

1 November 2022**Agenda Item: 6****REPORT OF SERVICE DIRECTOR – INVESTMENT AND GROWTH (PLACE)****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/00740/CMW**

PROPOSAL: AMENDMENT TO PLANNING PERMISSION 3/16/00693/CMW TO ALTER THE APPROVED RESTORATION AND AFTERUSE OF THE SITE FROM AGRICULTURE TO AN ECOLOGICAL / HABITAT BASED RESTORATION AND AFTERUSE (NATURE CONSERVATION), FACILITATED THROUGH THE IMPORTATION OF SOIL IMPROVEMENT MATERIALS TO MIX WITH THE SITE'S EXISTING SOILS - VARIATION OF CONDITIONS 1 (PERMISSION REFERENCE TO AGRICULTURE), 22 (RESTORATION AND AFTERCARE SCHEME), 26 (SOIL REPLACEMENT - REFERENCE TO AGRICULTURAL OPERATIONS) AND 27 (STONE REMOVAL - REFERENCE TO AGRICULTURAL OPERATIONS)

LOCATION: STAPLE QUARRY, GRANGE LANE, COTHAM, NEWARK-ON-TRENT

APPLICANT: FCC RECYCLING (UK) LTD

Purpose of Report

1. To consider a planning application to change the approved agricultural grazing restoration scheme at Staple Quarry to provide a more ecological emphasis to the restoration of the site incorporating open glade habitats of grassland woodland blocks, hedgerows, scattered trees and scrub utilising 'soil improver' materials sourced from by-products of the waste industry.
2. The key issues relate to the suitability of the 'soil improver' materials proposed to be utilised and the scope to maximise the level of ecological benefits resulting from the amendment to the restoration scheme. The planning assessment identifies that the development can proceed with no significant environmental effects.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1 and the applicant entering into a Section 106 legal agreement to regulate the routeing of HGV vehicles into and out of the site.

The Site and Surroundings

4. Staple Quarry Landfill Site is located on a former gypsum quarry owned by British Gypsum sited within an open countryside location around 4km south of Newark and 500m to the north-east of the village of Cotham (see Plan 1).
5. The former quarry is divided into two by a site access road which runs in an east-west direction across the site. This planning application relates to 18.5 hectares (ha) of land to the south of the access road which is leased to FCC Environmental and has been operated as a non-hazardous landfill site.
6. Non-hazardous waste imports into the landfill site have recently ceased with the landfill site being 'full'. Ground levels within the site have been re-instated to somewhere near the pre-quarry levels (see Plan 2).
7. The land to the north of the access road was operated by British Gypsum as a landfill for the receipt of waste gypsum and plaster/plasterboard manufacture. This landfill facility is also full, has been capped and the land restored/planted/seeded.
8. Vehicular access to the site is obtained from Grange Lane. The access road enables the movement of vehicles between the site's access and buildings / structures located within the site. These include a garage, gas compound, road sweeper bays, site office, weighbridge, and car parking area. The majority of these structures are to be removed as part of the closure/restoration of the site but there is a need to retain lagoons, the gas compound and leachate tanks in the medium to longer term.
9. The site's immediate setting is dominated by arable fields and pockets of established woodland, albeit planning permission has recently been granted for a southern extension to Bantymock Quarry which would extend these existing mineral workings onto the land on the opposite (eastern) side of Grange Lane. There are no neighbouring land uses featuring significant levels of built development. A disused railway line which is now in use as a cycle path is located adjoining the site to the west. Grange Lane forms the site's eastern boundary, with a vegetated corridor located between the site and the public highway. A substantial row of mature conifer trees along with areas of established native woodland form the site's southern boundary.
10. There are no dwellings within 350m of the Site. The nearest residential properties are sited to the west along Newark Road near Cotham and isolated dwellings north of the site along Grange Lane (see Plan 2).
11. The site is located wholly within Environment Agency Flood Zone 1 (representing land at lowest risk of fluvial flooding). The disused mineral railway line which runs adjacent to the site's western boundary is a designated Local Wildlife Site, noted for its scrub and base-rich grassland. There are no heritage designations within 500m of the site's boundaries.
12. The definitive rights of way map identifies the route of Cotham Footpath 7 running in an east to west direction across the site, crossing the operational

landfill site, however there is no physical evidence of this path on the site and there is no formal diversion of the route in place. The footpath was added to the definitive map in 2009 reflecting a historical route which existed prior to the site being quarried (see Plan 3).

Background

13. Planning permission for landfill operations using imported non-hazardous waste to restore former gypsum mineral workings at Staple Quarry was originally granted planning permission in September 1992. Waste importation commenced around 2000 with the waste being used to infill a large void area and provide for the progressive restoration of the site, creating a gently domed landform, restored predominately as agricultural grassland (c. 12ha), divided into three field parcels by hedgerows with mixed native woodland planting blocks on the lower slopes to the east, south and western boundaries (c. 3ha) (see plan 4).
14. The extant planning permission for the site is Planning Permission 3/16/00693/CMW. The site also benefits from an Environmental Permit for the deposit of non-hazardous waste.
15. Following the completion of non-hazardous waste importation, the part of the landfill site subject of this application has been capped with a rubber membrane overlaid by a layer of soil to minimise water ingress into the waste mass and control leachate generation and odour release. The soils have not been laid to their full depth, but they have been grass seeded to provide temporary vegetation cover. However, further soil importation into the site is required to achieve the full depth of soil required for restoration purposes, with the existing planning permission providing consent for the importation of these soils until 31st October 2024.

Proposed Development

16. Planning permission is sought under a Section 73 (variation of existing planning permission) submission to modify the approved restoration and aftercare scheme for Staple Quarry.
17. The planning application seeks to vary conditions 1, 22, 26 and 27 of planning permission 3/16/00693/CMW to enable the implementation of a revised restoration and aftercare scheme and change the main character of the restored site from agricultural to a more ecological/habitat focus. The relevant conditions are as follows:
 1. *This permission relates to the restoration to agriculture by landfill of the area edged red on Figure 3 contained within "Staple Opencast Mine Extension and Landfill Accompanying Statement" dated 11 November 1991.*
 22. *The restoration and landscaping of the site shall conform to the restoration and aftercare scheme dated July 2015 and received by the WPA on 15th April 2016, together with addendum dated 15/06/16 and*

received by the WPA on 5th July 2016; and Drawing No. KB-STA002a dated June 2016.

