scheme shall include a schedule of timings, final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing with consideration given to modifying the contours and enhancing the ecological features of the pond if it was not to be used for fish rearing. The revised restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the ecological enhancement works in accordance with the details set out above.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

### **Informatives/notes to applicants**

1. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at [www.stwater.co.uk](http://www.stwater.co.uk) or by contacting Severn Trent Water New Connections Team (01332 683369).
2. Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).