26. *At least 7 days' notice, but not more than 21 days' notice, shall be given in writing to the WPA prior to spreading of soil forming material and subsoil, on each restoration phase. The operator shall meet on site a representative of the WPA to agree that the replacement material conforms generally with the levels as set out in the agreed Contour plan and that the contours, after allowing for any settlement and the replacement of subsoil and topsoil, shall be satisfactory for agricultural operations. Any necessary regrading shall be carried out until agreement is reached.*
 27. *During the placement of the soil forming material and subsoil it shall be subsoiled (rooted) with a heavy sub-soiler. Such treatment is to ensure that within a total depth of 1.0 metre below the surface of the topsoil there is:*
 - (a) No fill material or other sterile material injurious to plant life;*
 - (b) No rock, stone, boulder or other materials capable of preventing or impeding normal agricultural or land drainage operations including mole ploughing or subsoiling;*
 - (c) A reasonable level surface suitable to receive subsoil.*
18. It is proposed that:
- Condition 1 be modified to reflect the proposed change in afteruse from 'agriculture' to 'nature conservation'.
 - Condition 22 be modified to refer to the revised restoration and aftercare scheme, replacing references to the currently consented 2015 scheme.
 - Condition 26 be modified to remove the reference to require the material to be 'satisfactory for agricultural operations'. and
 - Condition 27 be modified to remove the reference to requiring removal of items impeding 'normal agricultural' operations.
19. The applicant reports that the soils which are generally available to import into the site are of poor quality and not satisfactory for the approved agricultural restoration of the site. Modifications to the restoration scheme are therefore requested to reduce the amount of agricultural land created from the restoration of the site and instead provide extended areas of additional habitat which is generally less dependent on high quality soils.
20. The revised restoration scheme seeks to remove the requirement for agricultural grassland onsite and instead develop open glade habitats of grassland and scattered trees and scrub, set within the context of the existing and proposed woodland blocks on the lower slopes (See Plan 5). The scheme consists of mix species grassland and woodland.

21. The majority of the open area will comprise mixed species grassland to provide a diverse, naturalistic mix, with tall ruderal patches and wildflowers. Some areas will be allowed to achieve a succession of re-vegetation with shrubs and trees. The replanting scheme also includes hedgerows which will act as corridors for bats and birds. The existing areas of woodland that fringe the site will be extended by a complementary tree planting scheme with the aims of increasing the woodland cover percentage and buffer the existing strip of woodland with a diverse mix of tree species (Oak, Alder, Field Maple) as well as with shrubs such as Blackthorn and Hawthorn.
22. As part of the revised restoration scheme it is proposed to remove the belt of conifers along the southern boundary by cutting them down but retaining the stumps onsite to minimise the impact on surrounding woodland. The conifers will be removed once the soil infill along the perimeter valley is complete and the conifers are accessible from the landfill side. The internal access track would be retained throughout the aftercare period to facilitate safe access for site maintenance.
23. As part of the programme of soil importation it is proposed to also receive 'soil improver' materials and spread them within the top 40cm of soils. These 'soil improvement' materials generally originate from the waste management industry, specifically composts and an anaerobic digestate derived from the waste industry along with a filter cake derived from the capture of silt and other sediments in river water when abstracted for use in power station cooling. Chemical analyses of the components of the materials to be imported to the site have been provided as part of this planning application submission.
24. It is proposed to import around 1,800 tonnes of soil improver material which would equate to around 100 HGV loads. The applicant estimates that around 150,000 tonnes of soils are required to complete the restoration. All soil and soil improver imports would be complete by 31st December 2025.
25. During the processing of the planning application revisions have been made to the planning submission in response to requests made following the receipt of consultation responses. The revisions incorporate the following modifications to the development:
 - The applicant has confirmed that low rates of 'soil improver' material will be applied to the areas of low nutrient grassland establishment to ensure the soil conditions are suitable for the proposed habitat to be created.
 - Areas of humps and hollows will be incorporated within the surface of the site to create a micro-topography of varied habitat and support the development of habitat for Grizzled Skipper butterfly.
 - Areas of the existing low nutrient substrate will be retained and allowed to naturally regenerate.
 - A more diverse seed mix is proposed to be used.
 - The surface water lagoons in the north-western corner of the site have been re-shaped to a less engineered and more natural/varied shape.

These works will be undertaken in years two of three of the aftercare period.

- Cotham Public Footpath No. 7 will be reinstated following the restoration of the site.

Consultations

26. **Newark and Sherwood District Council:** *Raise no objections, subject to NCC being satisfied that the proposed development complies with the relevant Development Plan policies.*
27. **Cotham Parish Council:** *No representation received.*
28. **Hawton Parish Council:** *No representation received.*
29. **Environment Agency:** *No objection.*
30. **NCC (Highways):** *No objection.*
31. *It is acknowledged that the revisions to the site's restoration would necessitate vehicle movements associated with the importation of organic-rich waste matter from off-site sources. These vehicle movements would replace equivalent volumes of soil that would otherwise have been imported to site and therefore the alterations to the site will not result in a material impact of the traffic volumes on the public highway.*
32. **NCC (Nature Conservation):** *Raise no objection.*
33. *Overall, the principle of the proposed restoration amendments at Staple Quarry, moving from an agricultural grassland restoration to a more naturalistic and ecologically led scheme is supported. A number of concerns/recommendations were raised about the scheme as originally submitted in respect of:*
 - *The use of soil amelioration to increase the nutrient levels is inappropriate for the establishment of botanically diverse grassland. It is recommended that lower levels of nutrients should be utilised in these areas.*
 - *Some of the areas of poor substrate should be retained in an un-ameliorated form to provide habitat for grizzled skipper butterfly.*
 - *Some micro-topographical variation (humps and hollows) would be desirable to create a varied restoration.*
 - *The proposed seed mix contains purely grass species, a more diverse mix should be utilised.*
 - *Further details relating to establishment and maintenance will be required.*
34. *The supplementary information and modifications to the restoration scheme have addressed the majority of the observations and concerns previously*

identified which is welcomed, including amendments to waste application rates and modifications to the restoration scheme. The supplementary information however does not provide much information in terms of the establishment and maintenance regimes, but these details could be agreed through a planning condition submission as part of a wider aftercare submission.

35. **Via (Landscape):** *Support the scheme.*
36. *The proposals will result in a limited physical landscape impact on the site. The only vegetation to be removed is a belt of conifers along the southern boundary, these will be cut down and the stumps will be retained on site to minimise the impact on surrounding woodland. This removal is more for aesthetic reasons rather than as a direct result of the scheme and these species are not characteristic of the surrounding area.*
37. *In terms of landscape impact, the scheme has been designed taking into account the characteristics of the South Nottinghamshire Farmlands Landscape Character Area, as well as those of Policy Zone S08 Cotham Meadowlands. This Policy Zone has a 'Create' Landscape action as a result of former mining activities in the area and these proposals will help to meet some of the landscape actions for the Policy Zone such as creating new hedgerows, planting small woodlands, and conserving the biodiversity of the area.*
38. *The site does not have any close visual receptors, the nearest properties are at approximately 400 metres to the south west on Newark Lane, and 580 metres to the north east on Grange Lane, the adjacent railway line is disused [with public access]. From surrounding roads the site is well screened by fringing boundary vegetation and a small woodland to the north of the proposed site. The restoration proposals create a domed landform of maximum height of 27 metres in a landscape of approximately 22 metres in the surrounding topography.*
39. *It is recommended that soil improvement material is not added to certain areas of the site which would cause nutrient enrichment and would conflict with the habitat recreation objectives and habitat for Grizzled Skipper butterfly colonization should be provided. It is also recommended that a more diverse grass mix should be utilised [which has been incorporated in the proposal presented for determination]. A management and maintenance plan will be required as a condition of the application.*
40. **Via (Reclamation):** *No objections.*
41. *It is acknowledged that the importation of soil improvement materials will be subject to the approval of the Environment Agency under the Environmental Permitting Regime.*
42. *It is recommended that a planning condition be imposed requiring the submission of an Environment Management Plan which shall include details of lorry routeing for construction traffic, segregation of pedestrian and vehicular movements on the site, measures for the control of noise, dust and vibration, the procedure to be followed in the event of a complaint, pollution control*

measures to prevent mud or contaminated materials from being tracked, spilled or blown off-site, and the segregation of waste materials into different streams for recycling or disposal. This should include measures to handle potentially contaminated arisings and groundwater; and details on the testing strategy for potential contaminants in site-won and imported capping materials.

43. **Via (Countryside Access):** *No objections.*
44. *Via Countryside Access originally raised objections on the basis that the restoration plans did not identify the location of Cotham Footpath No. 7 and how the route of this footpath would be accommodated within the restoration arrangements for the site.*
45. *The revised restoration submission which now indicates the route of Cotham Footpath No. 7 is welcomed but further information is requested through a planning condition submission to confirm how the Public Right of Way will be 're-instated' on its legal line, its width (ideally 2m), whether there will be a need for a diversion of the path at any time, a timescale for when the path will be re-instated and future management arrangements to ensure the route of the path does not become obstructed by vegetation growth.*
46. **Nottinghamshire Wildlife Trust, Severn Trent Water, Western Power Distribution, Cadent Gas:** *No representation received. Any responses received shall be orally reported.*

Publicity

47. The application has been publicised as affecting a public right of way by displaying a site notice and the publication of a press notice in the Newark Advertiser in accordance with the County Council's adopted Statement of Community Involvement.
48. One letter of representation has been received from a resident of Alverton village (5.5km to the south of the application site on an approved lorry route from the A52 – Plan 6) who states that much of the traffic travelling to Staple quarry comes through the village. The resident acknowledges that these are historical arrangements which were put in place before the wider weight restriction in the village and improvements to the road network in the Newark area. It is asked whether there is now an opportunity to review these routeing arrangements and consider an alternative route which avoids Alverton.
49. Cllr Johno Lee and Cllr Mrs Sue Saddington have been notified of the application. Cllr Mrs Sue Saddington confirms that as the Parish Councils have been consulted and have no objections, then she would not have any reason to object to the planning application.
50. The issues raised are considered in the Observations Section of this report.

Observations

Need and benefits derived from development

51. Chapter 4 of the Nottinghamshire and Nottingham Waste Local Plan (WLP) incorporates planning policy in relation to the reclamation of waste disposal sites. Specifically, WLP Policy W4.8: Reclamation of existing disposal sites and paragraph 4.20 of the supporting text acknowledge that many waste disposal sites are controlled by old planning permissions where restoration controls may not reflect current conditions, identifying poor soil conservation and landscape treatment as common problems and identifying that alternative reclamation proposals have potential to assist in enhancing the reclamation arrangements of waste disposal sites. The policy is set out below:

POLICY W4.8

PLANNING PERMISSION WILL BE GRANTED FOR ALTERNATIVE RECLAMATION PROPOSALS WHICH WOULD RESULT IN THE SATISFACTORY RECLAMATION AND AFTER-USE OF WASTE DISPOSAL SITES, WHERE:

- (a) THE CURRENT APPEARANCE IS UNSATISFACTORY; AND**
 - (b) THE EXISTING PROVISIONS FOR RECLAMATION ARE UNSATISFACTORY, INAPPROPRIATE OR ABSENT.**
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52. Since the Staple Quarry planning permission provides for the restoration of a former minerals site, the development should also be assessed against the policies of the Nottinghamshire Minerals Local Plan (MLP). Specifically, MLP Strategic Objective 6 and MLP Policy SP2 are relevant and provide policy support for mineral restoration schemes which maximise biodiversity gain. MLP Policy MP2 is set out below:

Policy SP2 – Biodiversity-Led Restoration

1. Restoration schemes that seek to maximise biodiversity gains and achieve a net gain in biodiversity, in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan, will be supported.
2. Where appropriate, schemes will be expected to demonstrate how restoration will contribute to the delivery of Water Framework Directive objectives.
3. Restoration schemes for allocated sites should be in line with the relevant Site Allocation Development Briefs contained within Appendix 2.

53. At the time the original restoration scheme for Staple Quarry was granted planning permission the emphasis of planning policy at both a national and local

level was to restore former mineral workings back to agricultural use. The approved scheme reflects this emphasis.

54. The emphasis to restore mineral working sites has now changed. There continues to be protection in place for the best and most versatile agricultural land but for land of lower agricultural potential the emphasis of minerals restoration is now to restore these sites to an ecological after-use as reflected in MLP Strategic Objective 6 and MLP Policy SP2.
55. The original top-soils at Staple Quarry have not been stockpiled for re-use and therefore the site is reliant on imported soils to facilitate its restoration. The soils which are available within the site have been utilised to cap over the landfill site but do not provide a deep soil profile across the site required for the site's agricultural re-use and have a low nutrient value. Whilst the soils have been grass seeded, the composition of the soils are not conducive to growing a dense sward of grass which would be required to make the site economically viable for agricultural after-uses.
56. Whilst the approved restoration scheme for the site does allow soil imports to make up for any shortfalls, the applicant reports that the typical soils available to landfill sites are characterised as being of a sub-soil and clay composition and therefore generally poor quality and not suitable for agricultural use. Specifically, the lack of organic material in the soils limits their potential to successfully support long-term vegetation growth, making them unsuitable for the approved agricultural after-use, justifying the applicant's re-appraisal of the proposed after-use of the site.
57. To address concerns regarding the suitability of the available soil resources to support the approved agricultural restoration of the site the applicant has revised their restoration arrangements for the site to provide a more biodiversity led focussed scheme which is less dependent on high quality soils, whilst also seeking to import 'soil improver' materials derived from by-products of the waste industry to improve the nutrient value and structure of the soils.
58. The revised restoration scheme seeks to deliver a self-sustaining mixed open grass and shrub habitat with hedgerows and woodland areas and providing a natural succession of plant life throughout the year. Although the scheme is more suitable for the soil characteristics of the site, it would still benefit from higher nutrient levels and the organic rich substrate provided within the 'soil improver' materials proposed to be imported to the site would help sustain a healthy canopy of plants, particularly through seasons of drought or other weather extremes. The deployment of the 'soil improvement' materials to a depth of 40cm will deliver sufficient organic matter to the rooting zone for the plant's utilisation long into the future, increasing the survival rate of plants. These modifications also help to minimise potential areas of exposed soil across the surface of the site which would minimise the loss of soil through wind and water erosion and the potential to expose the engineered cap of the landfill site.
59. The additional soil improvement materials will also:

- Provide root anchorage and reduce the risk of windthrow to tree and shrub species.
 - Create sufficient water storage and uptake to buffer against drought.
 - Aerate the soil to allow the movement of oxygen and gases within the root zone.
 - Enhance the ability of roots to exploit available nutrient reserves.
 - Maximise drainage and reduce the risk of waterlogging.
 - Improve establishment success and longer-term growth and productivity.
60. Modifications have been made to the revised restoration scheme to introduce areas of sparser vegetation retaining poorer quality soils to provide habitat suitable for grizzled skipper butterfly, reflecting the suggestions of NCC's Ecology officer and Via Landscape.
61. The importation of organic-rich waste to the site will ensure these waste streams are managed sustainably, putting the organic 'soil improvers' to a beneficial use within the restoration of Staple Quarry landfill site in accordance with the overall vision of the Nottinghamshire and Nottingham Waste Core Strategy (WCS) which encourages sustainable waste management through the re-use of waste and the recovery of the maximum value from any leftover waste.
62. It is therefore considered the revised restoration scheme is consistent with the strategic objectives of the MLP and specifically Policy SP2 which promotes a biodiversity-led emphasis to the restoration/after-use of former mineral sites, providing a significant improvement to the ecological value of the site in comparison to the approved agricultural grassland restoration. The use of imported 'soil improvers' will make a positive contribution to the establishment and longer term success of the restoration of the site whilst also ensuring the imported materials which are sourced from by-products of the waste industry are beneficially used in a sustainable way.

Assessment of Environmental Effects

63. WCS 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. The policy encourages all waste proposals to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities. Specific environmental protection policies are incorporated within Chapter 3 of the WLP.
64. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse impacts on amenity are avoided or adequately mitigated to an acceptable level. The policy identifies that the types of impacts that need to be considered include

but are not restricted to landscape and visual impacts, noise, dust, mud and air emissions. Other policies within the MLP relevant to the assessment of environmental impacts are Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity, Policy DM5: Landscape Character, Policy DM7: Public Access and Policy DM9: Highways Safety and Vehicle Movements / Routeing.

65. The significance of environmental effects and compliance with the above policies is considered within the following section of the report.

Composition of 'Soil Improvement' materials and pollution control

66. The 'soil improver' materials proposed to be used within the site would originate from the waste industry including compost and digestate outputs of non-source segregated anaerobic digestion plants and filter cake derived from the removal of suspended particles from river water used within power station cooling systems. The use of these by-products of the waste industry has potential to introduce risks associated with physical contaminants and potentially toxic elements to the site if the activities are not appropriately controlled and regulated.
67. WLP Policies W3.5 and W3.6 seek to protect ground and surface water resources from pollution, stating that planning permission will not be granted for waste development where adverse impacts cannot be satisfactorily controlled. The policies acknowledge that pollution risks can be managed and controlled by restricting the character and composition of waste which waste management facilities receive.
68. Paragraph 188 of the National Planning Policy Framework (NPPF) sets out national planning policy in respect of pollution control and is set out below:

188. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

69. Further guidance is incorporated within paragraph 7 of the National Planning Policy for Waste (NPPW) which states that when determining waste planning applications, waste planning authorities should:
- 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;

70. Both the NPPF and NPPW confirm that matters relating to the control and prevention of pollution are not the prime concern of the planning system and are most appropriately regulated by the Environment Agency as part of the Environmental Permit regime.
71. Correspondence with the Environment Agency has confirmed that their permitting team originally had some concerns in terms of the use of non-source segregated composts and digestates within the 'soil improver' materials and the use of this material which was proposed to be used for agricultural use because of the potential for any contaminants to enter the food chain.
72. However, the Environment Agency have confirmed that there has been a resubmission of the deployment application which they state is much improved in terms of its content and specifically its confirmation that the restored site would no longer be used for agricultural grazing purposes. The Environment Agency have therefore approved this revised deployment application on 14th April 2022.
73. The approval of the permit variation confirms that the Environment Agency is satisfied that the use of the 'soil improver' materials do not pose any unacceptable risks to the environment or public health, subject to the restored land not being used for agricultural purposes. The modifications currently sought planning permission remove the original intention to use the restored site for agricultural grazing and therefore would be consistent with the revised permit controls.
74. Since the Environment Agency's permit will regulate the composition of waste received by the site, a planning condition to regulate the composition of 'soil improver' materials imported to the site is not proposed in this instance, consistent with the policy set out within NPPF Paragraph 188 which confirms that that planning system should not duplicate Environment Permit controls.
75. It is therefore concluded that the use of the proposed 'soil improver' materials at Staple Landfill would not result in any unacceptable pollution risks to ground and surface waters and therefore the development is compliant with WLP Policies W3.5 and W3.6.

Ecological Effects

76. MLP Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity provides support for minerals development subject to appropriate ecological protection. The overall aim of the policy is to achieve biodiversity gains through mineral developments. The policy gives preference to minerals development on sites of low ecological value and sites which are not designated for their ecological value or incorporate priority species.
77. The existing site is assessed as having a low ecological value, predominantly comprising a recently capped former landfill site which has grass coverage but does not incorporate any ecologically important habitats. The approved restoration scheme for the site requires further soil importation across the site

and therefore much of the grassland cover is scheduled to be removed. The additional works proposed within this planning application including the application of 'soil improvement' materials as part of the soil placement across the site will therefore not result in any significant harmful effects to habitats or protected species.

78. The revised restoration scheme seeks to replace three agricultural grassland fields originally proposed to be provided on the approved restoration scheme with open glade habitats incorporating wildflower grassland and scattered trees and scrub set within the context of the existing and proposed woodland blocks and hedgerows. Natural colonisation will be encouraged across the site as the vegetation matures. The open glade, woodland and woodland edge habitats would support a range of wildlife including:
- 'generalist' birds for breeding and/or foraging in summer or winter;
 - mammals for shelter, breeding and feeding and various species of bats may forage over the areas;
 - terrestrial habitat for amphibians; and
 - plant-feeding invertebrates such as: grasshoppers and crickets; butterflies and moths; plant hoppers; plant bugs.
79. During the course of assessing the planning application the restoration arrangements have been modified to reflect the advice and recommendations of NCC's Ecological Officer to ensure there is a more targeted approach to the application of soil improver across the site and concentrate the use of these materials in the woodland/scrub areas with lower rates applied across the grassland to encourage a more botanically diverse scheme, the seeding of a more diverse grass mix, the incorporation of habitat suitable for grizzled skipper butterfly, and the reprofiling of the surface water lagoons to create a more irregular shape and shallow edges. Planning conditions are recommended to regulate these matters.
80. As noted by NCC's Ecological Officer, the restoration submission does not incorporate a detailed management and aftercare programme, however these matters can satisfactorily be controlled through a submission made under planning condition.
81. Overall it is concluded that existing site is of a low ecological value. The alternative restoration scheme would enhance the ecological value of the restored site in comparison to the currently approved restoration scheme and therefore the development is considered to be compliant with MLP Policy DM4.

Transport

82. MLP Policy DM9: Highways Safety and Vehicle Movements/Routeing is supportive of minerals development where it is demonstrated that the highway network can satisfactorily and safely accommodate the associated vehicle movements and the vehicle movements do not cause unacceptable impact on the environment or disturbance to local amenity. The policy encourages the use

of vehicle routing controls where they assist with minimising amenity impacts on local communities. WLP Policies W3.14 and W3.15 are generally consistent with MLP Policy DM9.

83. The existing planning permission for Staple Quarry is regulated by a Section 106 legal agreement which controls lorry routing and requires all delivery vehicles to access the site from either the A52 at Elton to the south using the C3 road, or from the A1 to the north via Staple Lane/Grange Lane (see Plan 6). The routing controls ensure that delivery vehicles do not use potentially less suitable minor rural roads in the wider area, or travel through the wider residential areas of Newark town.
84. As part of the planning consultation responses, a resident of Alverton village has requested that the lorry routing arrangements for the site are reviewed with a view to prohibiting HGVs associated with the import of 'soil improver' travelling along the C3 through Alverton for access purposes.
85. Whilst it is acknowledged that the C3 road which provides access from the A52 at Elton to the south is rural in character, the route has been used for a longstanding period for waste imports into Staple Quarry and also the transport of mineral extracted from the nearby Bantymock gypsum mine. The accident records for the section of the C3 road between the A52 and Staple Quarry identify that this route has a low accident record with the most recent incident involving a HGV being in 2011 when there was a 'slight' collision where a van collided into a HGV on a corner. Overall, the accident record confirms that the use of this route for delivery vehicles accessing Staple Quarry has not resulted in any significant highway safety issues.
86. The Newark Southern Relief Road is expected to be completed over the next year or so with an approximate date of opening of mid-2023. This new road will create a new four-mile-long road, linking the A46 near Farndon with the A1 at Fernwood. The road would be engineered to a modern standard and function as part of the primary highway network. This new road will provide direct connectivity to the A46 and its use by HGVs to access Staple Quarry is considered appropriate, offering a potential alternative access route for some of the traffic which currently travels along the established C3 route to Staple Quarry. HGV access along this new relief road to Staple Quarry is therefore considered appropriate, and thus it is recommended that the schedule of permitted access routes set out within the Section 106 legal agreement is expanded to permit the use of this new road once it is opened.
87. In terms of vehicle movements associated with the completion of the restoration of Staple Quarry, the landfill void is now full and therefore all imports of non-hazardous waste are complete. The completion of the approved restoration scheme for the site requires further soil importation. The extant planning permission for the site does not limit the maximum number of delivery vehicles permitted to access the site. The revisions to the restoration scheme would mean that these soil imports would still continue, but some of the delivery vehicles would be replaced by vehicles carrying the organic-rich 'soil improver' materials. The planning submission does not quantify the exact vehicle

numbers and duration of vehicle movements other than to confirm the modified scheme will not change the volume or character of vehicle movements associated with the restoration of the site from the levels currently approved and will not extend the current 'end date' for completion of waste imports which is 31st October 2024.

88. The quantity of soils and 'soil improver' materials' proposed to be imported is limited in comparison to historical waste imports into the site and would be regulated by the restrictions over delivery hours and lorry routeing. The limited number of HGV movements required to transport these materials would not result in any greater harm to amenity along the existing transport corridors over and above the existing agreed scheme.
89. NPPF paragraph 111 specifically advises that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*" The applicant has not requested as part of this Section 73 planning submission any review to the longstanding access arrangements for the site. Since there are no significant highway safety or amenity impacts resulting from this development, it is concluded that it is appropriate for the existing controls to remain in place for the limited remaining duration of this site.
90. The existing drafting of the Section 106 legal agreement does not provide scope for it to 'roll forward' to provide regulatory control to any future planning permission issued under Section 73 and therefore a new Section 106 agreement would be required to serve this development. The recommendation to support a grant of planning permission therefore reflects this fact and if Members are minded to support a grant of planning permission it will be necessary for a new Section 106 legal agreement to be entered into between the operators and the planning authority with the new Section 106 legal agreement referencing the use of the new Southern Relief Road as a permissible access route.
91. The importation of the 'soil improvement' materials has potential to result in delivery vehicles tracking mud onto the public highway. Both MLP Policy DM9 and WLP Policy W3.11 acknowledge this potential, identifying that appropriate controls should be put in place to control mud entering the public highway. To provide these controls the applicant has confirmed that the existing wheelwash facility coupled with the continued use of the haul road to disperse mud before vehicles enter the public highway will continue to be utilised. These facilities have a successful track record of controlling mud.

Landscape and Visual Effects

92. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse landscape and visual impacts on amenity are avoided or adequately mitigated to an acceptable level.

93. MLP Policy DM5: Landscape Character states that proposals for minerals development will be supported where it can be demonstrated that they will not adversely impact on the character and distinctiveness of the landscape and that landscaping, planting and restoration proposals should take account of the relevant landscape character policy area as set out in the Landscape Character Assessments covering Nottinghamshire.
94. The WLP does not incorporate any specific landscape protection policies relevant to this planning application. WLP Policies W3.3 and W3.4 relate to the visual effects of waste developments, concerning themselves generally with the operational phase of waste developments.
95. The proposals will result in a limited physical landscape impact at the site. The only vegetation to be removed is recently seeded grass and a belt of conifers along the southern boundary with the removal of the conifers being more for aesthetic reasons to remove a species which is not characteristic of the surrounding area rather than as a direct result of the scheme.
96. In terms of landscape impact, the scheme has been designed taking into account the characteristics of the South Nottinghamshire Farmlands Landscape Character Area, as well as those of Policy Zone S08 Cotham Meadowlands. This Policy Zone has a 'Create' Landscape action as a result of former mining activities in the area and these proposals will help to meet some of the landscape actions for the Policy Zone such as creating new hedgerows, planting small woodlands, and conserving the biodiversity of the area.
97. The modifications to the restoration proposals would have a minimal visual impact and no harmful impacts are anticipated having regard to the context of the site which does not have any close visual receptors and is well screened from surrounding roads and the adjacent cycle route by fringing boundary vegetation and a small woodland to the north of the proposed site.
98. It is therefore concluded that the development is consistent with and supported by the landscape and visual protection policies of the development plan, specifically MLP Policies DM1 and DM5.

Public Footpath

99. MLP Policy DM7: Public Access states that proposals for minerals development will be supported where it can be demonstrated there are not any unacceptable impacts on the existing rights of way network and its users. Where possible, improvements and enhancements to the rights of way network will be sought and public access to restored minerals workings will be increased. WLP Policy W3.26 seeks to protect public access within waste developments.
100. The definitive rights of way map shows that Cotham Footpath No. 7 crosses Staple Landfill site in an east - west direction (see Plan 6). This footpath was legally entered onto the definitive map in 2009. The footpath has not been physically available for use over the last 30-40 years throughout the operational life of the quarry/landfill site, but the designation reflects a historical right of way

that existed prior to the quarry opening. Since the right of way is shown on the definitive map, the landowner has a legal obligation to ensure that public access is provided along the route.

101. In their planning consultation response, the Rights of Way team requested that the route of Cotham Footpath No. 7 should be re-instated as part of the restoration of the site. This matter was raised with the applicant and the restoration plan has been modified to accommodate the public footpath along its original route within the restored site.
102. A planning condition is recommended to ensure Cotham Footpath No. 7 is re-instated to a satisfactory standard with the condition regulating the timetable for re-instatement, specifications for surfacing, signposting, gates and future maintenance and potential need for a temporary diversion whilst restoration works progress.
103. The re-instatement of the footpath within the restoration of the site ensures that the right of way network is satisfactorily protected and thus the development is supported by MLP Policy DM7 and WLP Policy W3.26.

Odour Control

104. WLP Policy W3.7 incorporates planning policy in relation to odour control at waste processing sites, encouraging the use of planning conditions and operational controls to minimise odour emissions.
105. The 'soil improver' materials proposed to be imported to the Staple Quarry have some odour potential due to their organic rich composition with potential odour releases most likely during the receipt and application of the materials to the ground. The level of odour release from soil improver importation however is likely to be short term in duration and of a comparatively minor magnitude. Significant odour nuisance is not anticipated from these activities, particularly since Staple Quarry benefits from a comparatively isolated location which is remote from sensitive odour receptors therefore assisting with the dispersion of any localised odour releases. The historical context of the site which has successfully operated as a non-hazardous landfill site for over 20 years receiving large quantities of odorous putrescible waste with satisfactory odour management also indicates that any low-level odour release can be successfully managed without causing significant disturbance to amenity.
106. Pollution control in relation to odour emissions from landfill sites is primarily a function of the waste permit. The receipt and application of the 'soil improver' will be controlled by the site's Environmental Permit regulated by the Environment Agency. In accordance with policy set out within NPPF paragraph 188 and NPPW paragraph 7 it is not proposed to duplicate the odour controls regulated by the Environment Agency within this planning decision through planning conditions.
107. It is therefore concluded that the remote location of Staple landfill in relation to potentially odour sensitive uses, the comparatively minor odour risk from the

'soil improver' materials together with the regulatory controls imposed within the Environmental Permit mean that odour releases are unlikely to be significant, and thus the development is supported by WLP Policy W3.7.

Management of Construction Practices

108. The consultation response from VIA Reclamation recommends that planning permission should incorporate a planning condition requiring the submission and approval of a Construction and Environment Management Plan (CEMP) to manage the potential adverse impact from soil and 'soil improver' materials to the site.
109. Staple Quarry landfill retains its original site infrastructure. These facilities are purposely designed to manage potential adverse impacts from waste material importation to the site and therefore are entirely suitable for managing potential adverse environmental effects associated with the importation of restoration soils and 'soil improver' materials to the site. The facilities include dedicated haul roads, weighbridges, wheel washing facilities and segregated facilities for pedestrians and vehicular movements on the site.
110. The importation of soil and 'soil improver' materials will continue to be regulated under the terms of wider planning permission for the operation of Staple Landfill site which include controls relating to lorry routeing, noise and dust. The Environmental Permit for the site will regulate the category of materials imported to the site including any potential risks of contamination within these materials and management practices for controlling and segregating any unsuitable materials.
111. It is therefore concluded that a specific CEMP document is not required in this instance with satisfactory control being in place within the retained site infrastructure and the existing planning conditions.

Conclusion

112. The proposed development will enhance the ecological value of the restoration works at Staple Quarry landfill site, delivering significant ecological benefits over the existing approved restoration scheme which originally proposed the site to be used for agricultural grazing. The revised restoration scheme is considered to be consistent with the strategic objectives of the MLP and supported by MLP Policy SP2 which promotes a biodiversity-led emphasis to the restoration and after-use of former mineral sites.
113. The importation of the 'soil improver' material is necessary to provide appropriate organic-rich matter including sludges and compost-like materials to provide the necessary properties to produce a substrate capable of supporting the establishment of vegetation cover and provide the long-term nutrition and a suitable soil structure for the proposed restoration. The use of these materials also ensures that these imported by-products of the waste industry are beneficially used in a sustainable way.

114. Potential adverse environment effects will be controlled through both the planning permission including its planning conditions, S106 legal agreement and the Environmental Permit regulated by the Environment Agency. Specifically, the Environmental Permit will ensure that the 'soil improver' materials imported to the site are appropriate to the end use and within appropriate pollution control limits, thus ensuring the development is compliant with WLP Policies W3.5 and W3.6.
115. The modifications to the restoration proposals would change and enhance the character of the landscape offering greater visual interest and does not raise any significant planning issues. The development is therefore supported by the landscape and visual protection policies of the development plan, specifically MLP Policies DM1 and DM5.
116. Vehicular access to the site is considered satisfactory and controls are recommended through the proposed Section 106 legal agreement to regulate lorry routing.
117. The re-instatement of the footpath within the restoration of the site ensures that the right of way network is satisfactorily protected and thus the development is supported by MLP Policy DM7 and WLP Policy W3.26.
118. The recommended conditions to replace Conditions 1, 22, 26 and 27 are Conditions 1, 22, 23 and 24.

Other Options Considered

119. The report relates to the determination of a planning application. During the course of processing the planning application the scheme has been modified at the request of the planning authority in respect of the quantity of use of the soil improver across the site and the formation of a more varied mix of habitat types resulting in a more ecologically diverse restoration scheme for the site.

Statutory and Policy Implications

120. 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

121. The development would be undertaken within the boundaries of a landfill site which benefits from perimeter security fencing, security lighting and CCTV coverage. The soils and 'soil improver' materials proposed to be imported to the

site have little/no monetary value and would not be desirable/attractive to criminal activity. The re-opening of the public right of way would open up access through the restored site.

Data Protection and Information Governance

122. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

Financial Implications

123. The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the required legal agreement.

Human Resources Implications

124. None arising.

Human Rights Implications

125. 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. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Safeguarding of Children and Adults at Risk Implications

126. None arising.

Implications for Service Users

127. None arising.

Implications for Sustainability and the Environment

128. These have been considered in the Observations section above where it is identified that the development would enhance the ecological value of the restored site, beneficially utilising by-products of the waste industry to enhance site conditions to support this restoration objective.

Statement of Positive and Proactive Engagement

129. In determining this application, the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. 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/Traffic Regulation Order. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

130. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act to secure appropriate lorry routeing arrangements in connection with the development.
131. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 1st February 2023 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place 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 before the 1st February 2023, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place 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. Members need to consider the issues set out in the report and resolve accordingly.

Matthew Neal

Service Director - Investment and Growth (Place)

Constitutional Comments

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

[JL 17.08.2022]

Financial Comments

The financial implications are set out in the report.

The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the required legal agreement.

[SES 09/08/2022]

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4415

Electoral Divisions and Members Affected

Balderton	Cllr John Lee
Farndon & Trent	Cllr Mrs Sue Saddington

Report Author/Case Officer
Mike Hankin
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For any enquiries about this report, please contact the report author.

Application Ref: V/4415
Report Ref: W002354.doc

RECOMMENDED PLANNING CONDITIONS

Scope of Planning Permission

1. This permission relates to the restoration of Staple Quarry Landfill Site to a nature conservation/habitat based after-use utilising the importation of soil improvement materials to mix with the site's existing soils.

Reason: For the avoidance of doubt.

Commencement

2. 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.

3. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement of this planning permission 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.

4. From the commencement of their development until its completion, a copy of the permission, including all plans and documents referred to in the permission and any other plans and documents subsequently approved in accordance with this permission shall always be on display for inspection at the site during normal working hours.

Reason: For the avoidance of doubt.

Scope of materials to be imported to the site

5. Only soils and 'soil improver' materials shall be imported into the site. Soil improver materials imported to the site shall comply with the specification set out within the Statement of Benefit dated June 2022, received by the Waste Planning Authority (WPA) on 23rd June 2022, unless otherwise agreed in writing with the WPA. All importation of soil and 'soil improver' materials shall cease on or before 31st October 2024. All restoration operations including the placement of stockpiled soils and 'soil improver' materials shall be completed by 31st December 2025.

Reason: To define the duration of the planning permission.

Access to the Site

6. No waste materials or soils shall be imported into the site directly from the public highway on Grange Lane unless:
- a. the sight line areas of the approved site access shown on Plan 3057/C/10/E shall be kept clear of all obstructions to visibility above a height of 0.6 metres;
 - b. the wheels of all vehicles leaving the site have been cleaned in the approved wheelwash facility to prevent the deposit of detritus or mud on the highway.

Reason: In the interests of highway safety and to safeguard the local environment in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

Hours of Operation

7. No operations authorised by this permission including operation of machinery and work in connection with stripping, movement or replacement of soil, or overburden, movement of HGVs, or subsequent restoration shall be carried out except between the following times:
- 0700 -1900 Monday to Friday
 - 0700 -1300 Saturday
 - No operations or work shall be carried out on Sundays.
 - On Bank Holidays (not including 25th and 26th December and 1st January) operations shall only be carried out between the hours of 0800 to 1700.

Reason: In the interests of residential amenity and to ensure the development is carried out in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Protection of Existing Vegetation

8. The area of willow trees and hedgerow on the western boundary of the site indicated on Plan No. A1148-A008 received by the WPA on 29th April 1992, shall be retained and managed as necessary to the satisfaction of the WPA.

Reason: In the interests of residential amenity and to ensure the development is carried out in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Site Drainage and Pollution Control

9. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site, and existing drainage

systems shall be managed in accordance with the Surface Water Drainage Scheme: E969-SQ-105, approved by the WPA on 10th March 2009.

Reason: In the interest of groundwater protection, in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

10. All foul drainage must be contained within a sealed and watertight cesspit. In order to avoid overflow, this facility must be fitted with a level warning device.

Reason: In the interest of groundwater protection, in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

11. For as long as operations take place on the site, any containers of fuel oil or liquid chemicals shall be located within a containment bund of sufficient capacity to accommodate the contents of the largest container plus an additional ten per cent. There must be no drain through the bund floor or walls and all filling points, vents and sight glasses must be located within the bund.

Reason: In the interest of groundwater protection, in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Soil Management

12. Topsoil and subsoil mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability. They shall be graded and sown with a grass seed mixture to the satisfaction of the WPA. The sward shall be suitably managed throughout the period of storage during the first sowing season following their construction in accordance with details to be agreed in writing by the WPA.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

13. No movement of soil shall take place except when the full depth of soil to be transported is in a suitably dry soil moisture condition. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

14. Mounds of topsoil, subsoil and soil making material shall not be traversed by heavy vehicles or machinery except during construction or removal of these mounds.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

15. All areas of the site left undisturbed and all topsoil, subsoil, soil making material and overburden storage areas shall be kept free of weeds. All necessary steps shall be taken to destroy weeds at any early stage of growth to prevent seeding.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Dust Management

16. Measures shall be taken to the satisfaction of the WPA to ensure the suppression of dust emissions from the site; in particular (but without prejudice to the generality of the foregoing) a water bowser shall be available and used on site at all times during dry weather so that all haul roads can be watered to lay dust where necessary.

Reason: In the interest of amenity and to accord with Policies W3.8 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Noise Control

17. Measures shall be employed as may be agreed by the WPA to minimise the emission of noise from operations within the boundary of the site. In particular (but without prejudice to the generality of the foregoing) all types and classes of plant, used on the site shall be equipped with efficient silencers or fitted with the best practical means of noise attenuation and maintained to the satisfaction of the WPA. All pumping machinery employed on the site shall have electric motors and baffle screens.

Reason: In the interest of amenity and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Control of buildings and structures on site

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revising, revoking or replacing that order, no landfill gas flare compound, machinery or buildings, shall be erected or placed upon the tipping area without the prior written permission of the WPA.

Reason: In the interest of amenity and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Closure of Site and Restoration

19. Within 1 month of the date of the commencement of the planning permission, as notified under the requirements of Condition 2 above, the operator shall submit to the WPA for its written approval a phasing plan to identify the sequence and

anticipated timetable to ensure the former landfill site is restored in a progressive manner as soon as reasonably practicable. Restoration works shall thereafter be carried out in accordance with the scheme approved in writing by the WPA.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.

20. Before the 31st October 2024 the operator shall submit to the WPA for its approval in writing a timetable for the removal of all buildings, structures, plant, machinery, weighbridges, fences and landfill gas & leachate management infrastructure from the site. The submission shall clearly identify whether any of these facilities are required to be retained beyond the final date for the completion of restoration (31st October 2026) including an explanation to justify why the features need to be retained beyond this date. The removal timetable shall thereafter be undertaken in accordance with the scheme approved in writing by the WPA.

Reason: In the interest of amenity and to ensure that there are regulatory controls to ensure the removal of any facilities essentially required to be retained at the site beyond the period for the completion of the restoration/aftercare to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

21. The landfill gas and leachate control systems including flare stack pipework within 750mm of ground level shall be removed in accordance with the timetable approved under Condition 20, or at such time as the WPA consider landfill gas and leachate control is no longer required. Gas and leachate wells shall be backfilled, sealed and capped and restored by covering with soils and seeding.

Reason: In the interest of amenity and to accord and to ensure that there are regulatory controls to ensure the removal of any facilities essentially required to be retained at the site beyond the period for the completion of the restoration/aftercare to accord with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.

22. The restoration and landscaping of the site shall conform to Drawing No. FCC-012-W-001 REV A: Revised Final Restoration Plan dated June 2022 and received by the WPA on 23rd June 2022.

Reason: To ensure satisfactory restoration and landscape treatment of the site, in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.

23. At least 48 hours' notice, but not more than 21 days' notice, shall be given in writing to the WPA prior to spreading of soil forming material and subsoil, on each restoration phase. The operator shall meet on site a representative of the WPA to agree that the replacement material conforms generally with the levels as set out in the agreed restoration plan (Drawing No. FCC-012-W-001 REV A: Revised Final Restoration Plan dated June 2022 and received by the WPA on

23rd June 2022) and that the contours, after allowing for any settlement and the replacement of topsoil, shall be satisfactory for the proposed restoration of the site. Any necessary regrading shall not be carried out until agreement is reached in writing with the WPA.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.

24. Subsoils and materials to cover the landfill cell membranes shall conform to the following specification:

- (a) No fill material shall be utilised which is injurious to plant life;
- (b) No rock, stone, boulder or other materials capable of preventing or impeding the intended after-use of the site or land drainage operations shall be used;
- (c) Subsoils and any materials placed over the liner of the landfill site shall be re-spread evenly over the working area to create a level surface for the receipt of topsoils;
- (e) Stones or other unwanted material within 2 metres of the final surface contours which will not pass through a 150mm diameter ring in any dimension shall be removed from site or buried on site at a depth exceeding 2 metres below final surface contours.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

25. After satisfactory replacement and treatment of cover materials over the liner to the landfill site and subsoil placement, top-soils incorporating 'soil improver' materials shall be re-spread to the following specification:

- a) In the area to be restored to mixed species open grassland with shrubs, hedgerows and tress, topsoils shall be replaced to provide a minimum depth of 400mm. Within the open grassland a variation of soil types should be used including areas where the phosphorous index is low (ideally not more than Index 1) to assist in creating a diverse grassland habitat.
- b) In the area of the site to be restored for Grizzled Skipper butterfly habitat, the ground shall be restored using the existing low-nutrient substrate only.
- c) Soils shall not be compacted and any stones greater than 100mm in any direction should be removed.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

26. Plant and vehicles shall not cross areas of replaced subsoil and topsoil except for the express purpose of restoration. All operations involving soil replacement

and cultivation treatments shall only be carried out when the full volume of soil involved is in a suitably dry condition.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

27. All reasonable precautions shall be taken to prevent the mixing of topsoil, subsoil, overburden and fill material.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

28. Prior to cultivation an adequate number of samples of topsoil shall be analysed to assess phosphorous levels. The results of the analyses shall be supplied to the WPA for its written approval including any arrangements for the treatment of the soils. The soil shall thereafter be managed/treated in accordance with the details approved in writing by the WPA.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

29. Appropriate measures shall be taken to remedy any settlement causing ponding during and after the restoration operations.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.

Aftercare

30. Following restoration, the land shall undergo aftercare management for a 5-year period. Prior to being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the WPA, and the aftercare period shall run from the agreed date.

Reason: To provide for aftercare of the restored site, in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.

31. An aftercare scheme and strategy shall be submitted for the written approval of the MPA no later than 31st March 2024. The aftercare strategy shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is managed and brought back to a satisfactory condition. The aftercare scheme shall include, but not be restricted to, details of the following:

- a) Drainage arrangements;

- b) Tree and hedgerow protection;
- c) Fencing arrangements;
- d) Cultivations which shall be generally consistent with the specifications detailed on Drawing No. FCC-012-W-001 REV A: Revised Final Restoration Plan dated June 2022 and received by the WPA on 23rd June 2022;
- e) Seed mixtures which shall be generally consistent with the specifications detailed on Drawing No. FCC-012-W-001 REV A: Revised Final Restoration Plan dated June 2022 and received by the WPA on 23rd June 2022;
- f) Specification for habitat creation works in the areas identified as poor soils for grizzled skipper butterfly;
- g) Specification and timetable for the reshaping of the settlement lagoons including arrangements for re-vegetation of the re-shaped lagoon;
- h) Arrangements for the re-instatement of Cotham Footpath No. 7 along the line of its original route including surfacing specification, width, signposting, gates, timetable for installation and future maintenance including any arrangements for any temporary diversions;
- i) Management arrangements and establishment methods which shall promote natural regeneration and shall set out clearly the works to be undertaken on an annual basis and a separate schedule showing when works would be undertaken within each year;
- j) Weed control;
- k) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the WPA between 31 March and 31 May each year;

Reason: To provide for aftercare of the restored site, in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.

32. Site management meetings shall be held with the WPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 31(k) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

Reason To provide for aftercare of the restored site in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.

33. The aftercare programme shall be implemented in accordance with the details approved under Condition 31 above, as amended following the annual site meeting referred to in Condition 32 above.

Reason To provide for aftercare of the restored site, in accordance with Policy DM4.6 of the Nottinghamshire and Nottingham Waste Local Plan.

34. Should soil or 'soil improver' imports into the site cease for a period in excess of one year, the operators shall, on written request from the WPA:

- (a) submit to the WPA for approval an alternative scheme of restoration of the site and ancillary areas within 1 year of the date of the request;
- (b) carry out the restoration in accordance with the scheme approved under (a) above.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.8 of the Nottinghamshire and Nottingham Waste Local Plan.

Informatives/notes to applicants

none